TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
September 26, 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 meeting began at 7:00 p.m. in the Selectmen's Conference Room.

CONTINUED PUBLIC HEARING – SITE PLAN & SPECIAL PERMIT – Ludlow Center, LLC (The Colvest Group) 471-485 Center Street
(Assessors' Map 16A, Parcels 55 & 52)
(to demolish the buildings at 471 & 481 Center Street, and to construct a 5,230 sqft medical office building at 471 Center Street, a 2,382 sqft fast food building with drive-thru at 481 Center Street, and a 5,991 sqft retail building at 485 Center Street. Includes changes in parking and traffic circulation. Existing drive-thru for 477 Center Street to remain)

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 61. - Legal Notices from surrounding communities
- APPROVE/SIGN Bills – Karen Sunnarborg Consulting
  (1/2 of Affirmative Fair Housing Marketing Plan Draft)

PUBLIC HEARING – SPECIAL PERMIT / ACCESSORY APARTMENT – Pablo & Dana Madera - 356 Ventura Street (addition of a 540 square foot accessory apartment)

SEE ATTACHED MINUTES

File Mail Item #58 – Updated Historic District Commission Appeals Process from PVPC

Change of Occupancy – Jacqueline Vermette (Ludlow Nutrition) 194 East Street (from dance studio to juice/smoothie bar)

Jacqueline Vermette was present for the appointment.

Ms. Vermette said that she wants to open a juice bar in the former dance studio location.

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The latest site plan is dated March 27, 2019, and the maximum number of employees noted on the chart for the property located at 194 East Street is N/A. The Planning Board agreed that a site plan addendum will need to be submitted to note any changes needed on the table.

Mr. Phoenix: Since we're having her submit a different type of application, I would entertain a MOTION to return the $50 fee in lieu of getting in a site sketch amendment that updates the table.
Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle.
4-0 in Favor.

Ms. Vermette asked to withdraw her application for the Change of Occupancy.

Mr. Phoenix: So, she's asking to withdraw. Is there a MOTION to accept that?
Mr. Queiroga: **SO MOVED.**
SECOND Mr. Quiterio.
4-0 in Favor.

Documents included: Master application

File Mail Item #59 – Letter from Board of Health re: Amending the Town Zoning Bylaws Section 3.3.1c, Accessory Livestock Agriculture

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File Mail Item #60 – Letter from Michael Suprenant, Director of Public Works/Town Engineer re: Reconstruction of Center Street (Route 21) Driveway Changes – 507 Center Street and 517 Ideal Lane

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Street Acceptance Procedure

Mr. Stefancik highlighted the portion of the text that was revised by the Board of Selectmen under the Responsibilities of Developer section of the Procedure for Acceptance of Streets in a Subdivision:

- The deed must be recorded (by the Developer after approval from Town/Town Counsel), at the developer's expense and within 120 days of the Town Meeting Vote.

- Developer is responsible for providing a current title exam to Town Counsel for purposes of determining that the property to be conveyed to the Town is in fact held by grantor.

Documents included: Procedure for Acceptance of Streets in a Subdivision (09/03/2019 revised)

Mr. Queiroga: I make a **MOTION** to adjourn.
SECOND Ms. Houle.
Mr. Phoenix: Always in order, not debatable.
4-0 in Favor.

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Meeting adjourned at 8:10 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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

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TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT & SITE PLAN
471-485 Center Street (Assessors' Map 16A, Parcels 55 & 52)
Ludlow Center, LLC (The Colvest Group)
(to demolish the buildings at 471 & 481 Center Street, and to construct a 5,230 sqft medical office building at 471 Center Street, a 2,382 sqft fast food building with drive-thru at 481 Center Street, and a 5,991 sqft retail building at 485 Center Street. Includes changes to parking and traffic circulation. Existing drive-thru for 477 Center Street to remain)
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Kathleen Houle (Present)
Rafael Quiterio (Present)
John Pedro, Associate Member (Present)

The public hearing began at 7:01 p.m. in the Selectmen's Conference Room.

The hearing was continued from August 22, 2019.

In attendance: Scott Hesketh – F.A. Hesketh & Assoc.; Ellen Freyman – Shatz, Schwartz, and Fentin, P.C.; Dana Steele – J.R. Russo & Associates, LLC; Frank Colaccino – The Colvest Group; Peter LaPointe – The Colvest Group

Mr. Phoenix gave the applicant a copy of the invoice from Turley Publications.

