TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
February 27, 2020

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 22
TOWN OF LUDLOW

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 – SITE PLAN – 330 & 0 Sewall Street (Map 15B, Parcels 8 & 6)
CPN & J Realty – Paul Santos (update site plan)

SEE ATTACHED MINUTES

~~**PUBLIC HEARING – ZONE CHANGE – 326 & 0 Sewall Street (Map 15B, Parcels 7 & 5)**~~
Paul M. Santos (Residence A to Business A)

SEE ATTACHED MINUTES

PUBLIC HEARING – ZONING BYLAW AMENDMENTS – Planning Board
Proposed zoning bylaw revisions to include the following:
SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.4 Fences, by removing the last sentence. All fences four (4) feet and higher require a building permit.
3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations by adding to b. 1. Accessory Buildings. "All accessory buildings over 200 square feet require a permit from the Building Department." & c. Accessory Livestock Agriculture by adding "and roosters" to be excluded.
SECTION VI: SPECIAL LAND USE REGULATIONS 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.

SEE ATTACHED MINUTES

PRELIMINARY SUBDIVISION – 0 East Street (Map 27, Parcel 31)
Ludlow Renewables, LLC (create conforming frontage at end of Reynolds Street)

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11:23
TOWN OF LUDLOW

Palmer Moore – Ludlow Renewables and Ken Strom – WDA Design Group were present for the appointment.

Mr. Moore explained that what they're looking to do is to create sufficient frontage for this parcel located at the end of Reynolds Street (0 East Street) for a solar energy project that spans six parcels. He noted that the frontage would be created through a private road that would not actually be built for construction purposes, and that the access point for the solar project would involve repurposing the construction road that Eversource has already built for the benefit of their project.

Mr. Stefancik mentioned that the Building Commissioner said that they will have to build the subdivision access road or he will not give them a building permit, and that Conservation said that it couldn't be built due to the proximity of the wetlands. He asked the Board if they would be interested in changing the requirements for solar projects to a 50-foot minimum frontage requirement, down from 140, so that the applicant wouldn't have to come back for a definitive subdivision and waivers on everything.

Mr. Moore remarked that they have been in talks with Eversource for a year and a half to get an easement with them to bring in the power lines from East Street on the north side and about making use of the transmission easement.

Mr. Stefancik commented that the bylaws for the solar fields were written with PVPC and that the frontage requirement of 140 feet was taken off of what already existed for agricultural parcels in the town. He said that changing the bylaw to 50 feet of frontage would help with parcels that have a lot of acreage but have a small amount of frontage. Mr. Stefancik explained that the other regulations for industrial, as well as the Mill Redevelopment District, is only 50 feet of frontage, whereas agricultural is the greatest at 140 feet and that the 50 feet would be consistent with other zoned areas.

Mr. Coelho asked if the frontage requirement can be waived. Mr. Stefancik will contact Town Counsel to see if that waiver would be possible. He also said that the Board could approve the preliminary subdivision and move forward with the bylaw change, and then the applicant wouldn't need to go forward with the definitive subdivision, but instead come in for site plan approval.

Mr. Coelho read the comments from the Town Boards/Departments including the Safety Committee, Board of Health, Town Planner, and Assessors. He also read the waiver request (*see file*).

Mr. Quiterio: I **MOVE** to approve the preliminary subdivision for Ludlow Renewables, LLC at the 0 East Street.

Mr. Queiroga: East Street?

Mr. Coelho: He's right.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN 11 A 11: 22
TOWN OF LUDLOW

Ms. Houle: 0 East Street.

Mr. Quiterio: Yeah. And waiting for the Safety Committee to give us some feedback.

Ms. Houle: That would be for the definitive anyway.

Mr. Coelho: Yeah, before the definitive. They'll definitely get to it before that, that's for sure.

Mr. Queiroga: If you're ok with that, I would **SECOND** it.
4-0 in Favor.

Mr. Coelho suggested that the public hearing for the bylaw change be put on another meeting, and that he wants some comparisons of other communities that have effective solar bylaws to see what their frontages are.

Documents included: Master application; request for waivers; comments from Town Depts./Boards; Preliminary Plan – Reynolds Street Extension (0 East Street) (1/13/2020)

ANR – 0 West Street/62 Nash Hill Road (Map 9, Parcels 18 & 36A) Joan Lupa & Wally Lupa (Lupa Development Company, LLC & Joan Lupa) (proposed lots 2 & 3)

Wally Lupa was present for the appointment.

