TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
September 12, 2019

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2019 OCT 31 A 11:42
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Absent)
Joseph Queiroga (Present)
Kathleen Houle (Absent)
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 / ACCESSORY APARTMENT
Russell Kelly / Liza-Anne C. Raymond – 21 Mineral Spring Avenue
(transferring ownership of existing accessory apartment)

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- APPROVE Change of Occupancy:
  - Aderico P. Florindo (Viriathus Consulting, LLC) –
    40 Ravenwood Drive (adding LLC for separation of assets/licenses)

Mr. Phoenix: Since we have nothing really that we can legally do, I'll entertain a MOTION to take a brief recess until 7:10, just to kill some dead air from going out there.

Mr. Queiroga: **SO MOVED**, Mr. Chairman.
SECOND Mr. Quiterio.
4-0 in Favor.

The Board took a brief recess from 7:07 p.m. to 7:10 p.m.

CONTINUED PUBLIC HEARING – SITE PLAN & SPECIAL PERMIT – Inspired by Opportunity LLC - 0 (484) & 488 Center Street (Assessors' Map 16A, Parcels 58 & 59) (demolition of existing buildings, construction of proposed restaurant with drive-thru, associated paved parking, stormwater management system, site utilities, site lighting, and landscaping)

SEE ATTACHED MINUTES

Mr. Phoenix: And we find ourselves running ahead of schedule again, I will entertain a MOTION for a brief recess until 7:30.

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Mr. Queiroga: **SO MOVED**, Mr. Chairman.
SECOND Mr. Quiterio.
4-0 in Favor.

The Board took a brief recess from 7:20 p.m. to 7:30 p.m.

ANR – Paul Chaves – 54 Grimes Street (Assessors' Map 1B, Parcels 14 & 5A)
(Owner is purchasing a portion of neighbor's property)

Paul Chaves was present for the appointment.

Mr. Chaves explained that the ANR is for acquiring a strip of land from his neighbor because he has no street frontage on his property. He said that he currently has a right-of-way to access his house.

Mr. Phoenix pointed out that there is one pin at the interior corner of the southeast side of Grimes Street that is missing from the plan.

Mr. Chaves will have the surveyor mark the pin on the plan and he will resubmit the plan for an approval signature.

Mr. Queiroga: Mr. Chairman, I make a **MOTION** to approve the ANR plan as described, with the caveat that Mr. Smith adds the missing corner pin or pin to be set, and so provides us that.
SECOND Mr. Quiterio.
4-0 in Favor.

Documents included: Master application; Approval not required plan – Cady Street, Grimes Street Ludlow, MA - Chicopee, MA – owned by Horacio & Albino Salvador and Paul & Josielen Chaves (July 29, 2019)

Mr. Phoenix: And with no further business on the agenda, I'll entertain a MOTION to adjourn.
Mr. Queiroga: **SO MOVED.**
SECOND Mr. Quiterio.
4-0 in Favor.

Meeting adjourned at 7:39 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houlé, Secretary

su

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / ACCESSORY APARTMENT
21 Mineral Spring Avenue – Russell Kelly / Liza-Anne C. Raymond
(transferring ownership of existing accessory apartment)
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Rafael Quiterio (Present)
John Pedro, Associate Member (Present)

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

In attendance: Russell Kelly

Mr. Phoenix read the legal notice, gave Mr. Kelly a copy of the invoice from Turley Publications, reviewed the application, and informed the public that there are cameras recording. The legal notice included the description of: transferring ownership of existing accessory apartment.

Mr. Phoenix: That said, we have the application in front of us. As it was said in the legal notice, it is for a transfer of a Special Permit for an accessory apartment at 21 Mineral Spring Ave. Want to just go into a little bit more detail for us as far as what's going on?

Mr. Kelly: Yeah, so essentially, we moved to Ludlow in May, May 19th I want to say we closed. The accessory apartment currently being used by an in-law, the mother-in-law. If you want her, you can have her. But, she's basically living in there. It's a one-bedroom apartment and it's attached, it's already there. That was one of the reasons we bought the property. So, obviously, we need to file this to get permission to have her there, essentially, to ensure --- to anyone else, is my understanding, so.

