TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 25, 2021

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2021 APR 23 P 12: 25
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Raymond Phoenix (Present)
Kathleen Houle (Present)
Rafael Quiterio (Present)
Joshua Carpenter, Associate Member (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)

Board to Reorganize / Committee Assignments
(Letter of interest from Joshua Carpenter as Associate Member included)

Mr. Phoenix: So, I will make a **MOTION** to keep all positions the same going forward as they currently are, and to add Mr. Carpenter in for Fair Housing and the alternate PVPC Commissioner.
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 Planning Board Reorganized as follows:

Chairman: Christopher Coelho

Vice Chairman: Joseph Queiroga

Secretary: Kathy Houle

Members: Raymond Phoenix, Rafael Quiterio

Associate Member: Joshua Carpenter

The Board voted to keep the Committee Assignments as they remain, except for the two vacant positions of PVPC Alternate Member & Fair Housing Committee, that were assigned to Joshua Carpenter.

Mr. Phoenix asked to remove the Change of Occupancy for 44 Sewall Street #1 from the consent agenda and move it to discussion.

Mr. Phoenix said that a motion needs to be made to continue to allow Kathy to be our signer for the coming year.

Mr. Coelho: And now we need a motion to?

Mr. Phoenix: To have Kathy still be designated as our signer for plans, etcetera.

Mr. Coelho: Correct, is that a MOTION?

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

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – 117 Fuller Street (Assessors' Map 11D, Parcel 10) Mark Ottani (electrician)

SEE ATTACHED MINUTES

PUBLIC HEARING – SITE PLAN – 859 Center Street (Assessors' Map 17, Parcel 14) First Church of Ludlow (Alex Hillis) (8' x 12' prefab shed for clothing donations)

SEE ATTACHED MINUTES

PUBLIC HEARING – DEFINITIVE SUBDIVISION – Miller Street (Assessors' Map 25, Parcel 24 & Map 26, Parcels 36A, 36B, 36C) Daniel's Gravel Bank (for the construction of a 19-lot residential subdivision including two roadways)

SEE ATTACHED MINUTES

Change of Occupancy: Ali Bulut (Inter Produce) 4-6 White Street (from produce store to produce store)

Mr. Phoenix remarked that the owners have been occupying the building with the business running for a while, and that nothing has come into the office for paperwork. He noted that in the time since they took over there, they've done some things to improve the property, but they also put a tractor trailer blocking a number of the parking spaces in which the tractor trailer is not supposed to be there. Mr. Phoenix went on to say that instead of having dumpsters where the tractor trailer is, they put the dumpsters blocking additional parking spaces, which is a total of 4 or 5 total parking spaces that are blocked. He said that the owners need to either update their site plan or go back to the way existing conditions were. He also mentioned that the fee should be doubled since the application was submitted after the work was completed.

Mr. Phoenix: So, I will make a **MOTION** to deny the Change of Occupancy at this time, and to allow the applicant to resubmit so that the new fee plus the existing fee equals the correct, oh we'll deal with it later, let me read the motion. I'll make a **MOTION** to deny the Change of Occupancy at this time, and to inform the applicant that they need to either return to the existing conditions on the

site prior to their occupation of the property or to submit a new site plan. And once they figured out their course forward, we can deal with the paperwork with them at that time.
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.

(also see motion below)

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Change of Occupancy: Fr. Michael Heningham (St. Steven Orthodox Church)
44 Sewall Street #1 (from Ludlow Printing to church)

Mr. Phoenix inquired if when the chart was updated for the site sketch (3/11/21 meeting) was it noted on there that it was going to be used as a church. Mr. Stefancik confirmed that the chart reflected the fact that it was going to be a church in the future, and that the seating and parking is sufficient.

Mr. Phoenix: So, I'll make a **MOTION** to approve that Change of Occupancy.
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.