Mr. Phoenix: The new things that I have in the packet in front of me, from Public Works: *We reviewed the site plan for the Colvest Group, 471-485 Center Street prepared by JR Russo & Associates, LLC dated July 31, 2019 with the latest revision date of September 16, 2019 and find them acceptable as submitted. If you have any questions regarding these comments, do not hesitate to call. We reserve the right to review and comment on revised submittals.* We have from Dana Steele: *Jim, Here is the revised sheet 3 addressing your two comments: 1. Curb cut for 485 Center Street has been removed, 2. Notations for relocation of pylon signs modified to say "as needed". I also added the existing parking count to the data table as requested by Doug Stefancik. Dana P. Steele, P.E., Principal Engineer.* We have Safety Committee: *Sharper right out of parking lot and remove right entrance. Remove a few parking spots for fire trucks outside medical building.* From our office we have, specifically from Doug, revised review of everything, and I see only black ink, nothing red. We then have a series of letters in here that are, I believe, are all addressed to Anthony Jarvis from the Zoning Board of Appeals. The first one is (Mr. Phoenix read the letters of recommendation for ConvenientMD from MaryEllen Taylor; Paula Taylor, Development Director – Concord Family YMCA; Christopher Emond, Chief Executive Officer – Boys & Girls Clubs of Central New Hampshire; Denise McDonough, President – Anthem; Brian D. Comeau, Fire Chief – Exeter Fire Department; Paula MacKinnon RN, President-Elect – New Hampshire School Nurses' Association [*see file*]) So, I think that concludes most of what I need to say for now, but I will mention. Number one, that this is a

public hearing, there are cameras that are doing camera like things which include recording you and putting you on cable access and the internet. Be aware of that because, apparently, I need to tell people. Beyond that, we do have another meeting that is scheduled at 7:35 this evening. If this is not concluded by that time I would anticipate that we would take a, either continue this to another date and time or continue it to later this evening after the conclusion of the other public hearing, so that we can proceed with them and not keep them delayed too heavily. Beyond that, I've read what appears to be the new stuff. I'll let you guys explain what's going on from your side of the table.

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Atty. Freyman: Ok, thank you. And for Mr. Pedro's sake, I'll just introduce the team again. So, this is an application from Colvest, and the principal from Colvest Frank Colaccino is here, and Peter LaPointe, also from Colvest. To my left is Scott Hesketh from Hesketh, they're our traffic engineers, and Dana Steele's from Russo Engineering in our engineering work. So, I do have a couple of items to present, to offer to the Board. One is a letter from the Fire Department, which I don't think you read in.

Mr. Phoenix: I didn't see it in my packet, might be somewhere else.

Atty. Freyman: So, just on the record that they've reviewed the plans and didn't have any changes to the design.

Mr. Phoenix: Ok.

Atty. Freyman: And we also wanted to submit the plans from the Mass Department of Transportation, as we presented last time. The road work, the road design work, has been done by them and approved by the DPW, and is under way. So, we took their design work and just over-laid it onto our plan. So, it's just for evidence that they've, that this is their design, that they've approved it, and there's no issue, that they have no issue with the curb cuts as we've designed and presented them on our plans. And then just another quick overview of the project, we're removing the Friendly's and the Joy's restaurant, and replacing that would be a fast food restaurant; a KFC is going on the site, also, as you read, we have the urgent care center that would be going in where Friendly's is located. There would be a Phase II which is retail over on a parcel that was rezoned from residential to business, and then the businesses that are there now, the bank, --- retail, will remain. So, that's the overview of the project. This will result in improved drainage from the site, improved landscaping, lighting, the site appearance, and traffic circulation. It will be more attractive overall. We are removing one of the curb cuts, and on-site storm water will be improved, and just generally a lot of improvements, both just engineering wise, so it all works together better and just visually be more attractive. And so, we didn't finish last week, or last hearing, and we're just hopefully, if we can address any additional questions that you have. We think we've furnished all the information to support and show that the town's departments have supported this design.

Mr. Phoenix: And since you did provide this, just to read it in, from the Fire Department: *The Ludlow Fire Department has reviewed the site plan as presented. At this time, the Fire Department requires a monitored and approved fire alarm system with addressable fire panel for each proposed building. A secure key box rapid entry system to be installed on each building per town by-laws. Location of box subject to approval by fire department. Street numbers to be posted on buildings. We do however expect all applicable federal, state, and local codes to be followed during the course of construction on this project. Sincerely, Seth M. Falconer, Fire Prevention Officer.*

Atty. Freyman: Thank you. Can I just add one thing? I'm sorry.