Mr. Phoenix: Ok.

Mr. Pedro: She might be watching or listening.

Mr. Kelly: Wouldn't surprise me, wouldn't surprise me.

Mr. Phoenix: And then just to kind of go over the i's and t's here; on the accessory apartment thing, we do have that filled out with the signatures of owners, and I believe I saw, yes, the certification of ownership authority is in here. From Doug we have highlighted in yellow: *The accessory apartment is being transferred from the previous owner who obtained a special permit in 1999. The special permit will be transferred to the new owners who's mother will utilize the accessory apartment. The accessory apartment is not being altered.* And he was kind enough to

also highlight mother for us. And we have from Board of Health; *no comments*. So, that's what we have, and that's what you're doing. Before we go any farther, I'll ask the Board if we have any comments, questions at this time.

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Mr. Pedro: You own the home, obviously?

Mr. Kelly: Yeah, it's me and my partner, Liza. We both own it.

Mr. Pedro: Ok.

Mr. Phoenix: Ok. Anything from this side?

Mr. Quiterio: No questions.

Mr. Phoenix: Ok, so this being a public hearing, I will open it up to public comments, questions, and concerns. Anyone that has anything, I'd ask that you state your name and address for the record, and address everything through myself as Chairman, and we'll go from there. Does anybody have anything at this time? The silence is deafening. Ok, so we do have some requirements that go along with that. I believe Doug's already run through that checklist and found that to be complete. Did you run through both the special permit and the accessory apartment lists Doug? Ok. So, if there's nothing else from the Board at this time, I would entertain a MOTION in the standard form to approve the accessory apartment Special Permit.

Mr. Queiroga: **SO MOVED** Mr. Chairman, since we don't have our little handy dandy sheets here on our motions.

Mr. Phoenix: Ok.
SECOND Mr. Quiterio.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Mr. Pedro – yes; Mr. Phoenix – yes.

Mr. Phoenix: Entertain a MOTION to close the public hearing.
Mr. Queiroga: **SO MOVED.**
SECOND Mr. Quiterio.
4-0 in Favor.

Hearing ended 7:04 p.m.

APPROVED:

Kathleen J. Houle

Kathleen Houle, Secretary

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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
CONTINUED PUBLIC HEARING – SPECIAL PERMIT & SITE PLAN
0 (484) & 488 Center Street (Assessors' Map 16A, Parcels 58 & 59)
Inspired by Opportunity LLC
(demolition of existing buildings, construction of proposed restaurant with drive-thru, associated paved parking, stormwater management system, site utilities, site lighting, and landscaping)
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John Pedro, Associate Member (Present)

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

The hearing was continued from August 22, 2019.

In attendance: Jessica Bates – BL Companies

Mr. Phoenix: The new comments that we have in the file are from Safety Committee saying no further comments, and from Engineering saying: *We reviewed the site plan for Wendy's prepared by BL Companies, dated August 1, 2019 with the latest revision date of August 22, 2019, and the revised lighting proposal dated 8/21/19, and find them acceptable as submitted. 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.* Additionally, I don't see it turned sideways and handy dandy easy to find in the pack, but I know I did see that Doug had gone over the list, I believe, and found that everything was complete now. That's this one here. Yes, a whole lot of black ink, no red highlighting anything that's still deficient. So, that's where we're at on the paperwork. If you want to just explain what's gone on from your perspective since we last met.

Ms. Bates: Since we last met, we've been working through the engineering comments. They had some concerns regarding some --- lighting plan. That was revised, resubmitted back to them, they approved that. We added a few trees behind the dumpster enclosure to try to buffer any sort of noise concerns or esthetic concerns or anything like that because there was public here last time that voiced the concerns regarding that. There's really nowhere else to put it, so we have tried to…

Mr. Phoenix: Front and center.

