**TOWN OF LUDLOW PLANNING BOARD**
**MINUTES OF THE MEETING OF**
**July 23, 2020**

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**PLANNING BOARD MEMBERS**

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

The meeting began at 4:30 p.m. in the Selectmen's Conference Room via Telephonically (by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

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**ANR – 0 Poole Street (Map 31, Parcel 95) Joseph Deponte Realty, Inc. (divide a 20.8 acre parcel into 5 lots, 3 of which are estate lots)**

*Dan O'Brien – Smith Associates was present for the appointment.*

Mr. O'Brien explained that the Deponte's originally had a 15-lot subdivision designed for the property, but have decided not to build the subdivision out, and said that the applicant is instead dividing the parcel into 5 lots, 3 of which are estate lots.

*(the discussion was continued at the public hearing for the Special Permit / Estate Lot – see attached minutes)*

*Documents included: Master application; Lot Division Plan, Poole Street, Ludlow, Mass. – owned by Joseph Deponte Realty, Inc. (June 12, 2020)*

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**PUBLIC HEARING – SPECIAL PERMIT / ESTATE LOT – 0 Poole Street (Map 31, Parcel 95) Joseph Deponte Realty, Inc. (3 estate lots)**

**SEE ATTACHED MINUTES**

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**PUBLIC HEARING – DEFINITIVE SUBDIVISION – Manuel Silva, Town of Ludlow (Ludlow Mills, Westmass Area Development Corp.) – 100 State Street (Map 14B, Parcel 130) (for the construction of approx. 4,500 linear feet of roadway (known as Riverside Drive) and associated utility and infrastructure improvements located along the Chicopee River and the subsequent subdivision of land fronting the new road.**

**SEE ATTACHED MINUTES**

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**ANR –100 State Street (Map 14B, Parcel 130) Westmass Area Development Corporation (the subdivision of a parcel of land totaling ±2.49 acres at the eastern end of the Ludlow Mill complex from the larger mill property)**

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*Sarah La Cour – Westmass; Jeff Daley – Westmass; Ellie Villano – Town of Ludlow; Tom Hogan – Wright-Pierce; Paul Frigal - McMann Associates; Larry Rusiecki – Wright-Pierce were present for the appointment.*

Ms. La Cour said the this ANR is off of First Avenue and not off of Riverside Drive. She remarked that there is an opportunity to sell off a parcel of land on the corner that has frontage on First Avenue. She noted that there is an existing mill building with connections to another building by a loading dock. She explained that there is a tenant in one of the buildings that uses the entirety of the loading dock, and no tenant in the other building.

Mr. Coelho read the email from Justin Larivee, Building Inspector, for non-recommendation for the zero setback ANR. The letter stated that approving the ANR without any setbacks there will be no way for whomever will purchase the property to maintain that building without crossing into a neighboring property that is not theirs, and noted that the two structures that attach both buildings together should be demoed prior to the ANR being approved by the Planning Board.

Mr. Stefancik explained that in the Subdivision of Property in the New Redevelopment District there's a portion where the only prerequisite would be a 5-foot setback for newly established property lines, and the 5-foot setback may be waived by the Planning Board with recommendation from the Building Commissioner. He said that that was put in because it's a preexisting building and they would never be able to meet the 25-foot setbacks that were set up under the Mill Redevelopment District on this parcel, and they do have a 5-foot from one of the lot lines, and 10-foot from the other. Mr. Stefancik said that the passageway and loading dock are shared by both buildings which could cause disagreements between the two properties, and it becomes a zero lot line for the properties. He mentioned that he thinks that we'll be running into these issues more and more at the Mills as other parcels are broken off and existing buildings are kept.

Mr. Coelho asked if this ANR exposes the Town to any recourse.