Mr. Phoenix: Sure.

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Atty. Freyman: I just wanted to remind the Board that we're also here, we have a special permit application in for a drive-thru for the KFC. So, that's also for your approval tonight also.

Mr. Phoenix: Well, if the bank is still gonna be staying the bank, are they keeping their drive-thru?

Mr. Colaccino: Yes.

Mr. Phoenix: So, that would be a special permit for both of those, because they're both drive-thrus.

Mr. Queiroga: Are you saying they don't have a special permit now?

Mr. LaPointe: We have a special permit for the bank drive-thru.

Mr. Phoenix: Ok.

Mr. LaPointe: So, it --- the fast food.

Mr. Phoenix: That works.

Mr. Queiroga: I just have one comment. You said you eliminated one of the curb cuts?

Atty. Freyman: Yeah, the curb cut farthest to the east.

Mr. Steele: For the residential house.

Mr. Queiroga: Where the residential house was?

Mr. Steele: Where it used to be, yeah.

Mr. Queiroga: Ok.

Mr. Phoenix: So, the one farthest from the intersection?

Atty. Freyman: Correct.

Mr. Steele: Correct.

Mr. Phoenix: So, not the one that we were discussing at the last meeting?

Atty. Freyman: Right. And that also is on the DOT plans, it shows that.

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

Mr. Queiroga: Mr. Chairman, I'd just like to say a couple things. We discussed this quite a bit last time and we had all sides, kind of, present their views on it. I have been, received some phone calls. One of them I got a little bit closer with the DPW in Ludlow, and to see what would be involved in changing something they've already designed into the project, which can be quite detailed and expensive. The DOT did a good job of putting that special triangle to only allow right only in and right only out, which were both accepted by the Ludlow DPW as a good improvement on that issue. Mr. Colaccino is making quite a few million dollar investment in what is the most expensive piece of real estate in our town. Yes, it keeps growing, it's, you know. I guess if we didn't want it grow we should've cut off the turnpike exit which is one of the main reasons why this has become such a commercially attractive location. I would even suggest one more thing I'm gonna maybe throw out there because, and I don't know if the applicant would agree with that, I thought that putting a sign on the parking lot side of the access, that first exit to, that "access to the turnpike is illegal from this exit" might be a clarification that would add further motivation to people not to try that. You know very well it could turn out that somebody will try it. But, this has not been, in the last five years I've been here, or thirteen years, it's not been, as much as it is the closest one to the pike, has not been an area that's presented a tremendous amount of problems. I was surprised that you decided, why did you decide to give up that other, is it because of the retail where that building is up against your neighbor?

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Mr. Colaccino: Yeah, we thought that the curb cut just didn't serve a purpose, and for better control, we decided to close it.

Mr. Queiroga: And I noticed you redesigned your parking lot, parking spaces, much change from what it was, and the Joy's building was right up against the street, and now the building to replace that is quite a ways back. I just might have some other comments. I just think that, you know, and I and a couple of us on the Board tend to think differently and I, as I said to my Chairman, even when we disagree we try to be agreeable. And that I think it's a tremendous asset for the Town. They bring in a lot of dollars and not too many kids to the school. And I think he's been a good neighbor here in, how many years been?

Mr. Colaccino: It's been over twenty years.

Mr. Queiroga: Over twenty years and continues to invest and he's in the three of the four corners on there, so. I may have some other comments, but I just wanted to share my thoughts with the Board.

Mr. Phoenix: Anything else from the Board?

Mr. Pedro: Mr. Chairman if I may?

Mr. Phoenix: Mr. Pedro.

Mr. Pedro: It appears that you have enough members of the Board tonight to vote.

Mr. Stefancik: No, you, said associate member shall serve only for the purpose of acting on a special permit application in the case of absence and ability to act on conflict of interest on the part of any of the member of the Planning Board or the event of a vacancy on the Board when so designated by the Chairman of the Planning Board. So, any time a Board Member is missing, your vote does count a for special permit.

Ms. Houle: On a special permit.

Mr. Pedro: Oh, I see, ok.

Mr. Phoenix: Ok.