Mr. Lupa explained that the proposed solar field that they are building overlaps two parcels, and that the ANR is to move the property line to make it easier for taxation for the town.

Mr. Queiroga read the ANR checklist:

1. *Property owner's name, date of plan, and scale of plan.*
2. *A space for endorsement by the Planning Board.*
3. *The names of all abutters.*
4. *The lines of existing streets, ways, property lines, and easements. Indicate whether streets and ways are public or private.*
5. *The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.*
6. *Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.*
7. *The location of all property corner monuments and whether they were found or set.*
8. *The location, frontage, and area of the land remaining in the original parcel*

after establishing the new parcel.

9. *The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.*

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 23
TOWN OF LUDLOW

10. *The location of all existing buildings and the distance from the existing buildings to the new property lines.*
11. *If a building lot is intended, the frontage requirement at the setback line must be shown.*

SUBMISSION: Two (2) Mylar's plus four (4) sets of prints (dark line on white background) shall be submitted to the Board for endorsement.

Mr. Quiterio: I **MOVE** to endorse the ANR for Joan Lupa and Wally Lupa at Lupa Development Company LLC and Joan Lupa.
SECOND Mr. Queiroga.
4-0 in Favor.

Documents included: Master application; Subdivision Approval not Required Plan – West Street, Nash Hill Road Ludlow, MA – owned by Lupa Development Company LLC and Joan Lupa (January 27, 2020)

File Mail Item #16 – Articles for the May 11, 2020 Special Town Meeting within the Annual Town Meeting Warrant from Ellie Villano, Town Administrator

---

File Mail Item #17 – Notice that the Board of Selectmen voted not to exercise the option to purchase the parcel of land known and designated as Lot 36A off West Street.

File Mail Item #18 – FEMA Final Chicopee Watershed Discovery Report

---

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 15. - Legal Notices from surrounding communities
- SIGN Special Permits:
  - Marjorie L. Pond– 37 Brookhaven Drive (bake & sell cookies)
  - Brian Getto – 350 West Street - Lot #30 (carpentry)
- APPROVE/SIGN Bills – Turley Publications (legal notice for zoning bylaw amendments)
  – Schwaab, Inc. (office supplies)

Mr. Queiroga: With nothing else on our schedule, I'd like to make a **MOTION** to adjourn.
SECOND Ms. Houle.
4-0 in Favor.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 22
TOWN OF LUDLOW

Meeting adjourned at 8:05 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.)

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 23
TOWN OF LUDLOW

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE PLAN
330 & 0 Sewall Street (Assessors' Map 15B, Parcels 8 & 6)
CPN & J Realty – Paul Santos
(update site plan)
February 27, 2020

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11:22
TOWN OF LUDLOW

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: Paul Santos

Mr. Coelho read the legal notice, advised the attendees that cameras are recording, and reviewed the application. The legal notice included the description of: update site plan.

Mr. Coelho: Ok Paul, why don't we, give us a little synopsis of what's happening over there and?

Mr. Santos: Alright, so what we have here is, we have Sewall Street Auto Service in that spot. They've been there a few years. We purchased the property back in July. We did the closing in July 2019. Sewall Street Auto Center did not have a site plan on file. As you know, things move very slowly, so we had to hire a surveyor. In communication with Doug, we were able to get everything together where we have an up to date site plan to operate that particular business there at that site. So, that site right now, what they're doing is they're doing auto repair and they're also selling cars. They have a dealership license for five cars. But there's been some change. I spoke to Mr. Federico, Francis Federico who runs the operation and he is going to retire. He is no longer going to be doing auto repair at that location. I, personally, am going to close that down as an auto repair. I do not want an auto repair there anymore. The place looks like a junkyard and I do not want it to look like that, but I do not want to lose the license for the five-car sales. So, we're gonna keep the license, I am no longer going to keep that as a garage. What I would like to do, in the near future, I'm going to file an application, see what the process is, I'm going to open up my own business there, I'm gonna open up a driving school. So, I'm going to be turning that garage into a classroom and an office, as you know, as driving schools open up, we do a one-week course. We're only there five weeks out of the year, and we'll be doing some parent classes and some road tests out of there at least once a month. We will not have any office hours there because, as you know, with the internet we have one main office in Springfield, everything is going to be operated out of there. If someone wants to meet us, we'll meet people there by appointment only.

