**TOWN OF LUDLOW PLANNING BOARD**
**MINUTES OF THE MEETING OF**
**August 13, 2020**

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TOWN OF LUDLOW

**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 7:00 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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**PUBLIC HEARING – SPECIAL PERMIT / ACCESSORY APARTMENT – 23 Helena Street (Map 11B, Parcel 63) Dwain P. Devine (addition of a 792 sq ft accessory apartment)**

**SEE ATTACHED MINUTES**

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**File Mail Item #41** – Special Town Meeting Warrant - October 5, 2020 from Ellie Villano, Town Administrator

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**File Mail Item #40** – Environmental Notification Form (Notice of Intent) – MMWEC Structure Replacement

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**PUBLIC HEARING – SITE SKETCH– 201 West Avenue (Map 12A, Parcel 120A) David Fernandes (update site plan and add fence)**

**SEE ATTACHED MINUTES**

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**PUBLIC HEARING – SPECIAL PERMIT / ACCESSORY APARTMENT – 97 Glenwood Street (Map 1C, Parcel 57) Matt E. Wilson (addition of a 720 sq ft accessory apartment)**

**SEE ATTACHED MINUTES**

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## *Consent Agenda:*

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

- FILE Mail Item 39. - Legal Notices from surrounding communities

- ♦ APPROVE Change of Occupancies:
  - Isabel Carvalho (Springfield Woodworks Inc.) 311 West Street (from machine shop/plumbing to woodworking)
  - Madhukar R. Medipally, DMD PC – 534 Center Street (new ownership of dental office)
  - Kamil Peters (Dieselworks) 100 State Street (from woodworking to wood/metal shop)
  - Mark Czerniak (Chiropractic Center) 563 Center Street (from wellness business to chiropractor)
- ♦ APPROVE Bills:
  - Turley Publications (advertising for Associate Member position)

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Ms. Houle: **MOTION** to adjourn.
**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.**

Meeting adjourned at 7:49 p.m.

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 / ACCESSORY APARTMENT**
**23 Helena Street – Dwain P. Devine**
**(addition of a 792 sq ft accessory apartment)**
**August 13, 2020**

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**PLANNING BOARD MEMBERS**

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The hearing began at 7:00 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: Dwain Devine, Tarra Devine*

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: addition of a 792 sq ft accessory apartment.

Mr. Coelho: The hearing's open, so let's go to Mr. Devine. Are you here?

Ms. Devine: Yes, he is.

Mr. Coelho: Ok, if you want to go ahead and let us know what you're planning to do at 23 Helena Street.

Ms. Devine: We're looking to add an accessory apartment above the existing garage for 792 square feet for my mother, and it's a one bedroom with a bathroom, pantry, and kitchen.

Mr. Coelho: Ok, now I have limited information on this, so ---, so I got to advise the public that the cameras and all this is being recorded. Are there any findings or waivers necessary?

Ms. Devine: Is there any what?

Mr. Stefancik: No there's no waivers.

Mr. Coelho: That was a question for Doug. Ok.

Mr. Stefancik: We do have, there are comments though. I don't know if you did get ahold of the comments.

Mr. Coelho: I didn't get ahold of the comments Doug. If you could go ahead and, now these are the comments from the other boards?

Mr. Stefancik: Correct. I have DPW, they're up first: *We've reviewed this sketch plan for the addition of an accessory apartment to the existing single-family dwelling located at 23 Helena Street prepared by Dwain Devine and have no comments.* My comment is: *The original, the accessory apartment will be 792 square feet and will be occupied by the owner's mother. The original house was built in 1962, and they did meet the criteria.* The Fire Department: *Dear Mr. Chairman, the Ludlow Fire Department has reviewed the site plan as presented. Under the 780CMR51.00 Massachusetts State Building Code Ninth Edition Residential Volume, adding or creating one or more sleeping rooms for a single dwelling unit, when one or more sleeping rooms are added or created to an existing dwelling, the entire dwelling shall be provided with smoke, heat, and carbon monoxide protection. This project triggers an update to the existing structure and proposed addition to comply with the current Mass Residential Code smoke detector placement requirements. Prior to building occupancy, we will require an inspection and testing of the home's smoke detectors and carbon monoxide detectors. We expect all applicable federal, state, and local codes to be followed during the course of the construction of this project. Sincerely, Captain Seth M. Falconer.* And Board of Health has: *town sewer – no issue.* And that's all the comments.