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Mr. Stefancik: You can't vote on site plans, but special permits only, special permits.

Mr. Pedro: --- Ok, thank you. Since, I just, I mean, this is a great asset to the town, of course, lots of money coming in, but the concern that I have, if I may, is that the traffic in and out of 471 Center Street on the medical building that's proposed , is it going to cross into the Pike or how is that going to?

Atty. Freyman: Our traffic engineer can speak to that, but there'll be a right in and right out.

Mr. Pedro: Ok.

Atty. Freyman: So, you're not gonna be crossing across the traffic when you exit, or to come in you can't do that.

Mr. Pedro: Ok, I mean it's well known that this is a trouble spot.

Atty. Freyman: Right, and we think this is a good design. It alleviates any of that.

Mr. Pedro: Ok.

Atty. Freyman: Again, you know, it might occasionally happen, but it will be designed so that that will not happen. And then there's the other curb cut before that, so.

Mr. Pedro: Ok. So, you'd have to go right not straight turning to the Turnpike.

Atty. Freyman: Correct.

Mr. Queiroga: You can see that with it. This is placed in with granite curbing. It's a little island. It only allows in or out this way.

Mr. Pedro: Ok.

Mr. Queiroga: I think, I don't know what you think about that sign, something that?

Mr. Colaccino: We would agree with that.

Mr. Queiroga: Yeah, 'cause…

Mr. Colaccino: And I think that that would be, I think for the most part because of the way things go there, to take a right out for anybody to try to cross two or three lanes of traffic, would be very, very difficult. Now, saying that, can I tell you 100% that nobody will do that? I can't. That 1% that might, sometimes you don't control what people do. However, for the vast

majority, that will work. And you can't take a left in. So, if you're going on the other side of the street, you can't take a left into that curb cut.

Mr. Pedro: Ok.

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Mr. Phoenix: I would think, although again, it's hard to guarantee much of anything, I think if you were to watch the traffic coming out of the top exit from Big Y onto Center Street at rush hour in the morning or the evening, I can almost guarantee you that during that time period you're gonna see people taking a left out of there across multiple lanes of traffic. So, thinking that…

Mr. Colaccino: That's where Big Y is.

Mr. Phoenix: Yes.

Mr. Colaccino: Yeah, but that's a full access curb cut.

Mr. Phoenix: I understand that. But we're talking about letting traffic out and make that right hand maneuver directly toward the turnpike, and you're talking about having that primarily servicing an urgent care facility where people might be trying to get to another to facility from there, and they might be trying to do that in the most expeditious manner, and they might not be thinking all that clearly. Part of the argument that you've presented for keeping that entrance there, is people might not be thinking clearly on the way to the facility and might otherwise not turn in properly. You can't have it both ways. Either you have completely rational drivers who will make rational decisions, or you have irrational drivers who will do silly things. And I'm pretty sure that if we ask the people that are in this room that deal with public safety, they will tell you that silly people do silly things on a pretty frequent basis. And I, although my crystal ball is in the shop, just like just about everybody else here, I'd be willing to put a dollar down saying there will be people on a regular basis trying to turn right out of there and go to the Turnpike. And I think to say otherwise is not realistic. I also think that when we look at this plan and we heard last time about the urgent care center not being happy if that curb cut were to go away, those are decisions that were made without the benefit of this plan having been done. And trying to say that we, as the Planning Board, need to make a decision about what's right for public safety for this town, taking into account comments from the Safety Committee that said that they don't like that curb cut there, that they think that that's unsafe, we have to override that because we have something that DOT said that, ok your plan is an ok plan, or because urgent care said we want that because that's what you showed us. That's essentially trying to blackmail us into letting the urgent care facility in and trying to say you have to give it to us 'cause DOT said that that's there, and I don't buy it. I don't buy it for a minute. That's not what's appropriate for the Town. Like Joe said, you own ¾ of that intersection. That gives you a bigger obligation to make sure that the whole thing is safe. That doesn't abnegate it.

Mr. Colaccino: And we think it is.

Atty. Freyman: Yup, right. And the Safety Committee isn't opposed to it, they, their latest comments are that they're ok with the left in, but not the right out, which doesn't really follow, I mean.

Mr. Colaccino: The other way around.

Atty. Freyman: Oh, ok.

Mr. Colaccino: The other way around; the out but not the in.

Atty. Freyman: The out but not the in. Sorry.

