TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
June 13, 2019

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2019 JUL 26 P 12:15
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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)
John Pedro, Associate Member (Present)

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

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Beth Evon – 167 Parker Street (baking business)

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent with the exception of the Change of Occupancy for Michelle Vargas (Coco Lush Studios) – 114 Sewall Street (from Cash Register store to eyelash studio).

- FILE Mail Item 44. - Legal Notices from surrounding communities
- SIGN Special Permits:
  - Stephen M. Koziol – 87 Barna Street (home improvement business)
- APPROVE Change of Occupancies:
  - The Nunes Companies, Inc. – 201 West Avenue (from F & J Construction to equipment storage)
  - Michelle Vargas (Coco Lush Studios) – 114 Sewall Street (from Cash Register store to eyelash studio)
- APPROVE/SIGN Bills – D. Stefancik (MAPD Conference mileage reimbursement)
  – Ink Products (office supplies)(2 invoices)

PUBLIC HEARING – SITE PLAN – Huxley Solar LLC – 498/504 Fuller Street (Assessors' Map 9, Parcels 69 & 70)(installation of a 5.0 MWac/7.5 MWdc ground-mounted photovoltaic system on 88.6 acres currently in agricultural use. The ground-mounted system will include an access driveway, solar panels/racks, and transformers, inverters, and energy storage)

SEE ATTACHED MINUTES

SITE SKETCH – Legacy Fire Protection, Inc. – 533 & 0 Center Street (Assessors' Map 16A, Parcels 45,46) (Modification to construction of an office building and addition to an existing building with parking areas and stormwater management system)

Joe Brosseau, and Don Frydryk – Sherman & Frydryk, LLC were present for the appointment.

Mr. Frydryk explained that what they did was make some modifications to the plan which included a change up to the front building with a smaller footprint and a two-story building rather than a one-story as noted on the original site plan, and a smaller addition to the rear building.

Mr. Phoenix read the comments from the Town Boards/Departments in which there were no concerns noted other than permits needed for the DPW.

Mr. Queiroga: I would make that **MOTION** Mr. Chairman, to reduce the requirement on this to a site sketch considering that it's a fairly small change to the original plan.

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Mr. Frydryk: If I may Mr. Chairman, although it's being called a sketch, it's essentially a full updated set of plans, so.

Mr. Queiroga: That's why I like your sketches.

SECOND Ms. Houle.
4-0 in Favor.

Mr. Phoenix: On the site sketch itself, is there a MOTION in the standard form to approve?
Ms. Houle: **SO MOVED**.
SECOND Mr. Queiroga.
4-0 in Favor.

Documents included: Master application; comments from Town Departments/Boards; request for waivers; Project Manuel & Drainage Report "Legacy Fire Protection, Inc." Site Improvements - 533 Center Street Ludlow, MA (December 14, 2018 – Revised May 16, 2019); Plans: Proposed New Building - Legacy Fire Protection Inc., Center Street Ludlow, Massachusetts (Sheets A101-A103, A201)(5/16/19); Existing Conditions & Demolition Plan, Legacy Fire Protection, Inc., Site Development, 533 Center Street Ludlow, MA (5 sheets)(10/15/18)

Release of Development Agreement (Maria's Way)

Mr. Stefancik explained that the attorney for Maria's Way is asking that the Town release the development agreement, but that the Town has never released one in the past, and that he has referred it to Town Counsel. He also noted that the street was accepted at the October Town Meeting, and that the attorney wants to see the deed description recorded at the registry, but that it wasn't recorded within the 120-day time frame, but that the Board of Selectmen are handling that. The Board agreed that since the street was accepted at Town Meeting, that the development agreement wouldn't need to be released.

File Mail Item #42 – Notice of Decision – Variance – Board of Appeals – 38 Goddu Street

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File Mail Item #43 – Reorganization of the Zoning Board of Appeals

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Change of Occupancy - Michelle Vargas (Coco Lush Studios) – 114 Sewall Street (from Cash Register store to eyelash studio)

Mr. Phoenix said that he wanted this pulled out of the consent agenda because he is concerned over the change in the amount of traffic that the new business may generate opposed to what was there in the past.

Mr. Phoenix: Is there a MOTION to deny the Change of Occupancy?
Mr. Queiroga: **SO MOVED** Mr. Chairman.
SECOND Ms. Houle.
4-0 in Favor.

Ms. Vargas will be contacted to come to a future meeting to discuss the proposed new business with the Planning Board.

CONTINUED 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

ANR – Marco Vieira – 768 East Street (Assessors' Map 15D, Parcel 93) (convey 3' strip from Mazur to Vieira)

Marco Vieira was present for the appointment.

Mr. Vieira said that he needs an additional three feet in order to put in a new driveway to replace the existing one that is too narrow.

Mr. Stefancik noted that the plan meets all of the ANR criteria.

Mr. Queiroga: Mr. Chairman, I **MOVE** to endorse the ANR for Thomas S. and Kim L. Mazur, and Marco M. and Jessica R. Vieira, and what's the address there?

Mr. Vieira: 768 East Street.

Mr. Queiroga: 768…

Mr. Vieira: My address, or the house?

Mr. Queiroga: The house.

Mr. Vieira: The house that I'm buying the property off of?

Mr. Phoenix: Well, the one on here, on the application is 768.

Mr. Queiroga: 768 East Street, right?

Mr. Phoenix: Yes. Ok, is there a second?
SECOND Mr. Quiterio.
4-0 in Favor.

