TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
January 23, 2020

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PLANNING BOARD MEMBERS

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

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

Mr. Coelho acted as Chairman in Mr. Phoenix's absence.

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Brian Getto – 350 West Street – Lot #30 (carpentry)

SEE ATTACHED MINUTES

File Mail Item #09 – Email from Armand Nunes addressing gate concerns on Barre Drive

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PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Marjorie L. Pond – 37 Brookhaven Drive (bake & sell cookies)

SEE ATTACHED MINUTES

PRELIMINARY SUBDIVISION – Sofia's View & Rosa's Way (Miller Street) (Map 26, Parcel 36A & Map 25, Parcel 24) – Daniel's Gravel Bank, LLC

Amandio Fernandes, Connie Fernandes, and Don Frydryk – Sherman & Frydryk were present for the appointment.

Mr. Frydryk explained that the Fernandes' are looking to put in a subdivision connecting from Cislak Drive and Sunset Ridge back down to Miller Street to complete the loop from the Cislak Subdivision. He noted that the proposed subdivision contains approximately eighteen lots, as it is laid out right now, four stormwater parcels, and approximately 2,400 feet of road on Rosa's Way and 1,870 feet of road on Sofia's View. He remarked that there is sewer from Sunset Ridge to Sofia's View, possibly doing grinder pumps from some of the lots on Rosa's Way up to that sewer. Mr. Frydryk said that in response to the comments from DPW, they will investigate whether sewer can be extended from Miller Street down to the intersection of Rosa's Way at Miller Street for the definitive plan.

Mr. Coelho read the comments from the Town Boards and Departments (*see file*). Mr. Frydryk said that all of the comments will be addressed on the Definitive Plan including a traffic analysis for the site distances.

Mr. Queiroga: I **MOVE** to approve the preliminary subdivision for Mr. Fernandes at Miller Street for Daniel's Gravel Bank, LLC. That'd be it.
SECOND Ms. Houle.
4-0 in Favor.

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Documents included: Master application; comments from Town Depts./Boards; Preliminary Subdivision Plan of "Sofia's View and Rosa's Way", Parcel 36A, Miller Street Ludlow, MA (1/3/20)

PRELIMINARY SUBDIVISION – Riverside Drive (100 State Street) (Map 14B, Parcel 130) – Town of Ludlow

Sarah la Cour – Westmass Development Corp., Larry Rusiecki – Wright–Pierce, Thomas Hogan – Wright-Pierce, and Ellie Villano – Town Administrator were present for the appointment.

Ms. la Cour explained that this new road will provide new access to the back portion of the site and the far eastern most wooded area of the site. She noted that the Town received funds from the MassWorks Program and the Federal Government US Department of Commerce Economic Development Administration Funds for the project.

Mr. Hogan commented that the proposed roadway is approximately 4,139 feet, and travels from the State and East Street intersection southerly and easterly into its connection with First Avenue. He said that the roadway was developed in accordance with the Town's Subdivision Regulations. Mr. Hogan went on to say that the road is a twenty-foot wide travel way with two travel paths, and new sewer, water, gas, electrical, and communication services which will be shown in more detail on the final plan within the definitive plan set. He remarked that they have reviewed all of the written comments from the Ludlow Planning Department, Fire Department, and the Department of Public Works, and that he feels confident that all of the comments can be sufficiently addressed within the definitive detailed plan development.

Ms. la Cour commented that the Riverwalk will be continued as part of the road development. Mr. Hogan said that the Riverwalk will be extended where it terminates now, and then transition into more of a normal roadway cross section so that it continues and augments the natural pedestrian foot traffic coming down First Avenue.

Mr. Coelho read the request for the waiver of the full fee for the subdivision plan.

Ms. Houle: Mr. Chairman, I **MOVE** to waive the fee for this preliminary site plan.
SECOND Mr. Queiroga.
4-0 in Favor.

Mr. Coelho reviewed the comments from the DPW, Fire Department, Assessors', and Board of Health.

Mr. Hogan commented on the three waivers that were requested for the preliminary plan. He said that the first waiver addresses the roadway being slightly off-center due to the historic rowhouses and the Riverwalk that exist there.

Mr. Queiroga: Mr. Chairman, I **MOVE** to possibly waive, to waive the location of the proposed street as centered within the right-of-way, and as it may be needed.

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Mr. Coelho: Again, to possibly waive, you're not moving to waive, right? I want to make sure this is clear in case something, you know.

Mr. Queiroga: Possibly is a good word.

Mr. Coelho: Ok.
SECOND Ms. Houle.
4-0 in Favor.