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Mr. Colaccino: The Safety Committee has commented that their ok with the right out.

Atty. Freyman: Right, but not the right in.

Mr. Colaccino: ...but not the right in. And we have a traffic engineer that, I mean, usually you like to get cars off the road, you know, so they're ok with the out portion of that.

Mr. Queiroga: Which you think it would be the other way around.

Atty. Freyman: Right, right.

Mr. Quiterio: Mr. Chairman?

Mr. Phoenix: Yes.

Mr. Quiterio: We have the traffic engineer. We can hear from him a little bit.

Mr. Hesketh: Certainly. Well a couple things, one, the driveway as shown on the plan here was designed, not by us, but was designed by the Department of Transportation. I assume that their engineers took a look at the safety factors involved in that and made a decision that it was safe to do. I believe it was reviewed by your Department of Public Works and your Town Engineer, who also reviewed it and came to the same conclusion that the driveway as shown on the plan is safe to operate. We are accepting of the driveway as it is shown. Right turns in and out are, right turn movements are generally the easiest and safest movements to be made at an unsignalized intersections. The driveway today is a full movement driveway. It is in close proximity to the intersection, and left turns in are not desirable as shown on the plans, as prepared by the Department of Transportation. We concur with that. So, the driveway is an improvement over existing conditions by installing the center median to restrict movements to right turns in and right turns out. We're accepting of it. The Department of Transportation designed it. The Department of Public works has reviewed it and is ok with it. I'm ok with right turn in and right turn out movements. Is it possible that someone could exit the site and cut across to the Turnpike? Certainly. You've got a wide roadway there. People could make U-turns in the roadway as they so desire. So, you're not going to stop that from happening, but with signage and the proper design, it can be discouraged. The proper design was designed by the Department of Transportation, so we're comfortable with it.

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

Mr. Pedro: Mr. Chairman, I have one more question. What do you anticipate of traffic increase from the previous business that was there to the proposed business that will be there?

Mr. Hesketh: Well, it's all in my report. We're looking, it's potentially 100 trips, to 125 trips during the peak hours with the fast food restaurant and the urgent care center, if the urgent care center was a medical office building. It's proposed as a medical use, and a medical office

building is a higher trip generator than an urgent care facility. If the urgent care facility's there for a couple years and goes out of business and somebody else moves in, it could be a higher rate. So, our report shows a higher rate. As an emergency care center, you're gonna get a handful of trips an hour into and out of there, 'cause people who are sick, they're, they've been injured. That's not something that happens all the time. You've heard some testimony that people might come for physicals on occasion, so there may be sometimes when it's a little busier. But, the urgent care facilities, if you've ever been to one, there's one or two people sitting in the waiting room waiting for a doctor. It's not a busy type of use, so the increase in traffic might be one to two trips per minute during the peak hour times. On our report, we've shown all of our site traffic out directly to Center Street. There's also the access through the back, through the Dunkin Donuts out to the traffic signal at the intersection. And if people are going, people familiar with the site, if they're going to the interstate highway, to the Mass Pike, they certainly would probably use that back way. And if we're gonna sign the driveway no access to the Pike, maybe one or two internal signs to direct people in that direction, we can further limit it.

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Mr. Colaccino: And we have a cross access easement with the Dunkin Donuts. So, that's where we think that people accessing the Pike will go there to the traffic signal and access it there in that fashion.

Mr. Pedro: Ok, thank you.

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

Mr. Pedro: Nope.

Mr. Phoenix: This being a public hearing, we'll open it up to public comments, questions and concerns at this time. I'll ask that anyone that does have anything, please state your name and address for the record and address everything through myself as Chairman, and we'll do our best to get you any responses that you need. Mr. DeBarge.