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 12. - Legal Notices from surrounding communities
- SIGN Special Permits:
  - Marcio Duarte – 150 Ridgeview Circle (contracting business)
  - Deanna Szczepanek-Bingham – 7 Nash Hill Road (e-commerce business)
- APPROVE Change of Occupancies:
  - Jose A Cordeiro (JR Butcher Shop) 274 East Street (change of ownership)
- APPROVE/SIGN Bills – Tighe & Bond (Ludlow-FY21 GIS Support)

File Mail Item #13 – Change of Address – 0 Tank Farm Road (Map 10, Parcel #119) – from Justin Larivee, Building Commissioner & Zoning Enforcement Officer

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File Mail Item #14 – Vacant Property @ 95 Summer Avenue – 3rd Notice of Violation & Fines – from Justin Larivee, Building Commissioner & Zoning Enforcement Officer

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Mr. Phoenix: I would make a **MOTION** to give the property owner/applicant for 4-8 White Street 30 days to provide a path forward with the Planning Board or it will be referred over to the building

inspector for enforcement action and to notify the applicant of that, so that they're aware of the expectation.
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 #15 – Reorganization of Ludlow Board of Health

Mr. Coelho: Maybe we could get a MOTION for a five-minute recess until 8:00?

Mr. Phoenix: **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.

The Board took a brief recess from 7:55 p.m. to 8:00 p.m.

DISCUSSION – 433 Center Street – Lori Bryant, Project Manager for Store Planning – (Big Y MyPicks location)

Lori Bryant was present for the appointment.

Ms. Bryant explained that the way MyPicks works is that customers would order their groceries online and choose the store location (including day and time) that they want to pick them up, park their car in a designated parking spot that is marked with a sign, call in to the store upon their arrival, and a clerk from the store would bring out their order and load it into their car.

Mr. Phoenix remarked that he had concerns over the MyPicks location at the Big Y and whether cars would be parking in the fire lane at the entrance to the store to pick up groceries. He said that he would like to see a site sketch submitted with an application.

Mr. Stefancik mentioned that a site sketch was submitted, but without an application.

Ms. Bryant said that she has been trying to contact the Building Department weekly since December regarding permitting and hasn't received any reply from them.

Mr. Phoenix: Hearing nothing from anybody else, I'll make a **MOTION** to approve the plan that was submitted as an addendum to the existing site plan, sketch as an addendum, to waive the full site plan in favor of it, to waive the associated public hearing for that, to waive the double of the fee for work that was done prior to submission, and to do that all on the condition that we do get the application and the standard fee from Big Y within the next 30 days.
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. Coelho: Ok, looks like we're at the end of the road today. I'd be willing to accept a MOTION to adjourn.
Mr. Phoenix: **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.

Meeting adjourned at 8:11 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION
117 Fuller Street – Mark Ottani
(electrician)
March 25, 2021

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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)
Joshua Carpenter, Associate Member (Present)

The hearing began at 7:06 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: Mark Ottani

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: electrician.

Mr. Coelho: Ok, Mr. Ottani, why don't you go ahead and give us a brief description of what you're looking to do over there.

Mr. Ottani: Well, my name is Mark Ottani. I live at 117 Fuller Street and I'm applying for a home office. I'm an electrician. I've been in the company for about 15 years. I'd like to start up a small business. It would be a small electrical business with no other employees but myself. There'd be one vehicle and no signs.

Mr. Coelho: And will the vehicle be over 10,000 GVW?

Mr. Ottani: It would be 8,500, less than 10,000.

Mr. Coelho: Ok. And again, Mr. Ottani, could you just give me your name and address for the record?

Mr. Ottani: Sure, my name is Mark Ottani, and my address is 117 Fuller Street Ludlow.

Mr. Coelho: Ok, great. So, I…

Mr. Phoenix: Mr. Chairman.

Mr. Coelho: Mr. Phoenix.