Ms. Bates: Yeah, I'm sure the people that pick it up would like that. So, those are largely the things that have transpired since the last time I saw you. Really, there's been no changes to the layout of the plans, anything to do with setbacks, requirements, parking, zoning, or anything like that. It was really the lighting and then just some additional plantings.

Mr. Phoenix: Ok, and Doug, can you refresh me, where were we at as far as any required waivers on this plan? We have anything that was still outstanding that we needed additional motions on?

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Mr. Stefancik: No, 'cause they submitted the lighting plan. They showed the snow storage area, they showed the elevations, they did the traffic study, and the signage, so they don't need any waivers for any of those items.

Mr. Phoenix: That's always nice. So, that's where we're at. Does anyone from the Board have any questions or comments?

Mr. Queiroga: So basically, the dumpsters are in the same area that you originally designed?

Ms. Bates: Yup.

Mr. Queiroga: You've just added a little more blockage…

Ms. Bates: Yes.

Mr. Queiroga: …for esthetics or whatever. That was already part of your land anyway, wasn't it?

Ms. Bates: Yes, yes. It's still quite a bit away from the property line, so.

Mr. Queiroga: So…

Mr. Quiterio: I have a question Mr. Chairman.

Mr. Phoenix: Just one quick thing, and then right over to you. No one has added themselves into the room since I last said this, so I was slightly remiss in not mentioning it already since we've continued this. The cameras are cameras, they're recording. You're being recorded. It'll be put out on cable access, the internet and all those good things. We all know that, but I'm telling you again anyway. Sorry about that.

Mr. Quiterio: That's alright. The driveway's --- to the sidewalk, is this something Mass DOT already knows, --- project right now, or?

Ms. Bates: Yes, we've been in collaboration with Mass DOT to try to get everything coordinated as they're going through. I saw, on my drive in this morning, they're pouring down by the public beach right now, for the concrete sidewalks and stuff, but yes, we have been in discussions with them.

Mr. Quiterio: So, they're not here yet, for this.

Ms. Bates: No.

Mr. Quiterio: Ok.

Ms. Bates: No, nope, they have the granite curb in. They do not have their sidewalks formed. It looks like maybe they have their base, but, you know, that would have to be prepared a lot closer to when they actually pour the concrete. So, they're a couple hundred feet, I would have to estimate.

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Mr. Phoenix: A lot of their pouring seems to be very scattered as their trying to catch certain areas.

Ms. Bates: It looks like their doing the sidewalks, but possibly not the driveway entrances yet.

Mr. Quiterio: My question would be…

Mr. Phoenix: And then there's the areas where the poles are too, that are all getting passed by because they have to wait for those to get moved.

Mr. Quiterio: The, now this building, when do you expect to start construction on this building?

Ms. Bates: Late fall.

Mr. Quiterio: So, possibly, this will already be done then, and has to be redone.

Ms. Bates: Yes. I think we should be able to get ahead of them to try to stake out before they can actually pour, but if not, then yes, we would have to remove the concrete and reset it.

Mr. Quiterio: Do it yourself after?

Ms. Bates: Yeah, granite is fairly rigid, so even if we had to redo some work, we should be able just to reset the material that's there.

Mr. Quiterio: It would be nice not to have, you know, patch on a new road, you know? If it's possible that Mass DOT, they're working there, 'cause the driveway's not a big deal once you start removing curb on a brand new road, then you have to have a patch like a foot, front curb, you know what I'm saying?

Ms. Bates: We have our sidewalks placed where their sidewalks are, so they would only be modifying where the driveway ramps are. So, we have incorporated their layout into our design with the exception of where it would have to drop down for the…

Mr. Quiterio: The driveways.

Ms. Bates: …the driveways.

Mr. Quiterio: That's what I'm saying, 'cause then you have to go into the road to patch, you know?

Mr. Pedro: About the demolition of the building, is it demolished? I haven't…

Ms. Bates: No, it's still there.

Mr. Pedro: Do you have a date scheduled for that?

Ms. Bates: I do not, no.

Mr. Quiterio: It's only one house.