Documents included: Master application; Subdivision Approval not Required Plan, East Street Ludlow, MA – owned by Thomas S. & Kim I. Mazur and Marco M. & Jessica R. Vieira (May 13, 2019)

ANR – Lisa J. LaBonte / Joseph L. Wlodyka – 51 Alden Street, 751 Poole Street (Assessors' Map 41, Parcels 12, 13, 13B)(convey Parcel D-1 from James Wlodyka to Joseph Wlodyka, and Parcel D-2 from James Wlodyka to Kecki)

Joseph Wlodyka, James Wlodyka, and Victoria Kecki were present for the appointment.

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Mr. Joseph Wlodyka explained that they are just changing lot lines around.

Mr. Queiroga: Mr. Chairman, I'll make a **MOTION** to endorse the ANR for, I should have had you pronounce those names.

Ms. Houle: I'd have to pronounce them in Polish. You know that. How are you Vicki?

Mr. Queiroga: And that'd be it.

Mr. Phoenix: Just a motion in the standard form Joe?

Mr. Queiroga: ---

Ms. Houle: Wlodyka and Kecki.

SECOND Mr. Quiterio.
4-0 in Favor.

Documents included: Master application; Plan of Land – 51 Alden Street, 751 Poole Street Ludlow, MA - owned by James P. Wlodyka & Joseph L. Wlodyka and Lisa J. LaBonte & Victoria A., Paul H. & Susan M. Kecki)(3/28/2019)

Mr. Queiroga: **MOTION** to close the meeting.
SECOND Mr. Quiterio.
Mr. Phoenix: Motion's made and seconded to close the meeting. Always in order and not debatable.
4-0 in Favor.

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Meeting adjourned at 8:18 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 – HOME OCCUPATION/SPECIAL PERMIT
167 Parker Lane – Beth Evon
(baking business)
June 13, 2019

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Absent)
Joseph Queiroga (Present)
Kathleen Houle (Present)
Rafael Quiterio (Present)
John Pedro, Associate Member (Present)

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

In attendance: Beth Evon

Mr. Phoenix read the legal notice, gave Ms. Evon a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – baking business.

Mr. Phoenix: As far as the application itself, we do have the home occupation supplement which outlines that you're using 192 square feet out of 2,600, no non-resident employees, no planned signage, yes to customers at the house, no to deliveries unlike those of a normal residence, no to changes that would make it look less residential, and you'd be using a 4,000lb GVW Honda Pilot, and you have signed the waiver request for the full site plan in favor of a sketch. So, that said, would you like to explain what you're looking to do?

Ms. Evon: I'm just looking to basically take my hobby and be able to do this a little bit part time on the side, cookies, cakes, that's about it.

Mr. Phoenix: So, in here, you did say that you're looking to have customers come to the house.

Ms. Evon: Especially for the cookies; there's just no sense in me delivering them, so.

Mr. Phoenix: Ok, so that's more or less gonna be like one or two people at a time probably coming to pick those up. It wouldn't be…

Ms. Evon: Oh one, two maybe a week.

Mr. Phoenix: Ok.

Ms. Evon: Yeah, that's about all I can do.

Mr. Phoenix: No, --- like you're producing and then selling like together.

Ms. Evon: No, no.

Mr. Phoenix: Ok. So, essentially, it's very little impact to the neighborhood. Neighbors shouldn't really notice anything different that what's currently going on at the residence.

Ms. Evon: Nothing.

Mr. Phoenix: That said, is there any question from the Planning Board at this time?

Mr. Pedro: I've got a question. Do you own the home?

Ms. Evon: Yes, yup.

Mr. Pedro: Ok.

Mr. Phoenix: Anything else from the Board? Ok, so I'm gonna open it up to public comments, questions, and concerns at this time. If you do have anything that you'd like to bring up, please stand and state your name and address for the record, and address everything through myself as Chairman. Does anyone have anything at this time? Ok, hearing nothing, we do have a couple checklists that I believe that you were provided these and you did sign off on them. All together there's 26 items essentially in line with the items that we already covered. In general they state that you're not gonna be doing anything that would make the house less residential than it already is. Goes into all kinds of things like buoyant materials, storage and all those other fun things. But, that's what it boils down to.

Ms. Evon: Ok.

Mr. Phoenix: And those are available for anyone that needs to look at those --- part of the Bylaw, and I believe we have copies in here somewhere that we can provide. That said, based on the description that we have, would anyone care to make a motion for a finding at this time?

Mr. Queiroga: Are there any waivers requested?

Mr. Phoenix: There is, but I was thinking we could do the finding that it's a suitable home occupation and then do the waiver request if that's alright.

Mr. Queiroga: **SO MOVED** for the finding.
SECOND Ms. Houle.
5-0 in Favor.

Mr. Phoenix: It's unanimous. Ok, and as far as the waiver, would anyone care to make a motion?

Ms. Houle: Mr. Chairman, I **MOVE** to waive the full site plan for Beth Evon at 167 Parker Lane in favor of a site sketch and photos prepared by the applicant since this is in relation to a home occupation, and in doing so is consistent with the Zoning Bylaws.
SECOND Mr. Pedro.
5-0 in Favor.

Mr. Phoenix: Ok, I'm gonna open it up one more time for anything else from the Board and then I'll ask for a motion on this. Hearing nothing, is there a motion?