Mr. Phoenix: The applicant did sign the waiver request, based off the idea that this is not really rising the level of it needing a full site plan, based on that and the description that the applicant's

given us, I would make a **MOTION** to #1, find that this is a suitable home occupation under the Bylaw, and #2, to grant the waiver of the full registered site plan in favor of a sketch and photos as presented by the applicant.
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. Coelho: So, we have some sketches here of his house and pictures. So, that looks good. Mr., I'm sorry…

Ms. Houle: Ottani.

Mr. Coelho: …Mr. Ottani…

Mr. Ottani: Yes.

Mr. Coelho: …you're aware that there were several checklists that you signed off having read. Those are basically the rules you'll need to abide by moving forward with this home office, home occupation, and violation of those rules could result in revocation of that. And I just want to make sure you understood those when you signed them.

Mr. Ottani: Absolutely, yes, I do.

Mr. Coelho: And you weren't signing them out of duress.

Mr. Ottani: No, I wasn't.

Mr. Coelho: Ok good. And you also understand, basically a home office is home office, right?

Mr. Ottani: That's correct, yeah.

Mr. Coelho: Ok, I have no more questions. Anybody on the Board have any questions? Hearing none, I'd like to open it up to the public. Again, this is for the 7:00 public hearing for the special permit home occupation at 117 Fuller Street. Is there anybody out there in the public that would like to ask any questions, please do so through me the Chair. And once again, anybody out there please state your name and address and ask any questions through the Chair. Hearing nothing, I'd be willing to entertain a motion.

Mr. Phoenix: Mr. Chairman, I'll make a **MOTION** in the standard form to approve the home occupation as described and to close the public hearing immediately after.

Mr. Coelho: I'm sorry, I have one more thing, I have to tell everybody that the cameras are recording. I keep forgetting to do that. So, you're all being recorded. Ok, so we have a motion.
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.

Hearing ended 7:10 p.m.

APPROVED:

Kathleen J Houle

Kathleen Houle, Secretary

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Documents: Master application; abutters list

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE SKETCH
859 Center Street – First Church of Ludlow (Alex Hillis)
(8' x 12' prefab shed for clothing donations)
March 25, 2021

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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)
Joshua Carpenter, Associate Member (Present)

The hearing began at 7:12 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: Alex Hillis – St. Pauly Textiles, Betty Jaciou

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: 8' x 12' prefab shed for clothing donations.

Mr. Coelho: Ok, Mr. Hillis, why don't you give us a little verbal description. Oh, first give me your name and address, or name and address of the church, for the record please.

Mr. Hillis: Sure, my name's Alex Hillis, my own address, my business address is 1067 Gateway Drive, Farmington, New York 14425. The church address, which is where the shed's gonna be located, is 859 Center Street Ludlow.

Mr. Coelho: Ok. Thank you. So, give us a brief description of what the church is looking to do. I think it's pretty self-explanatory for us, but oh, everybody's being recorded right now, camera, audio visual, just so you all know once again.

Mr. Hillis: Ok.

Mr. Coelho: But yeah, go ahead and give us a description of what's going on over here, please verbally.

Mr. Hillis: Sure, no problem. So, I work for St. Pauly Textile, which is a company that collects used clothing. We collect over a 100,000 pounds of clothing every day by partnering with, at this point, over 1,200 different nonprofit organizations, primarily churches, across the northeast. But, I'm also, in this matter, representing the church, as their agent, to apply for this because in my capacity working for St. Pauly Textile, we are donating one of our clothing donation sheds to the church, to set up there, so people from the community can stop by and donate clothing via the donation chute, you know, built into the side of the shed. The church is gonna be responsible, in partnership with us, with St. Pauly Textile I should say, for keeping the shed very clean. Not only will St. Pauly Textile be emptying the shed on a weekly basis, but the church will also be

having volunteers go inside the shed throughout the week to move donations away from the chute making sure that there's always room for people to be able to continue to donate, and just generally kind of keeping it organized and clean for the public. And the church cares very much about their property as well. So, there's a big intent up there for everybody involved for us all to keep this a clean and community friendly initiative. And in case anyone's curious, the clothing that we collect is distributed internationally. It's all re-worn by somebody somewhere in the world as long as it's in usable condition. And finally, the church receives funding for partnering with St. Pauly Textile based on the amount of clothing donated. So, that's the general description of the project.

