TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
April 22, 2021

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2021 MAY 14 A 11:48
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Raymond Phoenix (Absent)
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)

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – 28 Mountainview Street (Assessors' Map 16A, Parcel 131) Mario A. Ferrero & Norma L. Theriault (mobile (off road) motorcycle repair shop)

SEE ATTACHED MINUTES

PUBLIC HEARING – SITE SKETCH – 730 Randall Road (Assessors' Map 5, Parcel 7) John P. DaCruz (Autohaus of Ludlow, Inc.) (update site plan to show used motor vehicle sales)

SEE ATTACHED MINUTES

APPOINTMENT – Armand Deslauriers – Hundred Acre Wood Phase III – Development Agreement & Covenant

Armand Deslauriers was present for the appointment.

Mr. Deslauriers explained that he is going to install the roadway and not release any lots until the binder is down. He asked the Board how many lots they would want at that time. Mr. Stefancik suggested that all the lots be on the covenant (about 18) and then all the lots would be released at once, at which time Mr. Deslauriers could go for a bond for anything remaining, unless there isn't any remaining work to be completed at that time. Mr. Deslauriers asked the Board if, at the time of the remaining balance, which is about $500,000 for topcoat, sidewalk, trees, as-built, and loam, if he could do what he did last time and just have the town hold more than sufficient lots as covenant instead of bond, because bond is so expensive.

Mr. Stefancik confirmed that this project started before the Town started asking for bonds rather than covenant. Mr. Coelho mentioned that the Board is in the middle of transitioning to the point where we're asking for bonds or bankbooks. He also said that Mr. Deslauriers has started this project well before the rule of bonds or bank books, and that it makes sense that the Board allows this to go covenant. Mr. Stefancik said that Mr. Deslauriers has been a developer in good standing, that the Town

has not any issues with him, and that he thinks that if it were to be kept covenants he doesn't think there would be an issue with it because of his past standing in development.

Mr. Coelho: I think you need a MOTION to accept the Development Agreement and Covenant of lots exceeding the value of the work to be done, or something to that effect.

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Mr. Queiroga: **SO MOVED.**
SECOND Mr. Quiterio.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Coelho – yes.

Documents included: Development Agreement (April 14, 2021); Town of Ludlow Covenant (April 14, 2021)

File Mail Item #21 – Reorganizations of Town Boards

Mail Item #22 – Notice of Intent to Sell – Lot 0 East Street – Silva Real Estate Services Inc.

Ms. Houle: Mr. Chairman, I make a **MOTION** that we direct a letter saying that as Planning Board we are not interested in purchasing the property.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Coelho – yes.

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 20. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of March 25, 2021 & April 8, 2021
- SIGN Special Permit:
  - Mark Ottani – 117 Fuller Street (electrician)
- APPROVE Change of Occupancies:
  - Magdalena Kaflinska (MMK Virtual Solutions) 356B Sewall Street
    (from yoga/Pilates, to provide virtual assistance to small business owners)
- APPROVE/SIGN Bills – Staples (office supplies)

Ms. Houle: Mr. Chairman I make a **MOTION** to adjourn.

Mr. Coelho: We have a motion to adjourn. It's never debatable. Do we have a second?
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Meeting adjourned at 7:39 p.m.

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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
28 Mountainview Street – Mario A. Ferrero & Norma L. Theriault
(mobile (off road) motorcycle repair shop)
April 22, 2021

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PLANNING BOARD MEMBERS

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

The hearing began at 7:02 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: Mario Ferrero & Norma Theriault, attendee

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: mobile (off road) motorcycle repair shop.

Mr. Coelho: Ok, we are open for the hearing. Mr. Ferrero or Mrs. Theriault do you want to go ahead and give us a brief description of what you're planning on doing for the record?

Mr. Ferrero: Just using the space in the cellar for the office of the business, just to run the business office, a computer, stuff like that. And then I pretty much go to people's houses or --- where their bikes are and do the repairs on site.

Mr. Coelho: Ok, so you won't be making any repairs in the backyard at 10:00 at night with an air ratchet then?

Mr. Ferrero: No, no.

Mr. Coelho: That's good. And this is to facilitate the paperwork for the business, correct?

Mr. Ferrero: It's hard to hear you.

Mr. Coelho: Oh, I'm sorry. This is to facilitate the paperwork for the business, correct?

Mr. Ferrero: Yes, just for the paperwork.