Jeff Daley of Westmass explained that the intention of the ANR is that there are 2 buildings separated by two loading docks, and the loading docks are utilized by one of their tenants in the building that's being sold. He said they have already separated the full fire suppression systems, and there is no way to separate the buildings other that demoing them, but that the tenant will be informed of their property lines before signing a lease and/or buying it, and if it was demoed they would stop at the end of the loading dock that connects the building. Ms. La Cour remarked that the whole loading dock will be given to the building that they are selling and will be putting in a zero lot line.

Mr. Daley said that there is no exposure to the Town over approving it this way because it is on private property.

Mr. Phoenix: I make a **MOTION** to waive the requirement for the five feet down to zero feet with the condition that the structure labeled as passageway between buildings be removed.
**SECOND** Ms. Houle.
**5-0 in Favor.**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

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Mr. Phoenix: I'll make a **MOTION** in the standard form to endorse the ANR.
**SECOND** Ms. Houle.
**5-0 in Favor.**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

*Documents included: Master application; Email from Justin Larivee, Building Inspector re: non-recommendation of zero setback (July 23, 2020); Plan of Land in Ludlow, Massachusetts – Surveyed and Mapped for Westmass Area Development Corp. (7/9/2020, 7/27/2020)*

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**ANR – 865 West Street (Map 7, Parcels 1D & 1C) Daniel Gerasimchuk (change lot line with neighbor's Lot 12A)**

*Daniel Gerasimchuk was present for the appointment.*

Mr. Gerasimchuk explained that he wants to change the lot line with the lot next door which is owned by his brother.

Mr. Stefancik remarked that he went through the ANR checklist and that it met all of the criteria.

Ms. Houle: I **MOVE** to endorse the ANR for Daniel Gerasimchuk at 865 West Street.
**SECOND** Mr. Queiroga.
**5-0 in Favor.**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

*Documents included: Master application; Plan of Revised Lots on West Street Ludlow, MA – Prepared for: Danny & Liliya Geramischuk, 865 West Street & Mikhail Geramischuk, 855 West Street Ludlow, MA (June 29, 2020)*

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**SITE SKETCH – 471-485 Center Street (Map 16A, Parcels 52, 55) Ludlow Center, LLC (The Colvest Group) (add a free-standing sign at the front of 485 Center Street)**

*Peter LaPointe - Colvest was present for the appointment.*

Mr. LaPointe said that there is a third building that is going up on the property which is part of the approved site plan, but they did not show the freestanding sign when they applied for the original site plan and would like to add it in now. He remarked that they are not putting in the building immediately, but they have put in the foundation in order to complete the site and get it paved.

Mr. Phoenix: To get us moving forward, I'm gonna make a **MOTION** to grant the waiver request for the full registered site plan in favor of a sketch as an addendum to the existing site plan.
**SECOND** Ms. Houle.
**5-0 in Favor**.
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

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Mr. Phoenix: So, I'm gonna make a second **MOTION** to grant the waiver of the public hearing as well.
**SECOND** Ms. Houle.
**5-0 in Favor**.
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

Mr. Phoenix: I'll make a **MOTION** in our standard form to approve the site sketch as submitted.
**SECOND** Mr. Queiroga.
**5-0 in Favor**.
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

*Documents included: Master application; Request for waivers; Comments from Town Departments; Site Plan Proposed Signage – 471-485 Center Street Ludlow, MA (2020-07-22)*

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**Change of Occupancy** (taken out of Consent Agenda)
- Alonzo Hardnett (Trickstar Athletics/Tumbling & Fitness) 100 State Street (tumbling/fitness center)

Mr. Phoenix read the letter from Captain Seth Falconer which stated that a Life Safety Inspection was conducted on July 9, 2020 with Justin Larivee, Building Inspector at the property located at 100 State Street, Stock House #113 and that numerous fire and building code violations were noted at that time. Captain Falconer remarked that he issued a Cease and Desist Order to Mr. Hardnett on 7/20/20. The letter from Justin Larivee stated that he highly recommend disapproval of the Change of Occupancy until all life safety issues have been addressed at the property.