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Mr. Coelho: All right, good, so you guys have a plan to maintain this box, so we don't see piles of clothes as we drive by then, essentially ---.

Mr. Hillis: You got it. That's the most important thing.

Mr. Coelho: That tends to be a problem with a lot of these kind of drop boxes, they get full, people forget to pick them up, then next thing you know it's not really good.

Mr. Hillis: I know it. No doubt.

Ms. Jaciow: I'm on the line representing First Church. My name is Betty Jaciow, and yes, we are very concerned to make sure that all stays clean.

Mr. Coelho: Great Betty. Thank you very much.

Mr. Hillis: Thank you Betty.

Mr. Coelho: Ok…

Mr. Phoenix: --- we're doing a full site plan with a full site plan fee and all that good stuff --- is that correct?

Mr. Coelho: I'm sorry, Ray, your question was a little muffled.

Mr. Phoenix: Well, I just want to be clear, we're doing a full site plan for putting this donation shed up. We're not doing this as a sketch, this is a full plan with all of that entails with fees and all that other good stuff. Is that correct?

Mr. Coelho: We have a waiver here for the…

Mr. Stefancik: This is the second time they came back. They came last year, but our Bylaw for the clothing donation boxes did not allow it out in Agriculture, so we had to change the Bylaw. And we had to change the Bylaw to allow this type of a clothing donation receptacle on the property, so they had to wait at least another year for us to go through Town Meeting. And because May Town Meeting they took all the bylaw changes off, we had to wait till October Town Meeting, so they're coming back to us. And they do have a waiver, I believe, for the fee, and that's why. They had done the full site plan last year in anticipation, as we changed the Bylaw, any of the clothing donation boxes or receptacles need to have site plan approval from the Planning Board.

Mr. Coelho: So, they already paid the fee once?

Mr. Stefancik: They did, yes.

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Mr. Coelho: They're asking for a waiver of the second fee.

Mr. Phoenix: 'Cause I didn't see a waiver of the fee request in what's in Google Drive. That's, there it is.

Mr. Coelho: I can read right here.

Mr. Phoenix: I just found it. It's just, it's such a short page I didn't even see it.

Mr. Coelho: I should probably read it into the record anyways, right?

Mr. Phoenix: Probably, yeah.

Mr. Coelho: Dated February 24, 2021, *To whom it may concern, We'd like to request a waiver of the fee from this application since we already paid to submit this application when it was originally submitted for review. Nothing about the application or proposal has changed. Sincerely, Alex Hillis.*

Mr. Phoenix: --- makes more sense to me.

Mr. Coelho: So, we do have a waiver request in writing.

Mr. Phoenix: We also do have a waiver request related to o.1, 2, 3, and 5. which would be the lighting plan; the elevations of the front, rear, sides of the building; signage design; and traffic study. So, we'll have talk about that waiver as well. But, I think we did get couple of people that wrote back to us Chris?

Mr. Coelho: Yes, I'm looking at the comments from other boards now. The Department of Public Works has no comment. Fire Department *(Mr. Coelho read comments from the Fire Department – see file).* So, the Fire Department is a little concerned that this might turn into a dumping ground for things other than clothing donations and I think we kind of touched on this when we said that the church is going to be maintaining that shed, correct?

Mr. Hillis: Yes, if you're asking me, the applicant. Yeah, the church and St. Pauly Textile are jointly gonna be responsible for taking care of it.

Mr. Coelho: So, should there be an accumulation of stuff outside that shed, we'll be able to contact the church and it'll be alleviated, correct?

Mr. Hillis: Absolutely.