Mr. Coelho: Ok, I have no other questions. I need to advise everybody that the cameras are recording, both audio and visual for the annals of history. Gonna go now and look for any comments from town departments.

Mr. Stefancik: No comments.

Mr. Quiterio: Mr. Chairman?

Mr. Coelho: Doesn't look like we have any comments. Who's this?

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Mr. Quiterio: This is Ralph. I just wanted to let you know that it's very hard to hear you. I don't know if something's wrong, but I can barely hear you.

Mr. Queiroga: Yeah, same here.

Mr. Coelho: Ok, is this better?

Mr. Quiterio: About the same. I don't know if something's wrong today with the system there.

(conversation about phone system)

Mr. Coelho: Ok again, everybody was able to hear Mr. Ferrero's description of the business?

Ms. ---: Yes.

Mr. Coelho: Ok, we're all on camera right now and everything's being recorded for history. Can you guys hear me now?

Ms. ---: Yup.

Mr. Coelho: Ok, good.

Mr. Quiterio: Yes.

Mr. Queiroga: Yes.

Mr. Ferrero: Yes.

Mr. Coelho: Ok, so just for the record, I did read the public hearing into, I did read the legal notice into the record and that's pretty clear on our minutes, so I'm not gonna read that all over again. There are no comments from other boards at this point. Any questions from the Board?

Mr. Quiterio: Nope.

Mr. Coelho: Hearing no questions from the Board, it looks like Mr. Ferrero. Ms. Theriault is looking for a waiver of a site, well first we need to make a finding, and then they're looking for a waiver of a full site plan in favor of some sketches and pictures that they've provided us. So, if we…

Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: I make a, I **MOVE** to find that a business as described, that this applicant is within, falls within the, is a suitable home occupation under our Bylaw.
SECOND Mr. Carpenter.

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Ms. O'Connell: I have some questions.

Mr. Coelho: You'll have your chance, just we got to get through some procedural stuff. So, we have a motion and we have a second. All those in favor?
5-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes.

Ms. Houle: Ok, Mr. Chairman?

Mr. Coelho: Ms. Houle.

Ms. Houle: I **MOVE** to waive the full site plan in favor of sketch and photos prepared by the applicant as doing so is consistent with the purpose of the zoning bylaws.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes.

Mr. Coelho: Ok, so Mr. Ferrero, you guys, I see you filled out the application here. At the end of the application there are two checklists that you signed, that you have read and understand. Do you have any questions related to those checklists? Those are the rules that you're gonna be expected to follow having this business at your home. You understand those?

Mr. Ferrero: Yes.

Mr. Coelho: Ok. And now I'm gonna open up the meeting for public comments. Again, this is over the phone, so this is a little more difficult, so if you could please state your name, address, and then ask any questions through me the Chair, we'll get them answered by the applicant. Anybody in the public have any questions? I thought somebody out there had one.

Ms. O'Connell: I do. Jacqueline O'Connell, 79 Chapin Circle.

Mr. Coelho: Ok, Miss O'Connell, go ahead.

Ms. O'Connell: My question is people have sent me things on Facebook where he's actually doing physical repairs in his house right now. He's doing repairs to other people's bikes. He's selling bikes from there, from his house right now.

Mr. Coelho: Ok, do we have any proof of this other than Facebook?

Ms. O'Connell: I don't, but somebody had sent it to me. This is from their own personal pages.

Mr. Coelho: Ok, well.

Ms. O'Connell: I'm not friends with them, somebody else sent them to me. And my problem is, is that, is he gonna keep repairing motorcycles there, or is that just gonna be wiped out and now an office?

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Mr. Coelho: The way he described it to us, is he'd only be doing office work there and all his repair work will be done on other sites where the bikes are stored. Is that correct, Mr. Ferrero?

Mr. Ferrero: Yes, I do own my own, I own five of my own motorcycles and I have bought motorcycles and repaired them and sold them, but I don't have anyone come to the house. I meet them at Dunkin Donuts or the police station, so there's no public flow into here for motorcycle business.

Mr. Coelho: Ok.

Mr. Ferrero: But, I do own, I've ridden motorcycles for thirty years. It's just a hobby of mine and that's how it came about --- to start the business. And eventually I plan on getting a location in Ludlow. It's just, I've been unemployed from COVID for a year so money, I'm doing mobile now which this was an idea of mine, because that's what I did is I went and fixed a couple mobile-ly, and I said well, that's one way I can get started to get funds to eventually get a location.