Mr. Queiroga: Mr. Chairman, I'll make a **MOTION** to find, **I MOVE** to approve the Special Permit for home occupation under 7.0.4 a-m and the Home Occupation under 6.2.1 to 6.2.13 for Mrs. Evon with the restriction that the permit will run with the applicant and not with the property.
SECOND Ms. Houle.
5-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Pedro – yes; Ms. Houle – yes; Mr. Phoenix – yes.

Mr. Phoenix: And I'll ask for a MOTION to close the public hearing.
Mr. Queiroga: **SO MOVED** Mr. Chairman.
SECOND Mr. Quiterio.
5-0 in Favor.

Hearing ended 7:07 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents: Master application; abutters list

(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 PLAN
498/504 Fuller Street (Assessors' Map 9, Parcels 69 & 70)
Huxley Solar LLC
(installation of a 5.0 MWac/7.5 MWdc ground-mounted photovoltaic system on 88.6 acres currently in agricultural use. The ground-mounted system will include an access driveway, solar panels/racks, and transformers, inverters, and energy storage)
June 13, 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)
John Pedro, Associate Member – (Present)

The public hearing began at 7:10 p.m. in the Selectmen's Conference Room.

In attendance: Nicolas Galletout – Cypress Creek Renewables, Andrew Sanna – GEI Consultants, Brad Saunders – GEI Consultants

Mr. Phoenix read the legal notice, gave the applicants a copy of the invoice from Turley Publications, reviewed the application, and read the cover letter included with the application. The legal notice included the description of: the installation of a 5.0 MWac/7.5 MWdc ground-mounted photovoltaic system on 88.6 acres currently in agricultural use. The ground-mounted system will include an access driveway, solar panels/racks, and transformers, inverters, and energy storage.

Mr. Phoenix: As far as comments I have from the DPW Engineering Division; *1. Submit a copy of the NPDES Construction General Permit and the SWPPP when completed and submitted. 2. The location, type and monumentation at all property corners shall be shown and maintained.* From the Fire Department; *The Ludlow Fire Department has reviewed the site plan as presented. At this time the Ludlow Fire Department has no additional comments. We do, however, expect all applicable federal, state, and local codes to be following during the course of construction of this project.* From our office we have: *Engineers stamp and land surveyor's stamp and signature with the land surveyor's stamp and signature appears to be missing; space for Planning Board approval seems to be missing; under E. we have circulation – show areas and pave apron from street to driveway entrance, E2. Parking needs to be paved with type of pavement; H. Monumentation – show all pins; K. Abutters – show all four abutters to the south – Banas, Norton, Tessier, and Lyonnais.* We'll get to public things shortly. *N. The chart is missing with the exception of the area of lot shown.* And then we also have a note that the applicant is asking for waivers on o. Additional Requirements 1-5. As far as the ground mounted photovoltaic systems checklist, I have some notes in here: *the panels mounting system, show details on plan; who will be the installer; design standards - should be 50 foot along residential*

properties for the setback; the structures should be 50 foot minimum next to residential properties. And that appears to be it for the correspondence. So, to get things rolling, would you care to explain what you're looking to do?

Mr. Galletout: Sure, I'm Nico Galletout from Cypress Creek Renewables, the project manager on this project. Our intent here is to develop a 5 MW AC solar array at 498/504 Fuller Street in Ludlow. The solar array would be over 29 acres out of the 88 acres, and our intent is to power about 1,000 homes --- with this project. We're gonna be sending the power to Eversource West WMECO, and we're also applying for a smart program for a revenue contract. I wanted to tell you this is a community solar project, so the residents of Ludlow and surrounding towns would have the opportunity to get a knock off on their electricity bill if they subscribe to this project. We started development on this in 2017, so it's been about 2 years now. We've made significant progress and wanted to come in front of you today to request site plan approval to move forward with this project.

Mr. Phoenix: Ok, from this side of the table, just to get things started, as you noticed in the list of things that were noted from our office as well as one of the comments from the Engineering Department, there are some substantial things that are missing including the pins, the surveyor's seal, abutters, things that are all, I would say, fairly obvious if someone's inspecting the plan and looking to see what's complete versus the Bylaw. We've had discussions amongst the members of this board in the past as to whether we should even go forward with plans that are submitted missing things that are, essentially, fairly obvious, like those items. So, at this point, the plan's in front of us, we have the public here. I think we're probably gonna hear the plan out and see where it goes. But, those are significant things to be missing off of a plan that's submitted for public review. So, I think that bears saying right up front. Beyond that, is there anything else from the Board at this time?

Mr. Queiroga: No, I, we have been supporters of green energy in the past, but like the Chairman says, make sure all your t's are crossed and i's are dotted so to make it easier for us to field any questions that come up. I know that's a site that has very few trees. Is that correct?

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Mr. Galletout: That's correct, yup.

Mr. Queiroga: And, so I'll be anxious to look for your comments on those things.

Mr. Galletout: Yup, absolutely. Just to --- response, the reason why that there's some information missing from the plans is because we're conducting ALTA survey on the southern parcel. So, we have ALTA survey on the northern parcel, and all of that has been done according to the code, but the southern parcel, our surveyor is taking a little bit more time to provide us with the boundary survey, and this is what's gonna enable us to finalize the comments that you put forward.

Mr. Phoenix: With respect, that should have been finalized before the plan was submitted. The plan shouldn't be submitted without having a surveyor's seal indicating where the actual property monumentation is or where it's going to be set. I mean, if we can't actually figure out where this thing is on the ground literally speaking, it's very hard to go forward with reviewing the plan. That's kind of a minimum standard is showing where this thing actually is.