Mr. Coelho: I will entertain a MOTION to deny.
Mr. Phoenix: Mr. Chairman, I will **SO MOVE**.
**SECOND** Ms. Houle.
**5-0 in Favor**.
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

The Board agreed that when the Change of Occupancy comes back for approval, that it should not be put in the consent agenda, and that all parties involved should be present. They also agreed that if a waiver of the fee is requested when the application is resubmitted, that it will be denied.

*Documents included: Master application; Letter from Captain Seth Falconer, Ludlow Fire Dept re: violations (July 22, 2020); Email from Justin Larivee, Ludlow Building Inspector re: building violations (July 23, 2020)*

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**Mail Item #33** – Notice of Intent to remove property from Chapter 61B / Right of First Refusal – Lot 17 West Street (Robert H. Farr)

**Mail Item #34** – Notice of Intent to remove property from Chapter 61B / Right of First Refusal – Lot 18 West Street (Robert H. Farr)

**Mail Item #35** – Notice of Intent to remove property from Chapter 61B / Right of First Refusal – Lots 11R & 19 West Street (Robert H. Farr)

Mr. Stefancik said that one MOTION could be made for mail items 33, 34, and 35 in reference to the John Farr property, that the Planning Board has no interest in the property.

Mr. Queiroga: **SO MOVED**.
**SECOND** Ms. Houle.
**5-0 in Favor**.
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

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**File Mail Item #36** – Ludlow Board of Assessors Reorganization

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**Mail Item #37** – Letter of interest for Associate Planning Board Member from Christine Saloio

The Planning Board agreed to extend the deadline for applications for the opening of Associate Planning Board Member until September 1, 2020. An ad will be put in the Register along with the town website, and social media.

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**File Mail Item #38** – Certificate of Assessment for the Pioneer Valley Planning Commission (7/1/20-6/30/21)

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## *Consent Agenda:*

*The Board approved the Consent Agenda under unanimous consent.*

- FILE Mail Item 32. - Legal Notices from surrounding communities

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Mr. Phoenix: I'll make a **MOTION** to adjourn until our next meeting in about an hour.
**SECOND** Ms. Houle.
**4-0-1 in Favor**. (Mr. Queiroga left the meeting)
**Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

Meeting adjourned at 5:41 p.m.

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APPROVED:

Kathleen 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 – SPECIAL PERMIT / ESTATE LOT**
**0 Poole Street (Map 31, Parcel 95) - Joseph Deponte Realty, Inc.**
**(3 Estate Lots)**
**July 23, 2020**

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**PLANNING BOARD MEMBERS**

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

The hearing began at 4:33 p.m. in the Selectmen's Conference Room via Telephonically.
(by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

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*In attendance: Dan O'Brien – Smith Associates*

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: 3 Estate Lots.

*(the prior discussion of the ANR was continued at this public hearing: divide a 20.8 acre parcel into 5 lots, 3 of which are estate lots)*

Mr. Coelho: So, that being said, is there anybody, any abutters or anybody from the general public on the line? I'll ask one more time, is there anybody on the line that's gonna wish to speak to this?

Mr. Stefancik: No, but actually I did have someone, a Ronald Self reach out and I had Sue give him a call back. He abutted one of the lots, but because there's considerable wetlands and the buildable portion is more up towards the front, we let him know that they're probably would be no building behind him without any type of approval from the Conservation Commission. So, he seemed to be, Sue said he seemed to be satisfied with that response.

Mr. Coelho: Ok, so, let's go with the ANR first. I don't know, what's the best way to handle this right now? We got an ANR before we…

Mr. Stefancik: I think we just have a few comments. I mean, some are no comments or that they meet our criteria. I think the DPW had a few comments.

Mr. Coelho: Estate Lots B & C, B, C, & D together with Lots A & E will require an application for stormwater management permit from the Department of Public Works because there will be a total disturbance of more than one acre for the development activities. The owner and applicant must apply for and obtain a stormwater permit from the DPW prior to any application for a building permit. The stormwater agreement signed by the owners will be

recorded by the Hampden District Registry of Deeds before an occupancy permit can be issued on any of the lots. Mr. O'Brien, are you, have you had the opportunity to read this?