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Mr. Coelho: Ok, so those are comments from other boards. You understand that you're subject to fire inspection prior to getting a certificate of occupancy, correct?

Ms. Devine: Correct.

Mr. Coelho: Ok, so you're clear with that. Ok, I don't know that I have any other questions. I'm gonna open it up to the Board now, if anybody else on the Board has any questions?

Mr. Queiroga: Just one. This is Joe. This, you said it's above the garage?

Ms. Devine: Correct.

Mr. Queiroga: And is the garage attached to the house?

Ms. Devine: Yes, it is.

Mr. Queiroga: Ok, that's all I have.

Mr. Coelho: Anybody else? Ok, hearing none, I'm gonna go to the public. Is there anybody out there in telephone land that wants to ask any questions about this specific project? If so, please state your name and address for the record. Going once, going twice.

Mr. Stefancik: We had nobody that contacted us in Planning for the conference call number, so we didn't have any takers on this, or interested parties.

Mr. Coelho: Ok, so I guess I'd be willing to…

Mr. Wilson: Is it possible for me to ask a question to the board?

Mr. Coelho: You're part of the audience.

Mr. Wilson: Ok yeah, I'd like to ask, this is Matt Wilson over at 97 Glenwood Street in Ludlow. I'd like to ask the Board if your garage isn't connected to your home, does that pose any problems?

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Mr. Coelho: I don't know that that question's relevant to this.

Mr. Wilson: Ok, that's fine.

Mr. Coelho: --- we can address that later.

Mr. Wilson: Got you.

Mr. Coelho: Anybody else? --- I'm gonna entertain a motion.

Mr. Queiroga: Mr. Chairman?

Mr. Coelho: Mr. Queiroga.

Mr. Coelho: Just one quick question, this is Joe. I assume that the people moving into this is part of the family.

Mr. Coelho: She said it was her mother.

Mr. Queiroga: Ok, alright, thank you.

Mr. Coelho: Anything else?

Ms. Houle: Mr. Chairman?

Mr. Coelho: Ms. Houle.

Ms. Houle: I **MOVE** to approve the special permit for the accessory apartment at 23 Helena Street in accordance with all applicable regulations, and that the relationship of the accessory apartment will remain consistent with the terms of this bylaw and that all follow up documentation be provided by the applicant proving this continued relationship.
**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.**

Mr. Coelho: Any MOTION to close the hearing?

Mr. Queiroga: **SO MOVED** Mr. Chairman.
**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 ended 7:07 p.m.*

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APPROVED:

Kathleen 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).*

**TOWN OF LUDLOW PLANNING BOARD**
**PUBLIC HEARING – SITE SKETCH**
**201 West Avenue (Assessors' Map 12A, Parcel 120A)**
**David Fernandes**
**(update site plan and add fence)**
**August 13, 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 7:10 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)

*In attendance: David Fernandes, abutters*

Mr. Queiroga read the legal notice for the Chairman. The legal notice included the description of: update site plan and add fence.

Mr. Coelho: Ok, thanks Mr. Queiroga. Is the developer or somebody representing the developer on the line?

Mr. Fernandes: This is David Fernandes, I'm on the line.

Mr. Coelho: Hi David, good evening.

Mr. Fernandes: Good evening.

Mr. Coelho: Want to give us a brief instruction as to what's going on here, why you guys are pursuing it, and what's being done?

Mr. Fernandes: --- Town of Ludlow --- by the Building Department, building inspector permit, I believe now you guys changed it to Planning Board, so we are, no changes, no changes at all on the site other than adding a fence along the perimeter for safety reasons.