Mr. Galletout: Absolutely.

Mr. Queiroga: Do you, you said you're only going to occupy how many acres?

Mr. Galletout: Twenty-nine.

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Mr. Queiroga: Out of the eighty-six?

Mr. Galletout: Eighty-eight, yeah, so twenty-nine would be the fence, the security fence, and the actual coverage of the panels would be just over ten acres.

Mr. Queiroga: Over ten acres?

Mr. Galletout: Yup.

Mr. Queiroga: The driveway in and out goes out to in between?

Mr. Galletout: Yup, the access is on Fuller Street…

Mr. Queiroga: On to Fuller Street, ok.

Mr. Galletout: …to northwest of our parcel right here…

Mr. Queiroga: Ok.

Mr. Galletout: …and then it goes right into the property, as you can see, the highlighted yellow line is our road.

Mr. Queiroga: Yellow line? Ok.

Mr. Saunders: I'm Brad Saunders from GEI Consultants. This building right here is the house at 504 Fuller Street.

Mr. Queiroga: I believe that was the house of the former owner, of the Gonsalves Family.

Mr. Saunders: Yes.

Mr. Pedro: You guys also own that property?

Mr. Galletout: Yeah, it's part of the property.

Mr. Pedro: Ok.

Mr. Phoenix: Ok, and I found the waiver request that's in the larger packet here on page 7. *(Mr. Phoenix read the request for waivers as included in application packet: Waiver Request 1. - The Applicant requests a waiver of Design Standard E that all appurtenant structures shall have a landscape plan. Waiver Request 2. - The Applicant requests a waiver of Safety and Environmental Standard C that a landscaped buffer strip be provided as outlined in Table 3.: Required Landscaping. Waiver Request 3 – Section VI, subsection 7.1.5 (o) states that all Site Plans need to include a lighting plan with luminaire schedule; elevations showing the front, rear, and sides of the building design; signage design with dimensions and location; a designated area*

where snow will be stored; and a traffic study unless waived by the Planning Board.) So, that's the waiver request.

Mr. Queiroga: What is the, if I may Mr. Chairman, what is the access road in? What level will it be?

Mr. Saunders: It will be a gravel surfaced road, although the comment from the Town Planner is to put, design an apron at the curb cut…

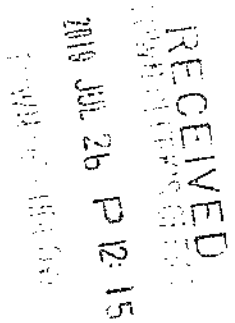
Mr. Queiroga: Blacktop.

Mr. Quiterio: Paved.

Mr. Saunders: Bituminous. The other recommendation was to pave the parking areas, and those are really just these spots right here.

Mr. Phoenix: And is that indicated on the plan at this time?

Mr. Saunders: Indicated which? That they're going to be paved?



Mr. Phoenix: Yes.

Mr. Saunders: No. We just, we haven't made that change yet.

Mr. Galletout: Is this something that the Board would want?

Mr. Phoenix: It's required by the Bylaw.

Mr. Galletout: Ok.

Mr. Phoenix: Is there anything else from the Board at this time before I open it up to public comments, questions, and concerns? If anyone from the public does have anything, I would ask that you state your name and address for the record and address anything that you have through myself as Chairman. Is there anyone that has anything at this time?

Mr. Kopec: Mr. Chairman, Robert Kopec, 524 Fuller Street. I see, I hope that the Board takes this comment and I thank you all for what you do, but these guys came in with an unfinished product. It's not fair to the Board, it's not fair to the Town, it's not fair to the abutters, my neighbors. My suggestion is either postpone this hearing or deny it the way it sits right now. We don't even know north, south, west, east. We don't know my house number. We don't know her house number. We don't see the driveway. We don't see the layout. Give them the same courtesy you do with every other business in this town. These guys have big pockets, they came in unprepared and they're just looking at you guys right now trying to push you. My suggestion is you get them back to wherever they came from and submit a full-size plan so it's fair to the town, taxpayers, and everybody involved. That's all I have to say for now. Thank you.

Mr. Phoenix: Thank you. Anyone else?

Mr. Norton: Antonio Norton, 480 Fuller Street. I got a new construction project. Now I know this is a big field area, my concern is if these guys, are they tearing up any land or just building

in an open area? 'Cause Harris Brook comes through my property and feeds a private pond. I'm just wondering, you know, from a conservation standpoint, how that will affect if they do any construction in the area to the brook, which could flood possibly the back of my pond, my back of my property. That's one of my concerns. I don't know if that's something they can answer or ---.

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Mr. Phoenix: What measures are you guys implementing during construction to make sure that those kinds of situations don't happen?

Mr. Saunders: Well, we have an Order of Resource Area Delineation from the Conservation Commission on the 504 property. It's pending right now with the Conservation Commission on the 498.