Mr. O'Brien: No, I have not seen that.

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Mr. Coelho: So, you realize that you're gonna have to do stormwater?

Mr. O'Brien: So, even though individual lots that are being sold to individual parties may have less than an acre of disturbance, they're viewing this as a single submission?

Mr. Stefancik: I think if they're disturbing more than an acre, they have to do, they'd have to file for stormwater. They probably are just fine if they're not touching anything under an acre ---.

Mr. O'Brien: ---

Mr. Stefancik: Right, some of those lots have some Conservation and they need to see Conservation, but I think DPW as well, they just have to get permits for the driveway curb cuts. But, I think if they're only disturbing less than an acre they probably should be fine and this probably is a non-issue.

Mr. Coelho: That's how you're reading that, huh?

Mr. Stefancik: Yeah, I haven't had anyone on any other estate lot having to file with DPW for stormwater.

Mr. Coelho: Have any estate lots been over a total of one acre?

Mr. Stefancik: Yeah, they all are, they all have to be at least 80,000 square feet and they've all exceeded an acre; they've been 20 acres, 5 acres. So, they've all been over, so ---.

Mr. O'Brien: --- doesn't that one acre just refer, relate to what they disturb though, not the total acres of the parcel?

Mr. Stefancik: That's what I'm saying, yeah, disturb, what you disturb. If you're gonna disturb the whole entire lot then stormwater can fairly come into play. We had that issue up on Cislak Drive, and then the DPW said well, they're under an acre, so there's nothing that comes into play with us. So, I'd say if you're disturbing more than an acre, then that would come into play, that filing for stormwater.

Mr. O'Brien: Right, yeah.

Mr. Coelho: Ok. That's all I have for, that's all I was able to get for any reviews for any of the other boards. If there's anything else that you guys have over there that I didn't see.

Mr. Phoenix: I kind of glanced over the plan and made sure all the things I normally look for were ---. Doug, I didn't see one of your regular checklists showing that you went over it as well. Did you happen to go over this to make sure that it meets the criteria for an ANR?

Mr. Stefancik: I did. I had checked the whole entire plan. Dan had originally submitted it and it met all the criteria and I thought we did send the checklist out, but it did meet all the criteria. All the pins were there, the amount of acreage, the frontage, the building lot, the building envelope was there, he had everything on the plan. Where the next existing -- the square footage to the next street is there, so he did have everything.

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Mr. Coelho: Ok, so there's no other comments from Fire or Building or Board of Health or anybody?

Mr. Stefancik: Nothing from Building, Board of Health, I think, if they had a comment it was no comment. I think one thing with Board of Health is they would, if this was gonna be septic they're gonna end up having to do a septic and do well so they would have to see Board of Health for any of those two items.

Mr. Coelho: Yeah. Ok, anybody else on the Board have any questions? If not, I guess I'd be willing to ---.

Mr. Phoenix: Unless anybody says anything, I will make a **MOTION** under standard form to endorse the ANR as submitted, and further to approve the Special Permit for the estate lots as submitted.
**SECOND** Ms. Houle.
**5-0 in Favor.**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

Mr. Coelho: So, the ANR and the Special Permit passes, correct?

Mr. Stefancik: Yes.