Mr. Coelho: Ok, so that seems to be what the drawing indicates. I am going to go ahead and yield whatever time I have to the Board. Anybody on the Board have any questions, comments or concerns?

Mr. Stefancik: We do have some comments that came in too, Mr. Chairman.

Mr. Coelho: Oh, we got comments from the town, ok. Let's look through those first, I'm sorry.

Mr. Stefancik: You want me to read those if you don't have those?

Mr. Coelho: Yeah.

Mr. Stefancik: Ok.

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Mr. Coelho: Yeah, all I have are the sketches, so.

Mr. Stefancik: Oh ok, I'll read that. From the DPW: *We've reviewed the site sketch for the addition of a fence to the site plan 201 West Avenue prepared by Holmberg and Howe Land Surveyors dated June 30, 2020 and have the following comment. We have concern with the proposed gate at the end of River Street. It would promote trucks traveling through the neighborhood to get to the site. If you have any questions regarding these comments, do not hesitate to call Engineering Division. We reserve the right to review and comment on additional revised submittals.* And from me, the Planning: *The site plan meets the criteria for a site sketch.* Board of Health has no comment. And we did have a comment from a resident at 12 Barre Drive (*see file for email from kdominique3@gmail.com read by Mr. Stefancik*).

Mr. Coelho: Now this is the same, correct me if I'm wrong, we were working on for the use of the front gate, correct?

Mr. Stefancik: Yes, but on the site sketch it shows a rear gate, but I don't think, know if they have anything to be designated in that area, and maybe Dave can better answer that.

Mr. Fernandes: There's a rear gate no intentions of touching anything, it's just there. Nobody's using it but the ---.

Mr. Coelho: What about the front gate?

Mr. Fernandes: The front gate? The front gate is actually part of the tower, cell phone tower, part of the property, but.

Mr. Coelho: So what gate are they using to access the site now?

Mr. Fernandes: The cell tower uses the gate off West Ave, and the tenant there uses the gate off Barre, Barre Road, Barre Street.

Mr. Coelho: River Street?

Mr. Fernandes: No. River Street has no entrance to the property. We're putting a gate up on top of River Street, but that's purely, never gonna be used at this point, so. There's a drop off, it's probably a 10-12 foot drop off the property line to the road, so you can't access the property from there.

Mr. Phoenix: If there's no intent to use it as a gate, why is it being built that way?

Mr. Fernandes: Because there's utilities under there, and it's part of, I'm not sure if it's a utility easement, but that was for future if anybody ever needs to access the utilities. There's a sewer line and a drain line that goes under that gate.

Mr. Coelho: So how is Nunes accessing the site now?

Mr. Fernandes: Through Barre.

Mr. Coelho: Oh, ok, I didn't realize.

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Mr. Fernandes: So, we're actually putting the fence along the property line. We've had a lot of issues --- some of the neighbors around mentioned in the past. We have a lot of people hunting the property, trespassing, they're baiting the deer out there. We keep finding food, bread out there, and tree stands that we've taken down multiple times. We have a serious problem with people back there shooting and bow and arrow hunting back there. So, we're actually putting a fence all along the property, all the way around. It's just, it's a safety. We can't have people trespassing. We've had dirt bikes back there multiple times. Somebody gets hurt, gets killed back there. --- trying to keep the trespassers off the property, that's all.

Mr. Coelho: And does that proposed gate note need to be on this plan?

Mr. Fernandes: I didn't hear the question.

Mr. Coelho: Does that indicated proposed gate, does that even need to be on this plan?

Mr. Fernandes: No. He only wanted it on there in case we ever have an issue with the, like I said, there's a utilities that goes through there. He's owned the property 18 years. He's never touched it. We've never gone through there once, but he's just thinking ahead as far as if there's ever an issue with the utilities somebody would have a way to get at them.