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Ms. Bates: They would need to get the permits and all that, so.

Mr. Pedro: Just wondering.

Mr. Quiterio: It's just a thought, you know, if the Mass DOT has the location of the drives ---.

Ms. Bates: I believe they do have our plans.

Mr. Quiterio: ...--- already, you know. We don't have a patch three months later.

Mr. Phoenix: Yeah, I don't think they want that at all. I think they're, I believe there's actually criteria in place to prevent that from...

Mr. Quiterio: Yeah, ok.

Mr. Pedro: From my previous experience in building, they don't allow any road to be cut for quite some time.

Mr. Phoenix: Yeah, there's ---.

Ms. Bates: Moratorium on the roadway.

Mr. Quiterio: Ok.

Mr. Queiroga: They're going at a pretty good rate on your side. It's the other side where the poles haven't been taken out yet, it's dragging.

Ms. Bates: I don't, from what we've been told, the pavement, the asphalt is not actually getting laid until, you know, closer to when the asphalt plants close. So, even if the concrete is done, we should be able to get ahead of the asphalt being laid.

Mr. Quiterio: Yup, yup. That's it for me.

Mr. Phoenix: Anything else from this side of the table?

Mr. Pedro: I don't have anything else, Mr. Chairman.

Mr. Phoenix: I'm gonna go out to the public and ask if there's any public comments, questions, concerns at this time. Yes please.

Ms. Hodgman: Elaine Hodgman, 1475 Center ---. Refresh my memory, there's only an in and out on Center Street? There is or is not anything on Stivens Street?

Ms. Bates: It's a one entrance, one exit onto Center Street. There is nothing on Stivens.

Ms. Hodgman: Thank you.

Mr. Phoenix: We did have somebody else come in the room. I'm gonna go through this again.

Mr. ---: I'm sorry. ---

Mr. Phoenix: No, that's fine.

Mr. ---: I had an important phone call.

Mr. Phoenix: That's not the problem. I just want to make sure, legally, I'm supposed to make sure people that are coming in do know that the cameras are cameras, they're being recorded, that sort of thing. Just to make sure everyone understands what's going on. Most people figure it out pretty quickly, but they tell me I need to tell people, so that's what I do. Anyone else have anything they would like to add or ask for this particular hearing? Hearing nothing, on the Special Permit, is there a motion in the standard form to approve the Special Permit?

Mr. Queiroga: Mr. Chairman, I make a **MOTION** to approve the Special Permit for Opportunity LLC at 484 and 488 Center Street in the normal --- here.
SECOND Mr. Quiterio.
4-0 in Favor.
Roll call vote: Mr. Quiterio; Mr. Queiroga – yes; Mr. Pedro - yes; Mr. Phoenix – yes.

Mr. Phoenix: On the site plan, is there a MOTION in the standard form or otherwise on that?

Mr. Queiroga: Mr. Chairman, I make a **MOTION** on the site plan for Opportunity LLC in the standard format.

Mr. Phoenix: For approval?

Mr. Queiroga: For approval, of course.

Mr. Phoenix: Not of course, you never know. You could be throwing a wrench in the whole works.

Mr. Queiroga: No, ---.
SECOND Mr. Quiterio.
3-0 in Favor.

Mr. Phoenix: So, I will now be entertaining a motion to close the public hearing.
Mr. Queiroga: Mr. Chairman, I'll make a **MOTION** to close the public hearing.
SECOND Mr. Quiterio.
4-0 in Favor.

Hearing closed at 7:19 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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Documents: Master application; abutters list; Comments from Town Departments/Boards; Traffic Study, Proposed Restaurant Development 484-488 Center Street (Route 21) Ludlow, MA (August 2019); Stormwater Management Report for the proposed Wendy's Restaurant located at 484 Center Street (MA Route 21)(August 1, 2019); Land Development Plans issued for Site Plan Approval and Special Permit Review Application – Wendy's Restaurant New Build – Site #00000 – 484 Center Street (MA Route 21) Ludlow, MA 01056 (Revision September 12, 2019)

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