Mr. Phoenix: I will make a **MOTION** to close the public hearing.
**5-0 in Favor.**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

*Hearing ended 4:40 p.m.*

APPROVED:

Kathleen Houle

Kathleen Houle, Secretary

su

Documents: Master application; abutters list; Comments from Town Departments/Boards; Lot Division Plan, Poole Street, Ludlow, Mass. – owned by Joseph Deponte Realty, Inc. (June 12, 2020)

*(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 – DEFINITIVE SUBDIVISION**
**100 State Street (Assessors' Map 14B, Parcel 130)**
**Manuel Silva, Town of Ludlow (Ludlow Mills, Westmass Area Development Corp.)**
**(for the construction of approx. 4,500 linear feet of roadway (known as Riverside Drive) and associated utility and infrastructure improvements located along the Chicopee River and the subsequent subdivision of land fronting the new road)**
**July 23, 2020**

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**PLANNING BOARD MEMBERS**

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

*The hearing began at 4:43 p.m. in the Selectmen's Conference Room via Telephonically. (by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)*

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*In attendance: Sara LaCour – Westmass Development; Tom Hogan – Wright-Pierce; Paul Furgal – McMahon Associates; Larry Rusiecki – Wright-Pierce; Ellie Villano – Town Administrator*

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: for the construction of approx. 4,500 linear feet of roadway (known as Riverside Drive) and associated utility and infrastructure improvements located along the Chicopee River and the subsequent subdivision of land fronting the new road. He also asked if there were any abutters on the phone, in which there were none, and confirmed the attendees present for the public hearing.

Mr. Coelho: So, you want to give us a quick synopsis of what's going on here for the record please?

Ms. LaCour: Absolutely: Thank you all for your time. As you're aware, we came in for preliminary subdivision approval, this is the definitive plans of that roadway with all the associated infrastructure that was part of the project, and you know, it's all the bits and pieces. It's been before DPW, so you're, I believe, you have in your hands those documents and Wright-Pierce, we've met several times with DPW and they've addressed those issues or questions. And so, we put forward to you this definitive site plan for the road.

Mr. Coelho: Ok.

Mr. Rusiecki: Just for the record too, Mr. Chair, this is Larry Rusiecki with Wright-Pierce. I'm also a civil engineer on the project team.

Mr. Coelho: Ok.

Ms. LaCour: Would you like Tom, to just weight in a little bit more detail on the plans themselves?

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Mr. Coelho: Yeah, let's give it some description for the record again. Got to do something here. We can't ---.

Mr. Hogan: No, I'm absolutely glad to, and again, thank you for your time. Since we met in January 2020, a great deal of planning, data gathering, collaboration design, review, and revisions have occurred. We've had the great opportunity to work with the Department of Public Works and received their comments on their reviews, and we've addressed their comments that were technical in nature and we're confident that the plans as submitted are better as a result of that process. The plans and the details that have been added since that process incurred to refine technical design of a stormwater drainage and management systems, water lines, sanitary sewer and --- system, street trees, landscaping, roadway to the town standard 50-foot right-of-way with 14 foot travel lanes, signal adjustments at the site driveway, and alignment adjustments at the Sewall and East Street intersection, coordination with Eversource and other utilities. The roadway is very substantially the same as was presented during January, but only defined with the details necessary for definitive approval and construction. The waivers are exactly the same as we had indicated before and they're noted on the plans appropriately. The slightly off-center section of roadway between 2,100 and 2,800 to account for existing buildings, topography, and the Riverwalk, sidewalks on one side of the street. We would like to utilize Riverwalk for the purpose of the station 2,700, and then from 2,700 continue with a new sidewalk up to State Street. And then street trees are shown on the plans, and the only ask that we have is that for five areas within the Eversource easement, we can instead plant trees in the park area, and we think that that's a good planning strategy. The project --- also undergo review by the Ludlow Conservation Commission upcoming. So, very generally speaking, that's in full review. --- the project and the design team would be happy to try and answer any questions that you may have.

Mr. Coelho: Ok, I'm gonna proceed now with going through some of the comments from some of the other boards so that I can digest them. And I'll start with the easiest, Board of Health had no comments. It seems that the DPW had a bunch of comments that you guys have addressed. Is that what I'm seeing here?

Mr. Hogan: Yes, sir.

Mr. Coelho: As far as providing any NPDES Permit, Stormwater Permit, provide a letter will serve as --- demolition, there's a bunch of them, historical Native American site. All those have been addressed with them, and they're happy with that, correct?