Mr. Coelho: Ok, I suppose the more exits out of an industrial site, probably the better.

Mr. Fernandes: There's a, --- actually has a like a retaining wall at the end of River Street. You can't tell on the plan, but all of a 10-12 foot drop at the end of River Street on the property, so it's impossible to access.

Mr. Coelho: Ok, any more questions from the Board? Hearing none, is there anybody on the phone that would like to ask any questions? Please state your name and address for the record.

Ms. Ibay: Umm yes, this is Melissa Ibay, 132 River Street.

Mr. Coelho: Ok.

Ms. Ibay: So, my question goes back to the proposed gate that's right there, that's on the site plan. So, I mean, I know that there is a drop there, but, I mean, even if you had to use that for utilities, it's never been used that before, and how would you use that for utilities when there's no pavement going up to that part?

Mr. Fernandes: --- for utilities would be for utility maintenance --- under the ground, not to use it for any vehicle traffic. There's no intentions of any vehicle traffic. But if they have to dig down to fix the sewer pipe, fix the drain pipe, whatever parts are in there, it gives people an access to fix the underground utilities without cutting the fence off.

Ms. Ibay: Ok, and then my other question was --- going on to my part of my end where my second parcel is going into where the end of my retaining wall, how far will I have access to get into my second parcel on that corner?

Mr. Fernandes: I believe I went out and I met you on the site. The retaining wall goes into Mr. Baltazar's property, I talked to the owner, he said he would go around your retaining wall. Your retaining wall's about eight feet into his property, so he would probably be about a foot behind the retaining wall down ---.

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Ms. Ibay: I'm --- talking about more towards the lower corner of that one.

Mr. Fernandes: He'd be one foot off the property line. I believe the town requirement is six inches, we try to go a little over just to make sure that we have a little safety network. It would be one foot off the property line.

Ms. Ibay: Ok ---.

Mr. Fernandes: --- where that wall comes and you have that gate next to your house, technically the property line, the property line's about four feet off the corner of your garage where you have like that eight foot wide gate, he's gonna go around that. He's not gonna go down the property line and cut down your retaining wall and your gate ---. That's already drawn on there.

Ms. Ibay: Yeah, I understand that part. I was ok about that part. I was more talking about more about that corner one at the very end of, going towards the second parcel where I can have access to go to that parcel.

Mr. Fernandes: So, it would be one foot on his property off the property line.

Ms. Ibay: Ok, ok. Now, what are you doing about all the trees on that side over that way?

Mr. Fernandes: Nothing.

Ms. Ibay: --- trees --- what are you gonna be cutting down? I heard you already cut down trees, you already cut down a lot of plants already, so just curious to what it actually.

Mr. Fernandes: They did some trimming. There were no trees cut for the future fence to go in, but there's no plans of touching anything. Did you get a chance to look at the site plan?

Ms. Ibay: Yeah, I actually, I have it right now in front of me.

Mr. Fernandes: It shows that whole area as undisturbed, so that means nobody's gonna be back there. How it is, is how it's gonna be.

Ms. Ibay: Ok.

Mr. Coelho: --- by the Nunes Company demarcated right on the drawing.

Mr. Fernandes: Yeah, so we put on those on there because I think that would put a lot of the neighbor's questions just so everybody knows what the intentions are.

Mr. Coelho: It's hard to tell on the scale but it looks like it's probably at least 25 feet from the property line.

Mr. Fernandes: We got about from 50, I think the closest spot is about 45 feet from the property line. Most of it is 50 feet across.

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Mr. Coelho: Ok, is there anybody else?

Ms. Dowers: This is Lisa Dowers on 119 Barre Drive.

Mr. Coelho: Ok.