Mr. Coelho: Ok, great. The Safety Committee doesn't have any comments. The Board of Health doesn't have any comments. Planning Board, I'm seeing lots of black check marks, which is good. That means we have no comments. We do have a waiver request of: Dear Planning Board Members, I'm requesting the waiver for, as Doug, as Ray already discussed,

7.1.5 Required Site Plan Contents o. Additional Requirements, they're looking specifically to waive 1, 2, 3, and 5, and they still have a 4 here, where snow will be stored. Is that?

Ms. Houle: ----

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Mr. Stefancik: Yeah, it's right here on the plan here.

Mr. Coelho: Ok, so they're looking for a waiver on the lighting plan; the elevations showing the front, rear, sides of the building; the signage design; and the traffic study.

Mr. Queiroga: Mr. Chairman, I'll make that **MOTION** in the usual format.
SECOND Mr. Quiterio.

Mr. Coelho: Ok, and that'll be to waive 7.1.5 1, 2, 3, and 5.

Mr. Phoenix: Discussion before we do that.

Mr. Coelho: Mr. Phoenix.

Mr. Phoenix: Would the mover and the second be ok with adding in also the waiver of the fee since that was already paid on the prior plan? So, we just have to do the one motion instead if two?

Mr. Queiroga: **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.

Mr. Coelho: Are there any other questions from the Board at this time? Hearing none, I'd like to take the opportunity to open this up to the public. Is there anybody from the public that would like to speak on the First Church's proposal to add a clothing donation shed to their property? Once again, is there anybody from the public on the line looking to speak to this, please state your name and address for the record. Hearing none, I think this is suitable for the area. They have plenty of room back there and they promise to keep it tidy. So, I'd be willing to hear a motion.

Mr. Phoenix: Mr. Chairman.

Mr. Coelho: Mr. Phoenix.

Mr. Phoenix: I'll make a **MOTION** to approve the site plan as submitted and sign it, and to close the public hearing.
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 7:23 p.m.

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APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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Documents: Master application (including plans/photos of proposed shed); Waiver request; Comments from Town Departments; Site Plan – 859 Center Street Ludlow, MA owned by The First Church in Ludlow

(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 – DEFINITIVE SUBDIVISION
Miller Street (Assessors' Map 25, Parcel 24 & Map 26, Parcels 36A, 36B, 36C)
Daniel's Gravel Bank
(for the construction of a proposed 19-lot residential subdivision including two roadways)
March 25, 2021

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Joshua Carpenter, Associate Member (Present)

The hearing began at 7:25 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: Keith Terry – Sherman & Frydryk, Armando Fernandes – Daniel's Gravel Bank

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: for the construction of a proposed 19-lot residential subdivision including two roadways.

Mr. Coelho: Ok, I got to tell everyone that we're being recorded audio and visual for the annals of history and to make sure we're all saying what we mean. So, go ahead and give us a description of what's going on here verbally please.

Mr. Terry: Ok, so, our, the applicant has a parcel that's approximately 50 acres on the east side of Miller Street, and it's, the parcel is just north of Sunset Ridge. The intention is to construct a roadway starting at Miller Street easterly up the hillside to the upper elevation into the, you know, kind of the rear of the parcel. That would be Rua Da Rosa's Way. The roadway will be connected to Sunset Ridge with a Sofia's View. Sunset Ridge has a right-of-way parcel set aside for us to connect to, so we will utilize that right-of-way and extend north to the proposed Rua Da Rosa's. The roadway will have closed drainage for stormwater management and we will have a large detention basin infiltration area down by Miller Street. A second infiltration detention area is proposed in the rear or east portion of the parcel. A hammerhead type intersection is proposed where Sofia's View and Rua Da Rosa's come together because there is an anticipation that this would be extended in the future. The residential individual lots are going to be served by private well and either low pressure or gravity sewer connection to Sunset Ridge. Presently Sunset Ridge has a sewer line, a sewer main in it, and so these proposed parcels will, proposed lots will be served by town sewer. We have received a number of reviews on the project and at the moment we feel that we can address the reviews that have been presented. Would you like me to go through those reviews now or?