Mr. Hogan: That's my understanding.

Mr. Coelho: Ok. Now --- there were some questions too as far as a generator for the pump station. Is there anything, you guys know anything about that, the generator and how that's gonna be maintained?

Mr. Hogan: Yup, we're able to receive that comment from the DPW. It was a slight change in the initial direction, but we're able to catch it in a good time frame and incorporate that into the plan sets that you have before you. It's from a land use perspective. But the footprint of those

elements is believed accurate as shown. We believe there are some technical minutia that will --- pertaining to the pump station --- pump, those kinds of things that the DPW will be asked to finally sign off on.

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Mr. Phoenix: Mr. Chairman?

Mr. Coelho: Yes, Mr. Phoenix.

Mr. Phoenix: As far as the DPW comments that you were already talking about, I'm sure, you know, to get them on the record as saying that they've satisfied the DPW, and I don't necessarily doubt their word, just to make sure that we have it on file, do we actually have anything in writing from DPW saying that their concerns have been satisfied?

Mr. Coelho: Doug?

Mr. Stefancik: There should have been a letter from Mike.

Mr. Coelho: Engineering response to Board of Public Works. No, that's you guys.

Mr. Stefancik: And then I did talk to Jim. Jim emailed me and he said that all issues with the…

Mr. Coelho: That's right, I did see that email too. Unfortunately, that needs to get included in the package from the administrative perspective.

Mr. Stefancik: Yeah.

Mr. Coelho: --- email, make sure that email gets printed up and put in here.

Mr. Stefancik: Yeah, I have it right here and I can send it out to Sue. Riverside Drive had the comments sent over already, and Wright-Pierce has addressed most of them.

Mr. Phoenix: Most is not all, but yeah.

Mr. Coelho: So, ok so now we also have a comment here that came in late from the Building Commissioner, but it seems to be more related to the ANR --- subdivision.

Mr. Stefancik: Correct, it's related to the ANR ---.

Mr. Coelho: Should I go ahead and throw that against the wall now and do like we did with the last one and address all this at once?

Mr. Stefancik: Well, it's a separate issue 'cause the ANR, that ANR has nothing to do with the definitive subdivision, so you can hold off until you go to the ANR.

Mr. Coelho: Ok, well all my questions are answered. Anybody from the Board got anything they need ---?

Mr. Queiroga: ---

Mr. Coelho: Oh, wait a second, we have Planning Board comments still, right Doug?

Mr. Stefancik: Oh yeah, I did. I'd updated them today and I'd sent it out. And the only thing I still just needed was an estimate for the as-builts, and the monumentation and the street lighting. Other than that, they had everything on the plan for our subdivision contents.

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Mr. Coelho: Ok, how do we feel about proceeding without that stuff?

Mr. Stefancik: I think that can just be added to the file if they don't have it already. I just didn't see any type of documentation where it had the estimate for those three items. They did have the estimate for everything else, there was just those three items that was outstanding.

Mr. Coelho: So, can we make it contingent upon?

Mr. Stefancik: Oh sure, absolutely.

Mr. Hogan: And Doug my apologies, maybe I misunderstood, but those elements were captured in the miscellaneous item together.

Mr. Stefancik: Ok, I was just wondering myself whether it was under miscellaneous, but there was no explanation. It seemed to be geared towards the lighting on the plan, the monuments are, but it was just a dollar figure I was looking for. So, if the dollar figure is already included in the estimate, then I would imagine they don't need to give us anything but we can note in the estimate that that includes those three items.

Mr. Hogan: Correct.

Mr. Queiroga: Mr. Chairman?

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: Yeah, I just want to add just one tiny thing. I was involved in some of these comments going back and forth with the DPW. I was glad that on the site plan review that the DPW Director, Mike did say our disagreement over post development ground cover will not affect our recommendation that Planning Board should approve the site plan. --- subjected to the site plan review.

Mr. Coelho: Is that for this or is that for the 7:00?