Mr. Coelho talked about the second waiver request regarding sidewalks.

Mr. Queiroga: I would like to do a possible waiver on item #2 because of the required measurement difference in some areas which may require a bit moving in one direction or another.

Mr. Coelho: As related to moving the sidewalks.

Mr. Queiroga: Correct.

Mr. Coelho: In favor of the Riverwalk.

Mr. Quiterio: Because there's a Riverwalk instead.

Mr. Coelho: Ok ---.
SECOND Ms. Houle.
4-0 in Favor.

Mr. Hogan explained that what waiver request three addresses is that there is a transmission line easement that is coincident with the road, and that Eversource often does not want trees within their easement that could grow maturely within those areas. He suggested that they could direct the efforts that could have done in the roadway and plant the trees somewhere else in the vicinity. Ms. la Cour suggested that some of the trees could be placed in different locations instead, such as the park. Mr. Coelho said that he would like to see those trees called out specifically in the definitive plan.

Mr. Queiroga: --- possible waiver here with concern that you would try to stay within the amount of trees that the distance calls out, but to give you some versatility as to where they might go. Is that, would that be fair?

Ms. la Cour: That's pretty much.

Mr. Hogan: Yes.

(multiple people talking)

Mr. Queiroga: I'll put that in a **MOTION**.

Mr. Coelho: I'll, yeah.
SECOND Mr. Quiterio.

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Mr. Coelho: So, there is a motion that Doug duly recorded clearly, and there is a second. All those in favor?
4-0 in Favor.

Mr. Queiroga: I continue to make my **MOTION** to approve the preliminary subdivision for the Town of Ludlow Riverside Drive Preliminary Plan.
SECOND Ms. Houle.
4-0 in Favor.

Documents included: Master application; Waiver request; Comments from Town Depts./Boards; Town of Ludlow, Massachusetts Riverside Drive January 2020 Preliminary Plan (1/21/2020)

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 08. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of December 12, 2019 & January 9, 2020

Town Report (*tabled from 1/9/20*)

Ms. Houle: I make a **MOTION** to submit the Town Report as written to the Selectmen for inclusion in the town report.
SECOND Mr. Queiroga.
4-0 in Favor.

Zoning Bylaws

Mr. Stefancik explained the following draft zoning bylaw changes for the May 2020 Town Meeting:

1. **ARTICLE:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by removing **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations 3.0.4 Fences, by removing the last sentence:**
   All fences four (4) feet and higher require a building permit.

   Reasoning: Board of Selectmen do not want to permit fences.

2. **Article:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations by adding to b. 1. Accessory Buildings. "All accessory buildings require a permit from the Building Department."**

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b. **Accessory Buildings**

(1) An accessory building attached to its principal building shall be considered an integral part of the principal building and as such shall be subject to the open space requirements applicable to the principal building. ***All accessory buildings over 200 square feet require a permit from the Building Department.***

Reasoning: Accessory buildings will only require a building permit if they are over 200 square feet.

3. **Article:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations c. Accessory Livestock Agriculture by adding "and roosters" to the excludes livestock category.**

New Section to read:

c. **Accessory Livestock Agriculture**

On land used for agriculture and livestock agriculture with five (5) or less acres, and with the approval of the Board of Health, the following uses are allowed and may be considered as accessory uses if the use is for the occupants only: the keeping of a small flock of poultry of not more than 25 birds, the keeping of saddle or riding horses (as outlined in Section X, Definitions), and other farm animals, excluding pigs ***and roosters.***

Reasoning: The Board of Health asked that the zoning bylaws be amended to exclude roosters under Accessory Livestock Agriculture.

4. **Article:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS 6.2 HOME OCCUPATIONS 6.6 ACCESSORY APARTMENT BYLAW by removing section 6.6.3 j. Dwellings must be in existence, and not substantially altered for a period of three (3) years prior to the filing of the conversion permit.**

Reasoning: When building new residential construction, you cannot add an accessory apartment at the same time.

Mr. Stefancik: We just need a MOTION to send these to the Board of Selectmen for inclusion on the Town Warrant.
Mr. Queiroga: **SO MOVED**.
SECOND Ms. Houle.
4-0 in Favor.

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Mr. Coelho: So, I guess a MOTION to adjourn would be in order.
Mr. Queiroga: **SO MOVED** Mr. Chairman.
SECOND Ms. Houle.
4-0 in Favor.

Meeting adjourned at 8:09 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
350 West Street, Lot #30 - Brian Getto
(carpentry)
January 23, 2020

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PLANNING BOARD MEMBERS

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

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

Mr. Coelho acted as Chairman in Mr. Phoenix's absence.