Mr. DeBarge: Mr. Chairman, my name's Derek DeBarge. I'm the Chairman of the Board of Selectman. Without trying to be too redundant, I just want to say that, first of all, the Colvest Group as we know, has been here for quite a long time and has been a great friend to the Town of Ludlow with their businesses, their investments, and of course, their tax dollars. As the Chairman of the Board of Selectmen, I am grateful for that, and I'm also grateful for their new businesses coming into Town. That being said, as I had been getting into this curb cut situation, I initially didn't understand because it seemed quite simple to me as a DOT design, the DPW had no issue with it, so I really didn't understand what the problem was. Me not being an engineer, but being a retired police officer in Town for 17 years, and coming up and down Center Street more than 100,000 times, and understanding how traffic works, and then seeing the, basically, the one, I guess, vote of dissention, would be one way to put it, from the Safety Committee, saying that they agree with the right out but not the right in, I'm sorry, but, to me, doesn't make sense. And if I thought there were something unsafe with my background, I would be here saying something different, as the community is most important to me. And I don't see a problem with the right in or anything with this curb cut being unsafe. With the design I have seen in Mr. Stefancik's office, the entire design, he explained it to me, and I see it being a good design, a productive design, and you're right, if there's gonna be an idiot, there's gonna be an idiot. I've seen it. We've all seen it. It is what it is, and we're not going to be able to stop it. But, signage or the true design of it will stop the majority of the idiots. The 98% of the good

drivers will follow the design as it goes. I frequent the area, and that curb cut as it is now, there are very few that try to get into the Pike on that spot. They usually go over to either the further spot or they go out another way. And that's why I'm here to endorse that, that curb cut. And that's all I have. Thank you.

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Mr. Phoenix: Anything else? Hearing nothing, I suppose the first thing we should do is take a motion and a vote on the special permit, and then separately on the site plan. Is there a motion on the special permit?

Mr. Queiroga: Mr. Chairman?

Mr. Phoenix: Mr. Queiroga?

Mr. Queiroga: I **MOVE** to approve in the usual way the site plan for…

Mr. Pedro: Special permit.

Ms. Houle: Special permit.

Mr. Queiroga: I'm sorry, you want that first?

Mr. Phoenix: Yes, 'cause otherwise the site plan doesn't make a whole lot of sense.

Mr. Queiroga: Ok. I will change my motion to special permit, to grant the special permit, I **MOVE** to approve the special permit for Ludlow Center, LLC, the Colvest Group, 471-485 Center Street under 7.0.4 a-m, with the condition that the special permit will run with the applicant and not with the property.
SECOND Ms. Houle.
5-1-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Pedro – yes; Ms. Houle – yes; Mr. Phoenix – no.

Mr. Phoenix: Is there a motion on the site plan?

Mr. Queiroga: Mr. Chairman, on the site plan, I **MOVE** to approve and sign the site plan for Ludlow Center, LLC, the Colvest Group, 471-485 Center Street. I'm just gonna, do you have any problem with providing that sign and have the DPW put the wording?

Mr. LaPointe: The DPW and DOT are both gonna have to agree with what we're putting up there.

Mr. Queiroga: Ok. That be said, the usual.
SECOND Ms. Houle.
4-0 in Favor.

Mr. Phoenix: Is there a MOTION to close the public hearing?
SO MOVED Ms. Houle.
SECOND Mr. Quiterio.
4-0 in Favor.

Hearing closed at 7:40 p.m.

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APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

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Documents: Master application; abutters list; Comments from Town Departments/Boards; Email from Dana P. Steele, P.E. re: revised sheet 3 addressing comments (Sept. 23, 2019); Letters of support of ConvenientMD; Drainage Report (July 2, 2019); Plan Set: The Colvest Group, 471-485 Center Street Ludlow, Massachusetts (8-22-19)

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / ACCESSORY APARTMENT
356 Ventura Street – Pablo & Dana Madera
(addition of a 540 square foot accessory apartment)
September 26, 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)

Hearing began at 7:42 p.m. in the Selectmen's Conference Room.

In attendance: Pablo and Dana Madera

Mr. Phoenix read the legal notice, gave Mr. & Mrs. Madera a copy of the invoice from Turley Publications and reviewed the application. The legal notice included the description of: addition of a 540 square foot accessory apartment.