Mr. Galletout: ---

Mr. Saunders: But they have had meetings and decisions been made. We're simply waiting for the paperwork on that. But, we know where the wetland boundaries are. On this site there is a riverfront area because of Harris Brook is a perennial stream. Also, there's a tributary right here that goes to Harris Brook which is down in this area. That being perennial, also has a riverfront area to it. All of the solar panels and stormwater management basins and facilities are located outside of the wetland areas and outside of the hundred-foot buffer zone. The only exception is the access from Fuller Street itself where there will be two crossings; one is an existing crossing at this location here, we refer to that as crossing number 2. That's an existing crossing to gain access into the fields. It's been there for a long time. That is plenty wide enough so that we don't need to do any wetland work in there other than to replace the existing culvert for the proper sizing that needs to be there. The roadway itself, again, is a gravel surface, so it will be permeable, or relatively permeable. There's one additional wetland crossing right here. That crossing is necessary, again, to be able to actually have access from Fuller Street. If we were to relocate that crossing to avoid that wetland, we'd actually be increasing the impacts to the other wetland resource areas such as the riverfront area and the buffer zones accordingly. So, we're proposing to cross that at a right angle, perpendicular to the wetland, to minimize the extent of wetland fills in that area. As a solar project, renewable energy project, that access is allowable by the Conservation Commission as a limited project. Even so, we're proposing to replicate the wetlands that will be filled here with a wetland replication just to the south of it. The wetland itself is strictly a reed canary grass. I don't know if people are familiar with some of those species, but that, in Massachusetts, that's considered an invasive species now, although it's great for erosion control. So, the replication will not be planting more of that, it'll be planting a wet meadow mix. But, the total area of impact to wetland is 630 plus or minus square feet.

Mr. Phoenix: And as far as the stormwater plan, the SWPP…

Mr. Saunders: Yeah.

Mr. Phoenix: …there's a note from engineering that they're looking for a copy of that. Is that prepared and turned over to them?

Mr. Saunders: That gets prepared closer to the construction period, and they want a copy of that. I spoke with Jim in the Engineers Office and he was in agreement with that. He had no issues really with what had been put together. He told me he thought it was pretty good. We had indicated that there were no wetland impacts on filling out one of the forms in the stormwater;

that was corrected because obviously we have the one crossing anyway. But the stormwater management, we do indicate on here in rough outline, you have a set of, I believe, 28 sheets, so to answer that question about incomplete plans, there is a great deal of information, and I understand the issues with the survey of 498 and the need for the boundaries and the pins to be identified and the need for the surveyors stamp, but it hasn't been put forward as a, you know, somebody just drew this up on their napkin either.

Mr. Phoenix: No, but ultimately, the Planning Board was originally a board of survey, and the idea is that we need to be able to review the plan, and without metes and bounds it's not ---.

Mr. Saunders: I'm not questioning that. I'm responding more to the comment that I heard from the public that this is a, this isn't even a plan to the right size.

Mr. Phoenix: Well, I don't think anyone would say that it's not an exhaustive plan, but it is far from a complete plan.

Mr. Saunders: I understand that too, but, so the stormwater management has been thought through. We have a stormwater report that was prepared for this project. It includes the basic outlines for the SWPPP. And Andrew Sanna is here, he is the project engineer, and if there were specific questions on the drainage design, the plan and calculations, we're prepared to answer those. So, I don't know what else I can say at this point.

Mr. Queiroga: Can I ask a specific question? That area is basically grassy areas, am I right?

Mr. Galletout: Most of it.

Mr. Saunders: Much of it, the tree line is right here.

Mr. Queiroga: Right, ok. But where you don't have it, it's all kind of grassy area. Explain to the public, when you start the construction, what you'll be doing. You are, you're starting to dig down or you gonna use some of the cover that's there and cut it short and start working over?

Mr. Galletout: That's a great question. So, basically what we do is we look at the existing conditions at the site and we try to level it as much as possible. Good thing for us here, most of it is already pretty flat and cleared.

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Mr. Lyonnais: Really?

Mr. Galletout: Yeah. So, we move some ground around to have the most level ground possible before building. That's basically all we do.

Mr. Saunders: There are grading plans in there with cuts and fills calculated.

Mr. Queiroga: Is there gonna be a fence around it?

Mr. Galletout: Yes. We need to have the security perimeter fence for the electric ---.

Mr. Queiroga: Every once in a while, some of your, after it's done, every once in a while, some of your techs have to visit?

Mr. Galletout: Absolutely, yeah.

Mr. Queiroga: That's what you mean by twenty-five ---?

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Mr. Galletout: Trips, yeah. What it comes down to is one or two vehicles per month. Yeah, and they service, so the inverters are serviced, transformers as well, and just making sure that everything is running smoothly.

Mr. Phoenix: Are you all set for now, Joe?

Mr. Queiroga: ---

Mr. Phoenix: Are you all set?

Mr. Queiroga: Yes.

Mr. Phoenix: Back to comments from the public. Anyone else have anything that they'd like to add, and then we can go back if anybody has anything in addition.

Mr. Lyonnais: Sure, I'm Gary Lyonnais and Dawn Lyonnais from 490 Fuller Street. I'm right in front of the fields. I got a few questions. Two culverts, I was under the impression when the engineer bridges so fire trucks would be able to, you know, now this property is being serviced as a, you know, if you were building houses, you'd have to have an engineered bridge so a fire truck can go over that and take care of what they may need to take care of. And since this is electrical, if there was something, these are bridges farmers put in years ago. That's one. Two is, the fence, the height, the location, vegetation? They said you don't need it because we can't see nothing, but this is a lot more elevated, the land's a lot more elevated than the housing, so you see everything. And I don't see anywhere on this where my house is related to any service roads or any fencing would be. Personally, I don't like it because I think it interferes with my property value. I've done a lot of looking up, and I find stuff one sided, I guess the homeowner. You know, if I owned the land, I may want to do the same thing. I don't own the land, but these are questions I have. I want to know how high the fence would be, and where the location of the fence would be, where the inverters are? I don't want to lose, right, you know, you drive in there under any of these powers lines that go in any of these places you lose radio reception. I understand, you know, this is nice tax dollars for the town versus what they're getting now, but I just wish there was some thought to the homeowners there. And, yeah, I'd like to know where the access road is to my property.