In attendance: Rebecca Dobert

Mr. Coelho read the legal notice, advised the attendees that cameras are recording, gave Ms. Dobert a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – carpentry.

Mr. Coelho: Wow, you've been prepped very well. I think your Town Planner and his able-bodied assistant have been doing pretty good work this week, huh? Grant findings and waivers. Let's see here. Now, ok so, we've got the checklist. So, why don't you explain to us what you guys want to do over there.

Ms. Dobert: Sure, Brian lives there. He has a small carpentry business. He pretty much, the only thing at his home is an i-pad and a printer he prints from. For the most part he works at customer's homes and he does all the work there.

Mr. Coelho: And you guys won't be storing anything on site with building material wise, or?

Ms. Dobert: He never stores anything on site. He usually meets a customer at Home Depot, gets what they need, and drops it off and it stays at their home till he gets the work done.

Mr. Queiroga: Does he own the house?

Ms. Dobert: Yes, he owns, it's a trailer, he owns the trailer, yes.

Mr. Coelho: Ok, here's the waiver request. So, first we need to make the finding. Do I go to the audience first before we make findings and waivers or?

Mr. Stefancik: You can make a finding and a waiver and then open it up for public comments.

Mr. Coelho: Ok. So, if anybody from the Board has any questions, I will be more than excited to entertain a finding here.

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Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: I find and **MOVE** to find that the office at home for the carpentry business as described by the representative for Brian is, meets the criteria for a home occupation under the Bylaw.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: So, what we did is we just said the way you described it is acceptable. Now, we have a request here to waive the requirement for a full site plan as defined by the Bylaw, in favor of a site sketch and some photos showing the approach to the property. So, they did request that we waive that. I have passed photos. Has everybody had the opportunity to look at them?

Mr. Queiroga: Yes.

Mr. Coelho: Do we feel these photos are descriptive enough?

Mr. Quiterio: Yes.

Mr. Coelho: Ok. So, I would be willing to entertain a motion for the waiver.

Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: I would make a **MOTION** to waive the full site plan for Mr. Getto at the, in favor of a sketch and photos to be prepared by the applicant since this is in relation to a home occupation and doing so is consistent with the purpose and intent of our laws, zoning laws.
SECOND Mr. Quiterio.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Ok, and now may I ask what you relation to Mr. Getto?

Ms. Dobert: I'm his girlfriend.

Mr. Coelho: Ok.

Ms. Dobert: Yup.

Mr. Coelho: And it seems here that he's, the owner is Bonnie Kennedy?

Ms. Houle: Of the property, right?

Ms. Dobert: Must be the mobile home owner, yes. I'm not aware of his name, but I do know there is an owner that kind of oversees the whole community.

Mr. Coelho: Ok, at this point I'm going to open it up to comments from the public. Does anybody out there have any questions or would like to speak on this? Ok, hearing none, the applicant has signed our checklist, so they are aware of the criteria for which you're gonna have to abide by, otherwise you'll be out of compliance that could result in a revocation of this if you don't follow these rules. So, she signed off on it, he signed off on the fact that he knows that, so that's good. Right, I don't have to go through it anymore?

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Mr. Stefancik: No ---.

Mr. Coelho: Public comments we already did. I'm looking for a motion now to approve this.

Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: I **MOVE** to approve the Special Permit for Mr. Getto under 7.0.4 a-m and the Home Occupation under Section 6.2.1 to 6.2.13 for Mr. Getto with the restriction that the permit will run with the applicant and not with the property.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: The motion passes 4-0. MOTION to close?
Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle.
4-0 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).

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT
37 Brookhaven Drive – Marjorie L. Pond
(bake & sell cookies)
January 23, 2020

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PLANNING BOARD MEMBERS

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

Hearing began at 7:10 p.m. in the Selectmen's Conference Room.

Mr. Coelho acted as Chairman in Mr. Phoenix's absence.

In attendance: Marjorie Pond

Mr. Coelho read the legal notice, advised the attendees that cameras are recording, gave Ms. Pond a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – bake & sell cookies.

Mr. Coelho: Why don't you go ahead and give us a brief description of what you'd like to do. I think it's pretty evident, but for the record.

Ms. Pond: I've been baking cookies forever, and I've decided that I'd like to sell some. I want to bake them in my home. I won't be marketing them from the house. I'll just be baking them there, and, you know, occasionally people will pick them up, but for the most part they'll be sold at farmers markets, that sort of thing.