Mr. Phoenix: From DPW, we have no comments back. From Fire, we have: *Ludlow Department has reviewed the plans as presented, where alterations, repairs, or additions requiring a permit occur or where one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings. (IRC R413.2.2) Fire prevention office requires construction documents for fire protection and carbon monoxide systems to be submitted for review and approval and a permit to be issued prior to installation, rehabilitation, or modification. A final walk thru acceptance test must be performed prior to occupancy. At this time, the Ludlow Fire Department has no additional comments. We do, however, expect all applicable federal, state, and local codes to be followed during the course of construction on this project. Sincerely, Seth Falconer, Fire Prevention Officer.* From our office, specifically from Doug, we have in highlighted stuff here: *The accessory apartment will be 540 square feet and will be occupied by the owner's parents. The existing house was built in 1971. The accessory apartment meets the Accessory Apartment Bylaw Criteria.* He then highlighted mother, father below. Everything else is happy black ink with no red. We have from the Board of Health: *The Board of Health requires the current owners to write a letter of intent for use of the dwelling to remain used as a 3-bedroom home. Upon septic system failure, the Board may require upgrading the system to a 4-bedroom design. The cement septic system is designed to accommodate this accessory apartment provided the dwelling remains 3-bedrooms.* And then we have a letter in here. (Mr. Phoenix read the letter of intent addressed to the Board of Health, from Pablo & Dana Madera, stating that the number of bedrooms will remain as 3 with the addition of the accessory apartment. *See file)* And beyond that, I know we don't have a huge audience, but I am somewhat compelled to tell people that they are being recorded, cameras are doing camera things. They are

on cable access. They are on the inter-webs. They are in the tubes that make that thing up. Beyond that, you want to just explain what you're looking to do?

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Mr. Madera: So that plans that have been proposed by the design, basically, is that we're taking our great room, which is a large room, 20 x 30, and we are turning it into an accessory apartment, for my parents to keep them on one level. They have medical issues that prevent them from climbing up and down stairs, and this is gonna make it safer for them. Due to the design and the way, after meeting with the Health Department, they indicated the issues concerning the septic system, which is, in 2003 passed Title V inspection without any issues or concerns. It has a black water and grey water system which separates laundry area, laundry use, and bathroom use. It's maintained on a yearly basis. We understand our current tank is a 1,500-gallon tank with a 250 grey water tank, so I'm very confident that our septic system can handle that. Even though the designer decided to take one of the bedrooms and turn it into a pass way into the expansion of the loft. That'll become a recreational area, basically. There's a half wall there that'll meet, be maintained overlooking the accessory room that's gonna be upstairs. So, I think if it was ever gonna be turned into a full bedroom, the wall would have to be closed up, doorways would have to be put in, and a closet, so that's basically the use of that room. At that point in time, I would be applying to change the septic system myself, if that was the case, but we have no desire to do that. It's only four of us in this home, two of us who were there for the last four years, and now we brought our parents home with us and there's four of us. So, that's the total amount of people who'll be there. And family comes over, grandkids, stuff like that. So, that's our goal, and that's what we're trying to accomplish here.

Mr. Phoenix: Sounds reasonable. Any comments or questions from this side of the table?

Ms. Houle: Nope.

Mr. Madera: Do you have anything to share? I don't want to control the whole ---.

Ms. Madera: We're not, the main thing is that we're not expanding the house. Lord knows, it's plenty of house for two people. And all we want to do is renovate inside to add the elders. That's it.

Mr. Phoenix: Ok, this being a public hearing, I am gonna open it up to public comments, questions, concerns at this time. If anybody does have anything, I'd that they state their name for the record and address everything through myself as Chairman, and I'll do my best to get you the answers that you need. Does anybody have anything at this time? Hearing nothing, is there a motion?

Mr. Queiroga: I have just one question before I make a motion, which is, do we have to waive the full plan?

Mr. Phoenix: I don't think, yeah, I don't think we did that on the, on here.

Mr. Queiroga: So, can I do that first?

Mr. Phoenix: That's with the, that'd be if this was a home office. This is ---.

Mr. Stefancik: This is just special permit. It's not a site plan.

Mr. Phoenix: No, if anything we would just make a finding that it's a…

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Ms. Houle: ---. You actually do have it written here.

Mr. Stefancik: Ok.

Mr. Phoenix: … relative which we have already attested, so.

Mr. Queiroga: Ok, then I'll, Mr. Chairman, I'll make a **MOTION** to approve the Special Permit under 7.0.4 a-m and the accessory apartment under 6.6.1-6.6.3 a-l for Mr. and Mrs. Madera with the condition the Special Permit will run with the applicant and not with the property, that the relationship of the accessory apartment and tenant will remain consistent with the terms of this Bylaw and the follow up documentation will be provided by the application proving this continued relationship.
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: Is there a MOTION to close the public hearing?
Mr. Queiroga: **SO MOVED,** Mr. Chairman.
SECOND Mr. Quiterio.
5-0 in Favor.

Hearing ended 7:50 p.m.

APPROVED:

Kathleen 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).

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