Ms. Dowers: You guys call me the complainer, I guess. Thank you. For that I had to be here. I actually think it's a great idea to put the fence up because me, I would prefer nobody hunting back there. I want the fence up there. I know a tree fell on there and I contacted the renter to let them know that the tree fell down. So, I would prefer a fence there 'cause I have seen, 'cause I'm like right in front of where the gate is on Barre Drive, as you guys know, and I was, I saw, like I said, I saw the tree fell and somebody, I see a lot of people coming up here and looking right in there, and I don't know who is going in there to look around, you know what I mean? I don't know if they're trespassing or whatever, and I have heard a few people tell me about the hunting with the bow and arrow and I don't appreciate people hunting, especially around houses, so I'm for the fence 100%.

Mr. Coelho: Ok, thank you. Anybody else?

Ms. Ibis: Um yeah, speaking about that with the hunters are actually coming from the access road off of near River Street. They're coming back there.

Mr. Fernandes: Behind your property, through your property.

Ms. Ibis: Through my property and then going up towards the, through the woods, going up to the Nunes and Baltazar's property. I see a lot of hunters going through that access road.

Mr. Coelho: This --- will stop that, this fence will stop that.

Ms. Ibis: Coming down from where the turn is on where the utility lines are, that's where they're entering in from.

Mr. Coelho: Oh yeah, there's nothing you can do about utility lines. That's probably Eversource's job.

Ms. Ibis: Well can we get them involved?

Mr. Fernandes: So, what the land owner's proposing on the fence, you can't tell on the plan, but where the fence ends, that's where it's like a four to one drop, it's a straight drop, a cliff. So, we ran that fence down the cliff to the point where somebody probably couldn't go any further to where, I think, somebody's gonna have a really hard climbing the ---, the cliff in the back. So that's our goal is to try and keep people out of the property, out of that area.

Ms. Dowers: I hope it can keep them out. I mean, --- a lot of people around here that has kids and I don't want anybody to accidentally get shot with their bow and arrow, you know what I mean?

Mr. Fernandes: We're 100%, it's an issue. It's definitely an issue back there.

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Mr. Coelho: Ok, anybody else?

Ms. Dowers: I think the fence should be up tomorrow to be honest with you.

Mr. Coelho: Ok, well, we're working on it. Is there anybody else with anything new to add? Hearing none, I am willing to entertain a motion on the site sketch.

Mr. Queiroga: Mr. Chairman?

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: Yeah, do we need to waive the full plan or not?

Mr. Stefancik: No, you actually waived that last July, so I checked on that, so the plan has already been reduced from a full plan to a site sketch, and since we're having a public hearing, we don't need to waive that either.

Mr. Queiroga: Ok, then I **MOVE** to approve and sign the site sketch for Mr. Baltazar at 201 West Avenue.

Ms. Tower: Hello, could I say something?

Mr. Coelho: Public comment time is over. As long as you can keep it brief. We have a motion on the floor.

Ms. Tower: I still have a couple questions.

Mr. Coelho: Who are you? Hello?

Ms. Tower: Hello.

Mr. Coelho: Have you already asked questions?

Ms. Tower: No.

Mr. Coelho: Will you please state your name and address for the record?

Ms. Tower: --- Tower, Wehonah Drive.

Mr. Coelho: You're who?

Mr. Stefancik: I think, is that Geraldine Tower? I have a Geraldine Tower as an abutter.

Mr. Coelho: Ok well, go ahead.

Ms. Tower: I have a question. --- clean it out ---. Now I know they took some of it, but some it is still buried there.

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Mr. Coelho: Is this related to the fence? That's what this hearing's about, the fence.

Ms. Tower: Beyond the fence.

Mr. Coelho: It's in their the property.

Ms. Tower: Yes.

Mr. Coelho: Ok, so I don't know what kind of control we have over what they're supposed to be doing on their property or not. It is an industrial property. They have lots of things they can and can't do. I don't know that we're addressing those kinds of specifics right now, so.

Ms. Tower: Ok. --- you can't answer that one. The other question is why the ---? It was supposed to block the view of --- and the looks of it.

Mr. Coelho: I believe that the existing tree line is intended to do that.

Ms. Tower: Well the tree line ---. They tore down the trees.