Mr. Coelho: Well, I have comments from all the other boards here. Are these remarks, are these geared toward those comments?

Mr. Terry: That's what I was stating is that we've received those comments and we plan to prepare a response to that.

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Mr. Coelho: Ok, so now's a good time to go through these then.

Mr. Terry: Ok.

Mr. Coelho: So, we have a comment from the Department of Public Works. *We have reviewed the Definitive Subdivision Plan for Twin Peak Summit, prepared by Sherman & Frydryk, LLC dated 12/14/2020 and have the following comments: 1. The proposed low-pressure sewer system will become a private system maintained by the homeowner's association. The Town of Ludlow does not maintain force mains.* So, you guys understand that, correct?

Mr. Terry: Yeah, we, so as I said, we can prepare a letter to the Board responding to these comments. We don't feel that there's, you know, we feel that we can respond to them.

Mr. Coelho: Ok, *the Stormwater Parcels shall be separate legal parcels. The Homeowner's Association shall take ownership and maintenance responsibilities for the stormwater parcels and stormwater utilities. Applicant to follow the conditions of the Town of Ludlow Conservation Commission. The applicant shall file EPA Construction General Permit for NPDES stormwater management. The applicant shall file the Town of Ludlow Stormwater Permit. Provide a copy of retaining wall design at the intersection of Sofia's Way and Sunset Ridge once the design is complete. Provide detail of guardrail to be used on the project. Provide Pressure Sewer Design Analysis for force main. Provide Traffic Impact Study including a review of the site distance at intersection with Miller Street relative to the required stopping distance for vehicles traveling along the main road. Illicit Discharge Compliance Statement in the Stormwater Drainage Report needs to be signed before work can commence. All perimeter monuments shall be set prior to the submission of the definitive plan. Show the calculated areas of all the parcels and streets right of way areas. Sec II B 2 W location of trees larger than 8". No grade changes will be made to any portion of lots in the subdivision, unless the owners of said lots have previously obtained written approval for said grade changes from the following Town Departments; Planning, Public Works, Conservation, and Building. The grade restriction shall run with the land. This statement needs to be on the plan and all relative deeds. If you have any questions regarding these comments, please do not hesitate to call. We reserve the right to review and comment on revised submittals.* Fire Department: *re: Definitive Subdivision Plan Daniel's Gravel Bank (Twin Peak Summit), To Whom it May Concern: The Subdivision Plan for Twin Peak Summit has been reviewed for compliance. The following will be required. All cistern system plans when submitted shall be signed by licensed/registered professional engineer in accordance with Town Bylaw Supplemental Water Supply (B)(6). After conducting a site visit to the proposed entrance of Rua Da Rosa's there is an extreme concern of vehicular south bound lane of travel on Miller Street falling into the blind spot of vehicles that will be exiting Rua Da Rosa's. Are project managers aware of this line of sight issue? Please note any omissions,* ok, that was from Seth Falconer, Fire Prevention Officer. You were about to say something, sir?

Mr. Terry: We have, we will be able to present a document showing site distances suitable at that location.

Mr. Coelho: Ok. We have from the Planning Board: *d. Add length of new streets.* Apparently, that's not on the plan. *Add 50' width to Sunset Ridge. Sunset Ridge is a public Street. Indicate what PE, TE, and SW is on the plans. We're looking for building envelopes, show sewer laterals to properties, and any gas that might be there. Who prepared the Vehicle Traffic Generation Report?*

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Mr. Terry: Our office prepared the traffic generation report.

Mr. Coelho: Ok, and…

Mr. Phoenix: There was no traffic engineer that put their name on it though?

Mr. Terry: No, we have not hired a traffic engineer for the movement traffic generation.