Mr. Coelho: Have we looked into his future plans? Is there any snags really to zoning or anything?

Mr. Stefancik: No, 'cause it's a service, so they still would be able to operate there. And the service, the parking would still be the same 'cause it's 200 I believe; 200 square feet for floor space for auto repair would be the same for any type of service, so I'd look at that as a service. So, seven spaces, he'd still have, I mean, he may want to, if his auto repair's going, he may want to just change the.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 25
TOWN OF LUDLOW

Mr. Coelho: Sounds like he's put some thought into this, so I think it's probably coming. Would he be able to do that with a site plan addendum or would he have to go through the whole site plan ---?

Mr. Stefancik: Maybe he can do that now. He can go back to Paul Smith and just change, go, if auto repair's leaving, they could change that to driving school and.

Mr. Coelho: Well, I mean, clearly he's here today to dot his i's and cross his t's the way it is now. Would he be able to switch that use with an addendum if he needed to?

Mr. Stefancik: Yup, or they could do a Change of Occupancy.

Mr. Coelho: Change of Occupancy, ok.

Mr. Queiroga: Just a question. Paul, we have two things for you right?

Mr. Santos: Yes.

Mr. Queiroga: One is the site plan, the other one is the zone change.

Mr. Santos: Yes.

Mr. Queiroga: Ok, out of these two, I mean, I think it's a great idea.

Mr. Stefancik: Sure.

Mr. Queiroga: I'd love to get that place cleaned up. How do we, how does that play, is the zone change because of the business?

Mr. Stefancik: The zone change is in the back of the property.

Ms. Houle: Oh, the back part.

Mr. Stefancik: The zone change is not on the --- property.

Mr. Santos: The big picture here, I own the 314 Sewall Street which is next door. There used to be a chiropractor, the bridal shop was there years ago, we have that parking lot. So, what I have in mind for that area is, again the first thing, short term is to clean it out, get those cars out of there, clean it. I have already a permit, we're gonna start next week. We're gonna take down two car garage that's in the back, and the shed that was also a small engine repair shop. You're no longer gonna see any chickens or dogs biting people. That's all coming down next week. I

already have plans. I got the permits. So, I'm gonna clean up the area, and what I'd like to do with after we get the site plan and hopefully if we get the zone change, I want to bring those properties together. I'm not gonna put anything there. I don't have any plans of any extensions, nothing. I just want to bring it all together, clean it up, open it up, and maybe by having my business there, and hopefully to rent the, because I have a house in the back which is residential right now and that's gonna be the zone change. No-one's gonna rent that house and I don't want to deal with tenants. I'd rather just, hopefully I can find a dentist, a lawyer, somebody, fix up the house, put somebody back there. No-ones gonna rent a house looking at a junk yard. You know, you can't even come in and out. So, by cleaning that out, by getting rid of those sheds, garages, it's going to bring everything together, it's going to clean it up, and that's what I want. I don't want any more. I was an abutter myself. I had to live there, look at that too. But, that's what I have for short term right now, even long term. I have no plans to do anything.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11:22
TOWN OF DUDLEY

Mr. Coelho: I just want to make sure it's gonna…

Ms. Houle: This part's Business A, the back part's Residence, or…

Mr. Santos: Yeah, the reason why we're doing this is because at the time that I was talking to Doug…

Ms. Houle: There's no site plan.

Mr. Santos: …the garage, there was no site plan for him to operate his garage, the service garage, he needed a site plan. So, at the time, he was still going to stay. That was the plan. But, what I also would like to do, if I bring the properties together, if I put an ANR together, I want to keep that license. I do not want to lose the license for the five cars. That's all we want is five cars. And I spoke to Mr. Federico, he's retiring, but he also --- at least have the five cars here. That's not a problem. I'm gonna keep one of the bays in the back, make that an office for him, and that'll be his little retirement thing. The license only says for five cars, but at the time we needed the site plan and only that particular location there. So, let's say, we continue with the auto sales, which we plan on doing, we're not gonna put cars on 314 Sewall Street. We're not gonna put cars at 330 or 326 in the back, only this particular area is going to have the vehicles. That's why, again, I think that we needed the site plan also, just to keep this just for the dealership spot, let's say.

Mr. Coelho: Ok, any questions ---? Alright, I'm gonna read the other committees…

Mr. Queiroga: Ok.