Mr. Phoenix: I believe that's for the 7:00. That's for Ludlow Renewables.

Mr. Coelho: Yeah ---. Ok, anybody else on this side of this side of the table, figuratively? Kathy no, nobody?

Ms. Houle: Nope.

(multiple people talking)

Mr. Coelho: What's that?

Mr. Phoenix: I'll make a **MOTION** in our standard form to approve the Definitive Subdivision with the condition that the miscellaneous line item be broken out on the cost estimate to reflect all of the items individually that need to be called out.

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Mr. Stefancik: Just one thing before you formally approve, we do have four waivers to act on; one would be the waiver of the fee since this is a town project which the town received grant funding for, and then the other are three, they're listed on the plan but is the location of the proposed street is not centered within the right-of-way between the approximate stations 21+00 to 28+00 to accommodate the existing building structures, Riverwalk sidewalks, and natural topography along the river band. A waiver from the typical roadway section construction baseline may be required along the section of roadway. The third waiver, Design Standards Section III.F. Sidewalks Item 1. requires sidewalks having not less than five feet width area required on one side of the street. A waiver from this section requested as existing and proposed ten-foot wide river walk is in close proximity to the Riverside Drive is intended to satisfy as the section requirement. Fourth is Design Standard Section III.1, Construction Methods and Standards Items 5. requires shade trees to be on both sides of the subdivision street in a right-of-way, or within ten feet of the right-of-way. There shall be one tree planted or preserved as an average of forty feet along street frontage and not less than two trees per lot. A waiver from this section is required, requested. Westmass will work with the Planning Board and tree warden to determine the extent and locations of the required shade trees, the proposed trees and locations shall be provided on the definitive plan.

Mr. Coelho: That seems to me that those waivers are directly related to the DPW anyways, right?

Mr. Stefancik: They were put --- and we discussed that, especially for the shade trees because you're not gonna have your usual lot configurations, but what they intended is to have the same number of trees, but they would disburse them elsewhere on the entire property whether it would be on the Riverwalk or would be on the middle park area, or where other areas could be needed. So, we're gonna get the trees, they'll just be spread in different areas and not necessarily along the roadside of the property.

(multiple people talking)

Mr. Coelho: Any of the road design waivers have been communicated through DPW right?

Mr. Stefancik: Yes, they were on the plan, so I think page three or four had all the waivers listed on them.

Mr. Coelho: Ok.

Mr. Stefancik: Yeah, four.

Mr. Coelho: And DPW didn't have a problem with those?

Mr. Stefancik: They did not, no.

Mr. Coelho: I probably would have heard about it.

Mr. Phoenix: Mr. Chairman.

Mr. Coelho: Mr. Phoenix.

Mr. Phoenix: I will add to my **MOTION** the granting of the four waivers as read out by Mr. Stefancik with the reasoning being number one, that this is with the town being as the applicant, and number two being that they are largely to the benefit to the town and the area in general.

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Mr. Coelho: ---
**SECOND** Ms. Houle.
**5-0 in Favor.**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga - yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

Mr. Phoenix: **MOVE** to close the public hearing.
**SECOND** Ms. Houle.
**5-0 in Favor.**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga - yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.**

*Hearing closed at 5:03 p.m.*

APPROVED:

Kathleen Houle
Kathleen Houle, Secretary

su

Documents: Master application; Waiver request; Comments from Town Departments/Boards; Response letter re: Board of Public Works comments from Larry Rusiecki - Wright-Pierce (July 23, 2020); Memorandum re: Basis of Design Intersection Improvements East Street/State Street/Sewall Street Intersection Ludlow, MA from Paul Furgal - McMahon Associates; Response letter re: Town Definitive Plan Checklist comments from Larry Rusiecki - Wright-Pierce (July 7, 2020); Stormwater Management Report (June 2020); Plans: Town of Ludlow, Massachusetts Riverside Drive July 2020 Definitive Plan Submission (07/23/2020)

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