Mr. Phoenix: Ok, before we go much further, Mr. Chairman, I'd just like to raise a big old red flag, and there's more of it yet to come in some of the other comments you haven't gotten to yet. We're missing things like building envelopes. We're gonna hear about things missing like the width of the street. We're missing a statement that needs to be printed on the plan. We're missing a traffic study that actually has a traffic engineers seal on it. There's a whole lot of things that are missing with this plan, and I'm curious as to why this was submitted and why we're seriously having a meeting about this when it's not even a up to standard plan?

Mr. Coelho: That's a good question.

Mr. Phoenix: I think my point of view right now is I'm all in favor of going through the comments, and then based on the amount of stuff that's missing, some of which a layman would be able to notice is missing off of the plan by just reading through the rules. I think my inclination at this point would be to look at denying and then they can come back if they want to at an appropriate time with a plan that actually meets minimum standards. We shouldn't be getting a half a plan and then expecting to get a letter back after the public hearing explaining what the answers to those questions are. It's one thing if we have a disagreement over some engineering details or if one or two things accidentally gets left off, especially some of the finer details, but I don't think this is in that state.

Mr. Coelho: Ok, let me continue with the comments from other boards. This way we get them all into the record and they can revise as necessary. Conservation Commission: *ConCom requesting peer review. DEP has not approved as of 3/17/21. DEP wants a 401WQC. Their hearing is continued to 4/7/21. Penny Lebel, Vice Chair.* Safety Committee: *Safety Committee would like to request reviewing the traffic study prior to approval. Safety Committee suggests the Rua Da Rosa's Way rename due to possible 911 dispatch problem.* Again, that road is a mouthful and is tough when these officers are responding to deal with mouthfuls. The Board of Health: *No comments or concerns.* And the Assessors Department has no comments or concerns. We have a letter here from Sherman & Frydryk dated February 18th to the Planning Board. *Enclosed please find the following items submitted for the definitive subdivision Rosewood Estates on behalf of our client. Nine sets of prints for "Twin Peak Summit", one copy of the application form, one check in the amount of $17,352 for the Definitive Plan Review Fee, one copy of the Definitive Plan Checklist Form, a list of the abutters prepared by the Town of Ludlow Assessor's office, one copy of the Preliminary Cost Estimate for the project, one copy of the Vehicle Trip Generation Report, one copy of the latest Town of Ludlow Standard Specifications, and one copy of the project manual which contains the Drainage Report for this*

project. So, it looks like all this stuff has been read in at this point. There are some gaps on this plan.

Mr. Phoenix: Mr. Chairman, I just like to read in a couple other odds and ends. From the Master Application that was turned in by the applicant. About two-thirds of the way down the first page, bolded and underlined: Please note that incomplete submittals are subject to denial without any further review and any fee paid will be considered forfeit. Completeness is the responsibility of the applicant. Please check and compare plans for completeness prior to submission. Signing the application indicates your understanding of this policy. And at the bottom of that page in even bigger letters also bolded and underlined, directly under the applicants signature it says: I have read the above statement and have personally verified both the completeness of this entire application and all supporting documents.

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Mr. Coelho: Duly noted. Ok, anybody else on the Board?

Mr. Phoenix: With that in mind, I'd like to, I think I know the way it's gonna go, but I'm gonna make a **MOTION** to find that the plan does not meet minimum standards and needs to be denied and can be resubmitted at such time as it is in fact complete and ready for review.
SECOND Ms. Houle.
4-1 in Favor. (Mr. Queiroga)
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – no; 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.

The public hearing closed at 7:40 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents: Master Application/Definitive Subdivision Application; Vehicle Trip Generation Report; Preliminary Construction Estimate; Project Manual & Drainage Report; Comments from Town Boards/Departments; Definitive Subdivision Plan of Twin Peak Summit, Miller Street Ludlow, MA (12/14/20) (21 pages); Display Plan - Daniel's Gravel Bank, LLC - Definitive Subdivision Plan, Miller Street Ludlow, MA (3/17/21)

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