Mr. Coelho: …input. Safety doesn't have any safety concerns. Planning Board, Doug reviewed this; applicant needs to sign a waiver request, which we just so handily have. If you could sign and date that Paul, that'd be great. Board of Health has no comments. Building Department doesn't review any of these anymore?

Mr. Stefancik: If he does, he doesn't send us any comments.

Mr. Coelho: Really? Ok, so that's what the other town boards, except the Building Department, had to say about it. Now I'll open it up to members of the public. If anybody has any questions they'd like to ask, they got to go through me as the Chairman, stand up, give your

name, address, and then you can ask your questions. Doesn't seem like there's too, too many people here right now. Yes, sir.

Mr. Leger: I just came in. Is this about the 330 Sewall Street?

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 23
TOWN OF LUDLOW

Mr. Coelho: Yes, sir.

Mr. Leger: Ok, My name's Gerry Ledger, 325 Sewall Street. I've got a couple questions. After this meeting, and if this get's approved, does the town come out and inspect the property to make sure that they're complaint with the?

Mr. Coelho: Not unless he's getting a building permit for anything, but certainly the building official does drive by, and if something's out of whack you can call the office or the Building Department and they can, and they'll come out and correct anything. I can't imagine, it doesn't look like he's changing anything on the ground rather than cleaning up.

Ms. Houle: Mr. Chairman, you just might want to let Mr. Leger know what he's planning on doing is the auto body will be leaving, because you wouldn't have heard that, you would've been driving here. The auto repair part is leaving.

Mr. Leger: Oh, they are leaving?

Ms. Houle: Yes.

Mr. Leger: Oh, I wasn't aware of that. That was my concern. One of my other things was the fact that all of a sudden this week, there's lawnmowers and things that showed up. I was wondering where, you know.

Mr. Coelho: I think his intention with this, correct me if I'm wrong, is that he's to clean up there, yeah, get rid of a lot of that stuff…

Mr. Leger: Oh, ok.

Mr. Coelho: …and straighten everything out over there for his own business in the near future.

Mr. Santos: Mr. Chairman, can I say ---?

Mr. Coelho: Absolutely.

Mr. Santos: So, what happened, Dan's Small Engine Repair was there, so Dan has moved, he moved up to Vermont.

Mr. Leger: Right.

Mr. Santos: Those are just leftover machines that he had left behind. So, one of the mechanics at the garage took them, repaired them, and he's, I don't know what he's doing with them, he's either selling them or getting rid of them. So, that's just there for short term…

Mr. Leger: Ok, I didn't know.

Mr. Santos: ...until he finds somewhere to take them. But, they assured me within two weeks all of that should be out of there.

Mr. Leger: One of the reasons I questioned it is that last summer they brought in a couple trailers that, I don't know why they brought them there, but they've been sitting there since last summer, you know, these are the things that are going on.

RECEIVED
2020 JUN -1 A 11:22
TOWN CLERK'S OFFICE
TOWN OF DUXBURY

Mr. Coelho: I think those is what actually kicked off this whole process to begin with, were a lot of those things, and that's what this site plan's hoping to address, what they can and can't have there moving forward officially.

Mr. Santos: There's been a little bit of abuse there as far as, so, I mean, there was only supposed to have so many cars. They have more that what was required.

Mr. Queiroga: Having Paul, somebody like Paul who has a good reputation in town, take it over, I mean, I've driven by there and counted up to seventeen cars.

Mr. Santos: Yeah.

Mr. Queiroga: Ok, and he's gonna keep the five-car license, probably, maybe, one more, two more, for the employee, if there is an employee?

Mr. Santos: Right.

Mr. Queiroga: And that's all you're going to see there 'cause we were.

Mr. Leger: This morning there was four or five cars parking in front on a grass area, you know, where all the lawnmowers were.

Mr. Coelho: And now that we got this on a plan we can hold him to it a little bit more easy than before.

Ms. Houle: Which is the plan that's up there on the.

Mr. Coelho: So, see on the right side the five spots? That's gonna be the only spots for selling cars. Ok, anybody else?

Ms. Houle: --- or we have to act?

Mr. Coelho: If you'd like to entertain our necessary motions.

Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: In reference to the site plan I **MOVE** to approve and sign the site plan for Mr. Paul Santos at 330 and 0 Sewall Street, CPN & J Realty.
SECOND Mr. Quiterio.