Mr. Coelho: Ok, now that you do have a home office, home occupation, you'll be under a little bit more scrutiny. So, you know, this is only for your office work as you described at this point.

Mr. Ferrero: Yes.

Mr. Coelho: Ok, just making the, making sure that's clear. Does that answer your question, Miss?

Ms. O'Connell: Yes, Ms. O'Connell, Jacqueline.

Mr. Coelho: Miss O'Connell, ok.

Ms. O'Connell: I do have one more thing.

Mr. Coelho: Go ahead.

Ms. O'Connell: According to one of the pictures, they show a lot of fluids being stored at this house. This house is very close to Haviland Pond.

Mr. Coelho: Ok.

Ms. O'Connell: And I want to know, make sure that none of this ends up in the pond.

Mr. Coelho: Yeah, that's another, what size, how much fluids are you keeping at your house?

Mr. Ferrero: I have a couple quarts of oil for my own bikes.

Mr. Coelho: Do you have a vehicle in conjunction with your business that you're keeping any oils in?

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Mr. Ferrero: No, it's just, like I said, I own five of my own motorcycles, so I have the oil that they require, you know, a couple quarts here and there. No more than any normal garage would have like for your personal use. I have the gasoline for the bikes, but that's stored outside in the shed.

Mr. Coelho: So, all your waste oil is being properly disposed of?

Mr. Ferrero: Oh yeah, yeah, I have all containers, I either go to Ludlow here or I bring the stuff to Auto Zone.

Mr. Coelho: Yeah.

Mr. Ferrero: You know, I change all my own oil in my vehicles. I've been a mechanic my whole life, so I do all that stuff on my lawn mower. I do all that stuff here and I put it in containers and absolutely do not pollute anything --- my kids swim in that pond. --- I'm not trying to pollute the pond.

Mr. Coelho: And again, formally starting a business up is gonna bring you naturally to more scrutiny, so just make sure you're tracking that stuff, you know.

Mr. Ferrero: Yup, I understand. That's the only thing I plan on having here until I have a location is my vehicle. Once I can afford a vehicle I'll have a van for my mobile work. So, I don't, right now I have a pickup truck, and I have to load a toolbox and load the truck and get everything in it and go every day, so.

Mr. Coelho: Ok, any other questions from the public? Again, please state your name and address for the record and direct all questions through the Chairman. Hearing none, I'm willing to entertain a motion.

Mr. Queiroga: Mr. Coelho?

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1 - 6.2.13 for Mr. Ferrero with the restriction that the permit will run with the applicant and not with the property.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes.

Mr. Coelho: Motion to close?

Ms. Houle: **SO MOVED.**
SECOND Mr. Carpenter.
5-0 in Favor.

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

Hearing ended 7:15 p.m.

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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
730 Randall Road – John P. DaCruz (Autohaus of Ludlow, Inc.)
(update site plan to show used motor vehicle sales)
April 22, 2021

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PLANNING BOARD MEMBERS

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

The hearing began at 7:18 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: John DaCruz, Daniel Rae

Mr. Coelho read the legal notice and reviewed the application. The legal notice included the description of: update site plan to show used motor vehicle sales.

Mr. Coelho: Ok, Mr. DaCruz, why don't you go ahead and give us a little narrative of what we're doing and how we're gonna do it.

Mr. DaCruz: Mr. Coelho, Mr. Rae owns Bill's Tire, he became aware that used car licenses were available in Ludlow. He thought this business of auto sales would be complementary to his current business, the tire service that he has there. He's in the proper zoning, as you know it can only be in industrial.

Mr. Coelho: Mr. DaCruz, I got to interrupt you, I'm sorry.

Mr. DaCruz: --- to find in Ludlow, so accordingly he asked me to prepare the application to file for the used motor vehicle sales and I've completed it according to the specifications required by the town and submitted it to the Planning Board for your review.

Mr. Coelho: Ok, I forgot to tell everybody the cameras are recording, and you're being recorded both audio and visual. Well, you guys are just audio, but I'm being recorded visually, just so everybody knows. You're aware that you're being recorded, Mr. DaCruz?

Mr. DaCruz: I'm sorry?

Mr. Coelho: You're aware that you're being recorded, yeah?

Mr. DaCruz: Yes.

Mr. Coelho: Ok, good. Ok, do we got any comments from other boards, Doug?

Mr. Stefancik: Yes, we do.