Mr. Coelho: Ok, and you won't be having a vehicle of over 10,000 gross vehicle weight to deliver those cookies? Great.

Ms. Pond: Heavens no. We don't deliver.

Mr. Coelho: Especially with a big truck. --- I did that, I did that. I like this checklist. Grant findings and waivers. So, once again, here we have, we need to find out what she's proposing is suitable under our home occupation. So, I'd be willing to accept a motion.

Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Unless you guys have any other questions for her.

Mr. Queiroga: No, the only other question is, I know that with people who do this, and we have quite a few applicants who come in, especially recently, they do have to get in touch with the Health Department. Is there a, I believe ---.

Ms. Pond: So, I get these certifications, I've already done it.

Ms. Houle: Yeah, I think there's some other stuff that you need to do with them.

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Ms. Pond: ---

Mr. Queiroga: --- check with the Health Department.

Ms. Houle: If there's anything else they require.

Mr. Stefancik: I think she may have already went to the Health Department.

Ms. Pond: I've done that.

Mr. Queiroga: You've done that?

Ms. Pond: Yeah, I'm a little bit ahead of the game because I'm anxious.

Mr. Queiroga: Very good. Mr. Chairman, I'd like to make a finding to find that the home occupation as described by Marjorie Pond would be, is a suitable home occupation under our Bylaw.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: So, basically we said that.

Ms. Pond: It's ok to move forward.

Mr. Coelho: It's ok that what you're planning on doing there is appropriate.

Ms. Pond: Ok. I have a question. I always have questions, I'm sorry.

Mr. Coelho: Sure.

Ms. Pond: The twenty day…

Ms. Houle: Appeal period.

Ms. Pond: …time for people to place objections, can I move ahead with the health department during that time.

Mr. Coelho: I don't see why not.

Ms. Houle: I would.

Ms. Pond: I can, yeah.

Mr. Stefancik: Yeah.

Mr. Coelho: And they're cookies.

Ms. Pond: Is that twenty-one, twenty business days or calendar days?

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Ms. Houle: Calendar days.

Ms. Pond: Ok.

Mr. Stefancik: From the time that we submit the special permit to the Town Clerk's Office, then when it's off the twenty-days, it comes back to the Planning Board for signatures, and then we'll release it to you.

Ms. Pond: And when will it be submitted? After today?

Mr. Stefancik: Possibly tomorrow. Tomorrow, yeah. We try to move things along quick.

Ms. Pond: Ok, so approximately twenty days from tomorrow.

Mr. Stefancik: Yeah, yeah.

Ms. Pond: Got it.

Mr. Coelho: Can she bake cookies in the meantime?

Mr. Stefancik: Yeah.

Ms. Houle: We don't want to know that.

Mr. Coelho: Ok, ok it's one of those questions.

Ms. Pond: When's your next meeting?

Mr. Coelho: I don't need any cookies. I'm sure they're delicious. So, she does, has requested that in writing that we waive the requirement for full site plan, and accept a site sketch with some pictures. Did you bring any pictures with you?

Ms. Pond: I gave them to Doug.

Mr. Stefancik: They should be in the…

Mr. Coelho: So, maybe I just wasn't looking carefully enough? Oh, I wasn't looking carefully enough. So, there's some pictures you guys can all look at. And if you guys feel that those are acceptable, I'd be willing to entertain a motion.

Ms. Houle: Mr. Chairman, I **MOVE** to waive the full site plan for Marjorie Pond at 37 Brookhaven Drive, in favor of a sketch and photos to be prepared by the applicant since this is in relation to a home occupation and in doing so would be consistent with the Bylaw.
SECOND Mr. Queiroga.
4-0 in Favor.

Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Ms. Pond: Thank you.

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Mr. Coelho: I'd also like to, what I have to do next. We're not done with you yet. I have to open it up to the public for public comments now, should anybody have any more specific questions. Anybody here to speak on the proposed cookie business?

Ms. Pond: None of our neighbors are here.

Mr. Coelho: That's good. Sometimes it's not that easy. I don't see anybody interested in speaking to this business. So, I will be willing to…

Mr. Queiroga: Mr. Chairman?

Mr. Coelho: Yup.

Mr. Queiroga: I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1 to 6.2.13 for Marjorie Pond at the location, which is 37 Brookhaven Drive, with the restriction that the permit will run with the applicant and not with the property.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: The motion passes 4-0. MOTION to close the public hearing?
Mr. Queiroga: **SO MOVED.**
Ms. Pond: You done with me?
SECOND Ms. Houle.
4-0 in Favor.

Hearing ended 7:17 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).