Mr. Coelho: I got to throw a flag. We need waivers first.

Mr. Queiroga: Put that in --- until, these are, I am requesting a waiver for the following sections: 7.1.5 Required Site Plan Contents o. Additional Requirements. All site plans need to have the following information unless waved by the Planning Board. One is the lighting plan with luminaire schedule prepared by an engineer; elevations showing the front, rear, and sides of the building design; signage design with dimensions and locations; and a traffic study. Those are the four requests that the applicant has made.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 23
TOWN OF LUDLOW

Mr. Coelho: Is that a motion?

Mr. Queiroga: That is a **MOTION**. Is there a second?

Mr. Quiterio: I'll **SECOND** it.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Now I think we can move on to the site plan.

Mr. Queiroga: I **MOVE** to approve and sign the site plan for Mr. Santos for 330 & 0 Sewall Street for CPN & J Realty.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Ms. Houle: **MOTION** to close the public hearing.
SECOND Mr. Queiroga.
4-0 in Favor.

The public hearing ended at 7:16 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents: Master application; Comments from Town Departments/Boards; Request for waivers; Site Plan – 330 Sewall Street Ludlow, MA - Owned by CPN & J Realty, LLC (January 6, 2020)

(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 – ZONE CHANGE
326 & 0 Sewall Street (Assessors' Map 15B, Parcels 7 & 5)
Paul M. Santos
(Residence A to Business A)
February 27, 2020

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11:22
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

Hearing began at 7:18 p.m. in the Selectmen's Conference Room.

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

In attendance: Paul Santos, attendees

Mr. Coelho read the legal notice, advised the attendees that cameras are recording, and reviewed the application. The legal notice included the description of: Zone Change Requested from Residence A to Business A to make the property consistent with commercial zoning.

Mr. Coelho: Ok, Mr. Santos, you want to give us another brief description of what's happening with this property?

Mr. Santos: 314 Sewall Street used to be an old farmhouse. When I purchased that property I actually came in front of you here to change it to business because it was zoned agriculture at the time. That was the family house. So, Mr. Leonard who owned the auto body in the front, they were able to change the frontage to business because he operated an auto body shop out of there. But, he had a house in the back on another lot which was kept residential. Mr. Leonard, who has deceased, had usage of all the property, but it was just zoned differently. At the time, it was not a big deal for him, but what I'd like to do now is bring everything together, you know, which he should have done at the time. He should have maybe applied, but he chose not to. But, so, I'd like to bring the two parcels in the back, connect those also with the parcels in the front and have everything pretty much consistent to be the same.

Mr. Coelho: They would be both zoned Business A.

Ms. Houle: A.

Mr. Santos: Right. Which is 326 and Lot 0.

Mr. Coelho: So yeah, this is just kind of cleaning up the whole property. That makes sense to me. Anybody on the Board have any questions?

Mr. Santos: Then once those garages and the shed comes down, it'll really be cleaned.

Mr. Coelho: Again, this is a public hearing, so anybody interested in this matter feel free to speak, state your name, address and you can ask a question through me the Chairman.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11:23
TOWN OF LUDLOW

Ms. Hodgman: Elaine Hodgman, 1475 Center Street. He's asking for a zoning change, but other times zoning changes have gone to the Zoning Board and or to the Town Meeting. What makes the difference where?

Mr. Coelho: Zoning, zone changes come through the Selectmen first, there's a petition made to them, they're handed down to us to discuss whether or not it's appropriate, then they go to Town Meeting to be voted on by Town Meeting.

Ms. Hodgman: So, this will now go on to?

Mr. Coelho: We are just making a recommendation on this zone change today.

Ms. Hodgman: Thank you, I did not understand that.

Mr. Coelho: That's ok. Anybody else? It doesn't appear that there's any waivers necessary for this, correct?

Mr. Stefancik: No, you just have to make a motion on your approval or disapproval at Town Meeting.

Mr. Coelho: Ok, so we all understand the purpose behind this? It's kind of bookkeeping and making the property whole. So, if anybody, I'm willing to entertain a motion.

Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: I **MOVE** to recommend approval to the Town Meeting of the zone change at 326 and 0 Sewall Street for Mr. Santos, because it is in the best interest of the Town, is consistent with the Master Plan, and it is not spot zoning.
SECOND Ms. Houle.

Mr. Queiroga: Residency to Business A.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: So, now we got to go to Town Meeting, this'll go in the spring, I'm sure, right?