Mr. Coelho: We do have some comments. We have a master application, we have a letter here from John P. DaCruz, Attorney at Law: *Enclosed please find master application, supporting documentation for an application used motor vehicles. The following is enclosed- $200 check to the Town of Ludlow, Master Application, Certificate of Ownership Authority, Site Sketch, letter from the Safety Committee, letter from the Building Inspector, and abutters list.* The Department of Public Works has no comments. Doug from the Planning Board says this plan meets the criteria for a site sketch. Ludlow Fire Department (had no comments). The Board of Health has no comments. The Safety Committee (had no safety issues). We have Mr. Larivee, please be advised that the, this is the Building Commissioner and Zoning Enforcement Officer: *Please be advised that 730 Randall Road is zoned Industrial C. Office space and public restrooms are required to be on site and must meet handicapped accessibility requirements. As long as these requirements are met, this meets the state's requirements for Class II vehicle license. Inspection of the facility should be completed prior to the release of the license.* Ok, so it seems like the only thing we have is that comment from the Building Inspector. Mr. Rae, you were made aware of that comment and I'm sure you guys are designing your whatever renovations appropriately?

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Mr. Rae: Can you say that again please?

Mr. Coelho: You're aware of the Building Inspector's comments, correct?

Mr. Rae: Yes.

Mr. Coelho: And whatever alterations you're making to facilitate this project are gonna be made in compliance with whatever codes he's quoted here, yeah?

Mr. Rae: Yes.

Mr. Coelho: Ok great. Ok, findings and or waivers. Where is our application?

Mr. Stefancik: There is a waiver for the full site plan for the site sketch.

Mr. Coelho: Ok, Mr. DaCruz and Mr. Rae are seeking a waiver of a full plan in favor of a site sketch. I've looked up the site sketch several times this week, and it's certainly pretty thorough. Doug, you reviewed it as well?

Mr. Stefancik: I did, yes.

Mr. Coelho: Ok, and you had no comments as you indicated?

Mr. Stefancik: No.

Mr. Coelho: Anybody on the Board have any other comments on the site plan, on the site sketch and would you like to make a motion?

Ms. Houle: Mr. Chairman.

Mr. Coelho: Ms. Houle.

Ms. Houle: I **MOVE** to waive the full site plan in favor of a sketch for the property at 730 Randall Road as there's an existing site pan and it's less than 25 years old and it's not been modified more than twice and doing so is consistent with the purpose and intent of the Bylaw.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Coelho – yes.

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Ms. Houle: Motion to close the public hearing.

Mr. Coelho: Woah, hold on. You're gonna get me in trouble here. I've got to show exemplary leadership on this project.

Ms. Houle: --- approve the site sketch.

Mr. Coelho: Read any checklists, again that's part of our application, correct?

Mr. Stefancik: Yeah.

Mr. Coelho: And you've read the check?

Mr. Stefancik: No, they had the criteria which is mostly chart form and all the chart items were listed.

Mr. Coelho: Ok, and we can confirm that and it's good. I've looked at it too, it looked good to me as well. Ok, at this moment I'd like to take, is there anything else from this side of the table? Anybody on the Board have any other questions? Nope, hearing none, I'm gonna open it up this up to public for any questions. Is there anybody in the public that's called in on the line to ask questions, please state your name and address for the record and direct all questions through me the Chairman. Anybody? I'm gonna call it one more time. Anybody from the public looking to ask any questions or speak on this proposal? Hearing nothing, I'd be looking for a motion.

Mr. Queiroga: Mr. Chairman.

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: Yeah, I'll make the motion, but I just have one question.

Mr. Coelho: Shoot.

Mr. Queiroga: How many cars license is this?

Mr. Coelho: I'm sorry, repeat.

Mr. Queiroga: How many cars, this license is good for how many cars?

Mr. Coelho: Mr. DaCruz?

Mr. DaCruz: The sketch that we submitted shows seven spots. That's the maximum that can fit there, seven.

Mr. Queiroga: Ok, just curious on that issue. Mr. Chairman, if you'd like I'll make a motion to approve.

Mr. Coelho: I'd love it.

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Mr. Queiroga: **MOTION** to approve and sign the site sketch for Mr. Rae.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: MOTION to close?

Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Coelho – yes.

Hearing ended 7:26 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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Documents: Master application; Waiver request; Comments from Town Departments; Site Sketch – 730 Randall Road Ludlow, MA – Prepared for D & W Tire, Inc. (March 29, 2021)

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