Ms. Lyonnais: Yeah, where is that, the yellow line? Where exactly is that? Like what house number?

Mr. Saunders: This house right here is 504 Fuller.

Ms. Lyonnais: 504?

Mr. Saunders: Correct.

Mr. Lyonnais: Where's 490 Fuller on that map?

Mr. Saunders: 490 Fuller?

Mr. Lyonnais: Yup.

Mr. Saunders: Would you be south of that or north of? 498 is here.

Mr. Lyonnais: South.

Mr. Saunders: So, you'd be south. So, you're well down.

Mr. Lyonnais: --- The field's here. The wetlands are here. The wetlands are behind my house.

Mr. Saunders: Ok, but you're down here.

Mr. Lyonnais: No, I'm not.

Mr. Norton: There's a clear view of the property. I mean, I could show you on my phone ---.

Mr. Lyonnais: ---

Mr. Phoenix: We need to make sure that there's no just, direct cross talk, everything needs to come through myself, so we don't end up.

Mr. Lyonnais: Oh, I'm sorry, I'm sorry.

Mr. Norton: If you want me to come up, I'll show you the back of my yard. It goes right to that field.

Mr. Phoenix: Sure.

Mr. Norton: And that's my neighbor and I can.

Mr. Phoenix: Certainly.

(multiple people talking)

Mr. Lyonnais: 490.

Mr. Norton: As you can see, it's a clear view of the field. That's the field right there. That's the property.

Mr. Phoenix: And that's taken from?

Mr. Norton: That's my backyard. That's at 480 Fuller. So, he's even closer to the property, so he gets a better view of the field.

(multiple people talking while viewing the picture)

Mr. Kopec: Mr. Chairman, while we're figuring out who's property is where, can I know where mine is?

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Mr. Phoenix: And what number are you at?

Mr. Kopec: 524 Fuller Street.

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Mr. Norton: That's the back of my property, you can see that field pretty clear, and they're two houses above me and they can see it even clearer.

Mr. Galletout: I'd be curious to come take a look. I can't resituate this. I'm not sure if this is the ---.

Mr. Norton: --- property, 'cause it has a private pond and I built a brand new house ---. That's why I bought the house, the property ---. I built the house myself, you know.

Ms. Lyonnais: It's very cute, by the way.

Mr. Norton: Thank you.

Mr. Lyonnais: Mr. Chairman, at one time, part of that property, our house was built in 1922, so the land directly behind the house is that, and it belonged to that property at one time in its lifetime. I believe like 33 of those acres were. So, it's directly behind the house. I just would like a more clarified, like I said, I wouldn't have paid what I paid for my house had this been there at the time when I purchased my house. Maybe I would have still bought the house, I don't know, but I wouldn't have paid what I paid.

Mr. Phoenix: Fair enough. Is there anything else new at this time? Mr. Kopec?

Mr. Kopec: 524.

Mr. Phoenix: 524?

Mr. Queiroga: I've got 524 here on our GPS which is…

Mr. Phoenix: ---?

Mr. Kopec: With all due respect, at the opening of the hearing, I asked to continue the hearing so we would all know where.

Mr. Phoenix: No, I certainly understand, and I'll be kind of getting to that shortly, I believe.

Mr. Kopec: Ok, that's great. I know where my house is on the map. Where is it there Mr. Chairman?

Mr. Queiroga: Well, it's in front of 504, correct? ---

Mr. Saunders: Where is the proposed entry?

Mr. Kopec: Yes.

Mr. Saunders: It's just past 504.

Mr. Queiroga: It's just past 504.

Mr. Saunders: Right. So, this is 100 scale plan, so it's about 300 feet from 504.

Mr. Kopec: So, where again is 504?

Mr. Queiroga: 504.

Mr. Saunders: 504 is right there.

Mr. Kopec: So, where is 524?

Mr. Galletout: Are you the house with the swimming pool?

Mr. Kopec: I do not have a swimming pool.

Mr. Galletout: Do you know which number the house with the swimming pool is?

Mr. Lyonnais: The inground?

Mr. Galletout: Yeah.

Mr. Lyonnais: That's my house.

Mr. Galletout: Ok, 'cause your house is right here, so the pond that you're referring to --- are those wetlands which we're not coming close to.

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Mr. Phoenix: Joe, what is the locus plan look like on in front of this please?

(multiple people talking)

Mr. Phoenix: You're beating up that mic mighty good tonight.

Mr. Lyonnais: --- shows a forest compared to what reality is.

Mr. Norton: No, no. I just took a picture of my backyard, and they're even closer than that. ---

Mr. Galletout: And again, this is something that I would love to see. I would love to walk your property and see the kind of view ---.

Mr. Phoenix: Mr. Kopec.

Mr. Kopec: Yeah.

Mr. Phoenix: I believe this would be your location here. Does that look correct?

Mr. Kopec: Yeah.

Mr. Phoenix: So, this would be the limits of the property where'd they'd be coming in.

Mr. Kopec: I'm the closest abutter to the ---.

Mr. Phoenix: It appears that way on here.

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(multiple people talking)

Mr. Kopec: ---- I would be this property then, correct? The closest abutter to you guys?