Mr. Stefancik: May Town Meeting.

Mr. Coelho: May, yeah, and then they will get to vote on it.

Mr. Santos: It has to go to the state I believe?

Mr. Coelho: Yeah, the Attorney General's Office takes some time to review it so it's not spot zoning which it's not going to be because you have an adjacent property that's zoned now. That is ---, so that shouldn't be, it's just a waiting game. They got to review it.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 22
TOWN OF SOUTH

Mr. Santos: I'd like to thank you very much.

Mr. Coelho: You're welcome. And I recommend you show up for Town Meeting. A lot of times people like to have questions and sometimes the chairman can't answer all the questions.

Mr. Santos: I will. I will be there.

Mr. Stefancik: Just make a motion to close the public hearing.

Ms. Houle: **MOTION** to close the public hearing.

Mr. Queiroga: Mr. Chairman I'll make a **MOTION** to close the public hearing.
SECOND Ms. Houle.
4-0 in Favor.

Hearing ended 7:23 p.m.

APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

su

Documents: Master application; abutters list; Letter from Ellie Villano, Town Administrator re: receipt of Zone Change – 326 Sewall Street; Assessor's Map 15B

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

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 22
TOWN OF LUDLOW

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING
PROPOSED ZONING BYLAW REVISIONS
Town of Ludlow – Planning Board

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -4 A 11:25
TOWN OF LUDLOW

Proposed zoning bylaw revisions to include the following:
SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.4 Fences, by removing the last sentence. All fences four (4) feet and higher require a building permit.
3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations by adding to b. 1. Accessory Buildings. "All accessory buildings over 200 square feet require a permit from the Building Department." & c. Accessory Livestock Agriculture by adding "and roosters" to be excluded.
SECTION VI: SPECIAL LAND USE REGULATIONS 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.
February 27, 2020

PLANNING BOARD MEMBERS

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

Hearing began at 7:25 p.m. in the Selectmen's Conference Room.

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

In attendance: attendees

Mr. Coelho read the legal notice which included the description of: Proposed zoning bylaw revisions to include the following:
SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.4 Fences, by removing the last sentence. All fences four (4) feet and higher require a building permit.
3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations by adding to b. 1. Accessory Buildings. "All accessory buildings over 200 square feet require a permit from the Building Department." & c. Accessory Livestock Agriculture by adding "and roosters" to be excluded.
SECTION VI: SPECIAL LAND USE REGULATIONS 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.

Mr. Coelho: So, we're changing some of the bylaws, just cleaning it up a little bit. The first one is removing the four-foot requirement for a building permit?

Mr. Stefancik: Yup. They don't need to get a building permit for any fence.

Ms. Houle: Fence.

Mr. Coelho: We're not adding all fences, we're removing that.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 22
TOWN OF LUDLOW

Mr. Stefancik: We're removing that, and the corrected version would…

Ms. Houle: Remove that sentence.

Mr. Stefancik: …be the verbiage without all fences four feet and higher require a building permit.

Mr. Coelho: Ok, under Article 2.b.1, again, we're removing all accessory buildings over 200 square feet require a permit with the department or adding that?

Mr. Stefancik: No, we're adding that. We're adding all accessory buildings over 200 square feet require a permit from the Building Department, and that means anything under 200 square feet will not require a permit.

Mr. Coelho: Ok, and then we're adding roosters to our definition of livestock.

Mr. Stefancik: Yeah, the Board of Health asked that that be added to the excluded livestock category.

Mr. Coelho: So, you can have roosters?

Mr. Queiroga: No, you can't.

Ms. Houle: Currently you can.

Mr. Queiroga: Because of the noise.

Mr. Stefancik: On five acres or less no roosters. If you have more than five acres, you can have a rooster.

Ms. Houle: Mr. Chairman, I think they've been getting a lot of complaints. They're not too concerned about the chickens, but the roosters are noisy, so they've been asking for that to be removed.

Mr. Queiroga: No roosters.

Mr. Quiterio: Or pigs.

Mr. Coelho: We're doing something with the design standards for --- as well?

Mr. Stefancik: No, no, not yet. We'll talk about that with the next matter. The fourth article is the accessory apartment bylaw.

Mr. Coelho: So, the one we just spoke about.