Mr. Coelho: They have a buffer that seems to meet the criteria indicated on the plan here.

Ms. Tower: How far from --- is the fence gonna be?

Mr. Coelho: I'm sorry?

Ms. Tower: --- fence gonna be?

Mr. Coelho: I don't understand the question. I don't know if your phone's got a bad connection or not, but.

(multiple people talking)

Mr. Coelho: The fence is gonna be within one foot of the property line.

Ms. Tower: Pardon?

Mr. Coelho: The fence is gonna be within one foot of their property line as they indicated.

Ms. Tower: Alright.

Mr. Coelho: Is there anybody else now? No, ok, hearing none, we're moving on. We have a motion on the floor now. Can I get a second please?

**SECOND** Mr. Quiterio.
**5-0 in Favor**.

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

Mr. Coelho: Can I have a MOTION close the public hearing please?

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

*The public hearing ended at 7:31 p.m.*

APPROVED:

Kathleen Houle
Kathleen Houle, Secretary

su

Documents: Master application; Comments from Town Departments/Boards; Email from kdominique3@gmail.com (12 Barre Drive)(August 3, 2020); Site Plan of Land in Ludlow, Massachusetts, Prepared for Jose & Maria F Baltazar (06/30/2020)

*(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 – SPECIAL PERMIT / ACCESSORY APARTMENT**
**97 Glenwood Street – Matt E. Wilson**
**(addition of a 720 sq ft accessory apartment)**
**August 13, 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 7:32 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: Matt Wilson*

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: addition of a 792 sq ft accessory apartment.

Mr. Coelho: Are there any waivers or findings necessary for this?

Mr. Stefancik: No. We do have some comments though.

Mr. Coelho: Ok, go ahead Doug, with the comments.

Mr. Stefancik: Ok, from DPW: *We have reviewed the plot plan for the addition of an accessory apartment to the existing single-family dwelling located at 97 Glenwood Street prepared by Innovative Engineering Consulting LLC dated June 2, 2020 and have the following comment: The owner must obtain a letter from the Board of Health that the existing sewage disposal system is adequate for the proposed accessory apartment. If you have any questions regarding these comments, do not hesitate to call the Engineering Division. We reserve the right to review and comment on any revised submittals.* From the Board of Health, they had commented: *Occupancy permit for new apartment should be held until septic system for this apartment is put in and certificate of compliance is issued.* And Andrea updated with an email following Mr. Suprenant's comment: *Good afternoon, in response to 97 Glenwood Street addition over the garage, the owner plans to put in a separate septic system for the addition and will not be tying into the existing system for the house.* From Planning, from me: *The accessory apartment needs to be attached to the main dwelling unit, not in a detached garage. Only one apartment will be created within the single-family home. The apartment is for a daughter. The accessory apartment shall be designed so that the appearance with the building remains that of a one family residence as much as feasibly possible.* And then from Fire: *Dear Mr. Chairman, the Ludlow Fire Department has reviewed the site plan as presented. At this time, the Ludlow Fire Department requires this project to comply with the current Massachusetts Residential Code smoke detector/carbon monoxide placement requirements. Prior to building occupancy, we will*

*require an inspection and testing of the apartment's smoke detectors and carbon monoxide detectors. We expect all applicable federal, state, and local codes to be followed during the course of the construction of this project. Sincerely, Seth M. Falconer, Fire Prevention Officer.* And that's all the comments.

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Mr. Coelho: Ok, so Mr. Wilson are you there?

Mr. Wilson: Yes, I am.

Mr. Coelho: You mind giving us a brief description of exactly what you're doing for the record and maybe you want to address the septic issues.

Mr. Wilson: Yes, I've taken a look at the plot plan, and I'm sure you guys have as well. And it appears that my septic would be a considerable distance away from all of the edges of the property. --- as much as 20 feet. It's not gonna be that large which is my understanding. I spoke to you an individual --- leach field and septic system. He seems to think that that's not a huge undergoing, so that would be better for my property as well. I don't want a torn up yard as well. And the property itself, the actual --- is going to be 724 feet, one bedroom, and two egresses on the rear and front right of the property. That's it.