Mr. Queiroga: No, you're further up.

Mr. Phoenix: Just a little bit.

Mr. Kopec: --- my left if I'm on my driveway. There's no one to the left side except that field that I'm looking at there. But again, that's why I asked for a, for this hearing to be held.

Mr. Phoenix: We're coming up toward the, well we're actually starting the last five minutes that we have scheduled for the hearing tonight. Now, as I mentioned at the beginning of the hearing, my only personal preference when we have plans that are missing the monumentation, the neighbors, the surveyor's seal, even the chart that is spelled out item for item what is supposed to be there, there's only one item out of quite a few that shows up on the plan. When those types of things that could be obvious, I mean, yes, this is exhaustive and a layman might have a hard time going through the whole thing looking for them, but a layman could figure out that there's no surveyor's seal. A layman could figure out that there's nothing showing the monumentation. A layman could figure out that there's no chart that shows those items on it. When a plan is deficient in that kind of a way, my own preference is to actually deny and to have the plan resubmitted with a new fee. That's my preference. So far that doesn't seem like the preference of the Board in general. The Board in general seems to be a little more lenient and willing to continue the hearing and get a complete plan in and I, whatever way the Board wants to go tonight, I'm certainly willing to go along with that. So, I'd be interested in the thoughts of the Board at this time.

Mr. Pedro: Kathy, what's your thoughts about this?

Mr. Queiroga: I'm --- these people have put a lot of materials together. Now, obviously, they're missing in some that are important, that we have them in front of us and complete. But, I would be for giving them time to correct those and getting back to us and scheduling at a future date. I don't know.

Mr. Quiterio: Mr. Chairman, I agree with Mr. Queiroga ---.

Mr. Pedro: If I have a say in it.

Mr. Phoenix: Unfortunately, you don't ---. I would also point out, you know, not only should that have been on the plan before it was submitted, but this was submitted May 13th, so there's been another month since the submittal in which that still hadn't been completed, and it should have been done before it was actually brought in and submitted to the Board. So, I think, when this comes in, when this comes back, it needs to be 100% complete and correct. I don't think there's a large margin for error on this at this point. If it comes in and we run that checklist, and we see that there are things that are wrong, there's really a significant problem. With that said,

can we get a date 60 days out and we can have this come back so that they have ample time to get that put together?

Mr. Queiroga: Mr. Chairman, while she's looking at that, may I suggest that, is there any way that you can, I know that you're not gonna put monumentations where it is going, but any way that people would visually able to see the area that's going to be designated for this project?

Mr. Galletout: Yes, absolutely. We can do that.

Mr. Queiroga: 'Cause that would be helpful to me and, I think, to a lot of the people so they know exactly where.

Mr. Lyonnais: Oh, I've got a picture here that shows what they're saying a tree line is and it's a bush, bushes.

Mr. Phoenix: Ok. Sue?

Ms. Urban: August 8th.

Mr. Phoenix: At what time?

Ms. Urban: 7:00.

Mr. Phoenix: Ok, at this time, I'll entertain a MOTION to continue this public hearing till August 8th at 7:00 p.m.
Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle.
4-0 in Favor.

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The public hearing was continued until August 8, 2019 at 7:00 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents: Master application/Site Plan Approval Application; Preliminary Site Drainage Memo (April 26, 2019); Comments from Town Departments/Boards; Delineated Resources Map – Cypress Creek Renewables, LLC, Ludlow Solar, Hampden County Massachusetts (June 2019); Plans – Huxley Solar, LLC – 504 Center Street Ludlow, MA 01056 (21 sheets) (2019-04-23)

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

TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SITE PLAN
0 Whitney Street (Lower) (Assessors' Map 14B, Parcels 74 & 75)
VDS Properties, LLC
(to construct townhouses in Smart Growth Overlay District)
June 13, 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)
John Pedro, Associate Member (Present)

The public hearing began at 8:00 p.m. in the Selectmen's Conference Room.

The hearing was continued from May 23, 2019.

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

Mr. Phoenix: That said, we have officially hit the time we need to, and Department of Public Works, we have dated June 13th: *We have reviewed the site plan for VDS Properties LLC, located at 17-21 Lower Whitney Street, prepared by Engineering and Land Solutions Inc. dated June 7, 2019 and have the following comments; 1. Contractor must obtain a construction within 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,* and then they explain the fee which works out apparently to $5,500 plus a $300 inspection fee. *If you have any questions regarding these comments, please do not hesitate to call. We reserve the right to review and comment on revised submittals.* Also dated June 13th, this one has a handy dandy sign here sticker on it; *Dear Chairman Phoenix and Planning Board Members, I am asking the Planning Board for a waiver of Section 5.5 Smart Growth Overlay District (SGOD), 5.5.7 Dimensional and Density Requirements, 5.5.7.1 Table of Requirements, Table 2 Dimensional and Density Requirements, East Street Corridor Mixed Use Sub-District by reducing under Townhouses, 8 units per acre under the Minimum Density (units per acre) to 6 units per acre. The site is currently 18,834 square feet making the 8 units a tight fit for the site with parking requirements, snow storage, and emergency vehicle access. By reducing the units to 6, the site achieves a safer, less compacted movement pattern. The Town will still receive two affordable units. Thank you for your consideration, Jose Alves, VDS Properties.* And I see you've got something.

Mr. Pietras: That's the signed ---.

Mr. Phoenix: Put that there. So, I believe that that's everything I have in the folder that's new.