Mr. Stefancik: Yeah, and then…

Mr. Coelho: Roosters.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN 4 A 11:22
TOWN OF LUDLOW

Mr. Stefancik: It's just removing the dwellings must be in existence and not substantially altered for a period of three years prior to the filing of the conversion permit. This is more so because if you're doing new construction, which we're finding today, people want to include an in-law suite, they can't do that until three years after the house has been built, so it doesn't make any sense if you're doing a new build and you can't do that right away. It would be able to allow them to have an in-law suite when they're building a new house and I think just 'cause how things have changed, parents are living with their kids, grandparents, and everyone wants their space. And we had this issue come up on Miller Street where it burnt down by fire, but it was kind of considered a new build too, so this came to be an issue with that situation.

Mr. Coelho: Ok, so yeah, alright, another common-sense fix to bylaws.

Mr. Queiroga: Yeah.

Mr. Coelho: You guys have anything you want to add to any of these?

Mr. Queiroga: No ---.

Mr. Coelho: Public hearing. I'm opening this up to the public. If you can stand and state your name, address for the record.

Ms. Hodgman: Elaine Hodgman, 1475 Center Street. Why do you feel that you need to exclude roosters? Maybe I didn't hear.

Mr. Coelho: Because in agriculturally zoned, under five acres, because of the noise caused by roosters. We have a lot of one acre, half acre residential agriculturally zoned.

Ms. Houle: --- square foot, even in residential 500 square foot, 5,000 square feet.

Mr. Coelho: Residentially, for all intents and purposes they're residential but they're zoned agricultural, and you've got houses on top of houses with the roosters making noise.

Mr. Quiterio: And pigs.

Ms. Hodgman: Isn't there zoning for animals in general cannot be in residential?

Ms. Houle: No, they're allowed.

Mr. Coelho: No, they're allowed if you're zoned agricultural.

Ms. Hodgman: Right.

Ms. Houle: They're also allowed if you're zoned residential, accessory use.

Mr. Queiroga: And all of them are allowed if you have more than five acres which would put you basically...

Mr. Coelho: As a farm.

Ms. Houle: As a farm.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11: 22
TOWN CLERK

Mr. Queiroga: ...as a farm, yeah.

Mr. Stefancik: Under less than five acres, you're allowed to have up to 25 birds, and that's 25 chickens. They want clarification because it doesn't say anything in here about excluding roosters and that's the issue. They make a lot of noise at 2:30 in the morning.

Ms. Hodgman: There's a lot of things that make noise in town though.

Mr. Stefancik: But, there on smaller parcels, and at 2:30 in the morning you're hearing the rooster crowing, it becomes an issue for the Board of Health.

Ms. Hodgman: The rooster crowing at 2:30 in the morning becomes an issue to the Board of Health.

Ms. Houle: The Board of Health enforces that regulation.

Mr. Stefancik: Enforces bylaw.

Ms. Houle: They enforce that bylaw. They're the ones who requested this bylaw change.

Ms. Hodgman: ---

Mr. Coelho: Again, these are just recommendations. They'll be going to Town Meeting in May, so should we sleep on them and...

Ms. Houle: This is the current regulation.

Ms. Hodgman: So, you're now excluding pigs and roosters.

Ms. Houle: Pigs were always excluded.

Mr. Coelho: Pigs were always excluded for the same reason.

Ms. Hodgman: They make as much noise as roosters you're saying?

Mr. Coelho: They make a good amount of noise.

Ms. Houle: That's been excluded, I think, from the beginning of zoning back in the 50's.

Mr. Stefancik: Yup, that's original.

Ms. Houle: They're only allowed on large parcels of land.

Ms. Hodgman: Large parcels, alright.

Ms. Houle: Large parcels of land.

Ms. Hodgman: Just wanted to make it clear. Thank you.

Mr. Coelho: Anybody else? Ok, hearing none, I'm willing to entertain a motion.

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -1 A 11:22
TOWN OF LUDLOW

Ms. Houle: Mr. Chairman, I make a **MOTION** that we recommend approval of the Zoning Bylaws, the changes for Fence Regulations, Accessory Livestock Regulations, and Accessory Apartment Regulations as listed in the warrant, in the public hearing.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho - yes.

Mr. Queiroga: **MOTION** to close Mr. Chairman.
SECOND Mr. Quiterio.
4-0 in Favor.

The public hearing closed at 7:31 p.m.

APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

su

Documents: Draft Zoning Bylaw Changes May 2020 Town Meeting

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