Mr. Coelho: --- without a proper septic system you probably won't get a certificate of occupancy.

Mr. Wilson: That's correct, that's correct. Yeah, I do understand that and that'll be installed long before I try to do any of that. I've already got some leads on what I'm gonna be doing with the leach field.

Mr. Coelho: Ok, and this is for a direct family member?

Mr. Wilson: Yes, --- be for a direct family member. Definitely not looking to rent it to anyone. That was never an issue. Just for family.

Mr. Coelho: Great, I don't have any more questions. Does anybody else from the Board have any questions? Hearing none, I'm gonna open it up to the public. Is there anybody on the line looking to ask any questions related to this special permit? Ok, hearing none, I guess I'm willing to entertain a motion.

Mr. Stefancik: One thing before you make the motion, Doug in Planning here, question, the accessory apartment , you know, it's to be a separate housekeeping facility, but the general description is: the accessory apartment shall mean a separate housekeeping unit complete with its own sleeping, cooking and sanitary facilities that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit. What he's proposing is not within the house, it's in a separate garage, and this would be the first one that, if you're approving, it's separate from the residence. You'd have two separate buildings on the property all together which brings into question, is this something we're gonna have to look at down the road where we're gonna let people build basically a guest house on their property?

Mr. Coelho: Well, I think adding to an existing garage isn't building a guest house in my opinion. --- an unused attic space above a garage, had that garage been connected to the house it wouldn't be a question.

Mr. Stefancik: And then part, if it does get approved from you, he has to apply for a building permit, and if building is going to, 'cause we have, I don't have comments from him, if he feels that this has to be denied, then he'll have to go the Zoning Board of Appeals as well, so you know, that's just step two in this whole process.

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Mr. Wilson: Ok, so what criteria am I overstepping? That would be the only question I have. Is there something I'm doing that's creating? I have another neighbor who actually has a very similar structure, but you're correct about the septic system. He is connected, I would believe his is connected closer to his home, so he probably is connected to the same system, but mine, the only reason I've considered another septic system is because it's a little bit farther from my home, but that…

Mr. Coelho: I don't think we're questioning the septics at this point. I think the only question the Town Planner has is the fact that it's not a connected building.

Mr. Wilson: Yes.

Mr. Stefancik: Had you been attaching it to your house it wouldn't be an issue.

Mr. Wilson: I have some on my street that are not connected as well.

Mr. Stefancik: They could be illegal apartments, that's another thing as well, or they're grandfathered having been done many years ago if people didn't pull a permit for it.

Mr. Wilson: --- property is, I believe, it's about four or five years old. I actually watched them construct it.

Ms. Houle: Probably not permits for it.

Mr. Stefancik: Exactly, as Ms. Houle said, it's very well they didn't permit it.

Mr. Wilson: Ok, well you might be on to something there, but it is a very large structure and it's visible from the street, so I was under the impression he was doing something within our boundaries. But, let me know what you'd like me to do.

Mr. Phoenix: Doug, what does the regulation actually say as far as that, is there anything in the wording of the actual regs where is specifically says where it cannot be a separate structure ---?

Mr. Stefancik: Well, as I read the general description 6.6.2, the accessory apartment shall mean a separate housekeeping unit complete with its own sleeping, cooking and sanitary facilities that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit. And then as we get into some of the other criteria, you know, the accessory apartment will be a complete separate housekeeping unit that functions as a separate unit from the original unit. Only one apartment will be created within a single-family home. I mean, those are some of the things that jump out at me that says you need to have the apartment within the house itself.

Mr. Phoenix: Yeah, ok.

Mr. Coelho: I don't know if I agree with that ---.