Mr. Stefancik: Fire did comment, and they had no comments at all. Their comments are still based on the original.

Mr. Phoenix: Ok, and I did the new drawings with the six units on, did you care to explain what's changed since last time?

Mr. Pietras: Sure, anyone need a smaller ---?

Mr. Phoenix: Sure.

Mr. Pietras: Basically, the major change from when you guys seen it last time, is the actual structure has got 25% smaller; we removed two units out of the eight. Gave snow melt area as well as additional parking. That was the major change to that back corner to the western side. Still, maintains what you've seen, accessible dumpster locations. Three of the six units, you may have seen in the front elevation, have garage units. The design is the same, --- the structure. Drainage remained the same, so it's slightly oversized now. I mean, it was slightly oversized prior to the storm regs, but with the reduction of the 25%, we replaced it with parking, so there was no real net change. That's pretty much it.

Mr. Phoenix: Ok, now as I'm looking back, some of the comments from last time that we had: The Affirmative Fair Housing Marketing Plan will need to be done; Affordable Housing Restriction will be needed on units; both parcels should be combined; and the waiver request for o. 1, 3, and 5, which we have the signed request. I can't remember, did we act on that last time already, or?

Mr. Pietras: I believe the waivers you did.

Mr. Phoenix: Sue, Doug, somebody.

Mr. Stefancik: We did the waivers o. 1, 3, 5.

Mr. Phoenix: Thank you. And as far as combining the parcels, has that progressed?

Mr. Pietras: Yup, Paul Smith is working on it now. We expect the ANR for the next meeting.

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Mr. Phoenix: Ok. And as far as the Affirmative Fair Housing Marketing Plan and the Housing Restriction, those are also under way as well?

Mr. Pietras: Yup, Mr. Alves agreed to contribute within the Town ---.

Mr. Queiroga: Is there paperwork that they will need in order to?

Mr. Stefancik: Well, the Affordable Housing Marketing Plan will have to be developed, and that will be developed with Karen Sunnarborg, and we have paperwork.

Mr. Phoenix: That was a fifty-fifty split I think we were doing?

Mr. Stefancik: Yes, it would be $500, so we could split it $250 apiece.

Mr. Queiroga: Thank you for taking half.

Mr. Phoenix: I don't think that's how he sees it.

Mr. Queiroga: He's giving half, yes.

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Mr. Phoenix: Ok, so with that, is there anything from the Board at this time?

Mr. Queiroga: --- most of the, you referred to another meeting, is that because of?

Mr. Phoenix: Well, I think it's just our next meeting. I don't think it's gonna, I don't think this is, the way this is looking I don't know that we'll need to continue this particular to another unless we want to hold out on approving till we have it all combined.

Mr. Queiroga: So, the only thing missing at this point is the paperwork that he has, which he can do after for?

Mr. Stefancik: Yeah, that can be done afterwards, yeah.

Mr. Queiroga: That can be done after.

Mr. Pietras: And then the ANR plan would come subsequent, you know, prior to the building permit, or however you guys would like it.

Mr. Queiroga: Combining the lot you mean?

Mr. Pietras: Yes.

Mr. Queiroga: Ok. Did Paul tell you how fast he'd get it?

Mr. Pietras: We're hoping today, but I would imagine the beginning of the week because he was targeting the end of this week.

Mr. Queiroga: I don't have any problems with it going right to approval subject to nothing being done until they get that ANR delivered to us.

Mr. Phoenix: Ok.

Mr. Queiroga: I think they've been very patient with, you know the town doesn't move fast, right? Is that a fact?

Mr. Phoenix: I'm not saying anything. Government is slow and deliberate. Unless there's anything else from the Board, I would entertain a motion in the standard form, more or less, to grant approval of the site plan on the conditions that prior to any kind of building permit being taken care of, that the parcels will be combined as well as the condition that the Affordable Housing Restriction will be placed on the units, and that the applicant will be contributing 50% toward the Affirmative Fair Housing Marketing Plan.

Mr. Queiroga: Ok, and I, you don't need any…

Mr. Phoenix: I just need a so moved.

Mr. Queiroga: You made the motion, right? **SO MOVED.**
SECOND Ms. Houle.
4-0 in Favor.

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

Mr. Stefancik: You might want to, did you act on the waiver yet?

Ms. Houle: You said we did the waivers, right?

Mr. Stefancik: The waiver for the, the signed waiver.

Mr. Phoenix: Oh, that waiver, sorry, my apologies, we probably should have done that one first. On the additional waiver from the eight units to the six, is there a motion to approve that?

Mr. Queiroga: Mr. Chairman, I make a **MOTION** to gladly accept on behalf of the Town the reduction of this project from eight to six and it's actually, in my mind, a better proposal.
SECOND Ms. Houle.
4-0 in Favor.

Mr. Phoenix: Unanimous. Thank you, Doug for catching that for me. And now on the public hearing itself, is there a motion?

Mr. Queiroga: Motion to close this, I make a **MOTION** to close the public hearing.
SECOND Mr. Quiterio.
4-0 in Favor.

The public hearing closed at 8:09 p.m.

APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

su

Documents: Master application; Comments from Town Departments/Boards; Existing & Proposed Site Plan – 17-21 Lower Whitney Street Ludlow, MA for VDS Properties, LLC (06/07/19); Exterior Elevations for Townhouses at 17-21 Lower Whitney St Ludlow, MA (June 12, 2019) (A01); 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).