Mr. Phoenix: Well, I was ready to say something about how we can approve, and if Justin wants to he can deny, and the appeal can be about Justin's denial, but I tend to agree with the way that Doug is reading that. If it says within the single-family home, it's no different that if we're talking about within the structure all together because the garage is a structure, but I don't think that a detached garage would be part of the home itself.

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Mr. Coelho: My garage is detached, and I spend a lot of time in there. I consider it part of my home.

Mr. Stefancik: I think…

Mr. Wilson: --- part of my home. I spend more time in there than I do ---. So, it sounds like this isn't something that's under acceptable criteria for this build.

Mr. Coelho: Well, I mean, it's something we're gonna vote on, that's for sure.

Mr. Wilson: ---

Mr. Queiroga: Mr. Chairman?

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: Yeah, would it make sense in this situation to get our attorney to butt in and give us his two cents?

Mr. Coelho: No. No, I don't think so. That's our job.

Mr. Queiroga: Then I would agree with…

Mr. Coelho: If that --- then just give the attorney a seat on the Board.

Mr. Queiroga: Ok, then I would agree with Ray that the --- doesn't, have we ever approved a situation like this on a separate building?

Mr. Stefancik: No, nothing that I know of to date that, everything has been within the structure itself, the single-family house.

Mr. Queiroga: Yeah.

Mr. Stefancik: And we've had plenty of them that have put them over their garage, but the garages have been attached to the property.

Mr. Wilson: Ok, I know what you guys are saying, it just sounds like the one that was done up the street must have been done wrong because that was the original reason I even sought this out. I was under the impression that somebody else on my street had performed this before and --- the criteria because it's the same street. I'm literally four houses away from his ---. So, if it was done wrong once, I don't want to be part of that. I don't need that for a headache. I can't spend all this money on a project that I wouldn't be able to gain an occupancy for.

Mr. Queiroga: Mr. Chairman, what's your pleasure?

Mr. Coelho: I can't make a motion or else I would.

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Mr. Phoenix: Well you can if you want to, the Chairman usually just doesn't.

Mr. Coelho: I can if I have to.

Mr. Phoenix: You can if you want to. Based off of what we're hearing for comments though, I will make a **MOTION** to deny the requested permit since it is not part of the single-family home.
**SECOND** Mr. Queiroga.
**4-1 in Favor. (Mr. Coelho)**
**Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – no.**

Mr. Phoenix: I would just mention it sounds like Justin was already talking about the possibility of this going to the appeals process, and that's still a possibility if the applicant wants to ---.

Mr. Wilson: --- I'm glad somebody brought that up. I was like what are the options that I have here? Obviously if there's some other type of document I'm supposed to acquire. I'm wondering if there's any other road I should be approaching. I still need to build a structure for my daughter to move in to that hasn't changed. COVID has challenged our lives considerably. So, that's the reason I started down this road in the first place. Is there any other process I can go through to get this built?

Ms. Houle: You can apply for a variance after you get our denial, and then go through that process. If they approve a variance to the zoning bylaws. That might be an option.

Mr. Wilson: The variance will allow me to do what, go ahead and build the structure and potentially get an occupancy?

Ms. Houle: --- if you --- a variance from the Board of Appeals.

Mr. Wilson: Ok. That sounds like the next thing I have to do.

Mr. Phoenix: ---

Mr. Wilson: Go ahead.

Mr. Phoenix: I was gonna say --- I know I made the motion to deny, but I wish you luck on the appeal and I think it's a sensible thing. It might be something that we need to take a look at in the Bylaws, possibly allow the accessory structure to be viable places for the accessory apartment. That might be something to look at moving forward. I do feel badly that that's the way the regulations are written right now.

Mr. Wilson: --- thank you for your time.

Ms. Houle: --- when it comes to that.

Mr. Coelho: All except one.

Ms. Houle: All except one, yeah.

Mr. Wilson: Well, thank you for your time.

Mr. Coelho: Can I get a MOTION to close?

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Mr. Phoenix: **SO MOVED.**
**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.**

*Hearing ended 7:48 p.m.*

APPROVED:

Kathleen 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).*