TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
September 9, 2021

PLANNING BOARD MEMBERS

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

The meeting began at 7:00 p.m. in the Selectmen's Conference Room.

PUBLIC HEARING – PROPOSED ZONING BYLAW REVISIONS – Town of Ludlow Planning Board (Proposed Amendments to the Town's Zoning Bylaw)

SEE ATTACHED MINUTES

Mr. Phoenix **MOVED** to continue the public hearing for the Proposed Zoning Bylaw Revisions until 8:00 p.m.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.

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APPOINTMENT – CHANGE OF OCCUPANCY - Kenneth Fish – 26 Kirkland Avenue (auto repair use)

Kenneth Fish was present for the discussion.

Mr. Coelho voiced his concerns about the past use of the property, including auto repair, and the issues of vehicle blocking driveways and late-night noise associated with the uses. Mr. Coelho said that he spoke with Mr. Fish yesterday and was happy with the way he answered his questions. He remarked that he would be accepting of a Change of Occupancy on a conditional basis for the new business.

Mr. Fish explained that there are enough spots outside for eight vehicles, and enough spots inside for five vehicles. He said that the vehicle limit would never even reach that number. Mr. Fish mentioned that he will not be having multiple cars there, only six to eight vehicles a day, and only one other person working with him for a total of two employees.

Mr. Phoenix: I'd be willing to make a **MOTION** to approve the Change of Occupancy on the condition that the applicant manages to maintain safe parking for the business as well as provide convenient and safe vehicular and pedestrian movement within the site and in relation to the adjacent streets, and if the owner's unable to do so, then at that time we would need them to come in and then do a full site plan to formalize what's going on at the property.
SECOND Mr. Queiroga.

3-0-1 in Favor (Mr. Coelho)
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – abstain.

Documents included: Application for Change of Occupancy

Grant Waivers and Approve Site Plan for 0 Center Street (Assessors' Map 33, Parcel 1A) – Town of Ludlow (construct town cemetery) ***(public hearing held on August 12, 2021)***

Mr. Stefancik noted the waivers that were requested: 7.1.5 Required Site Plan Contents o. Additional Requirements for the lighting plan, luminaire schedule, elevations showing the front, rear and sides of the building design, signage design dimensions and locations, area where snow will be stored, traffic study, and waiver of the fee because it's a town project.

Mr. Phoenix: I would like to make a **MOTION** to grant the waivers as were just read by the Town Planner.
SECOND Mr. Queiroga
4-0 in Favor
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Phoenix **MOVED** to approve the site plan for the town cemetery.
SECOND Ms. Houle.
4-0 in Favor
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

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Documents included: Waiver request; Plan of Land in Ludlow, MA – Prepared for Town of Ludlow DPW (07/15/2021)

Grant Waivers and Approve Site Plan for 327 Moody Street (Assessors' Map 4, Parcel 2) – MMWEC (Jason Viadero, Project Manager) (Stonybrook Solar) (approximately 6.9-MW solar photovoltaic generation system on MMWEC Ludlow campus) ***(public hearing held on August 26, 2021)***

Jason Viadero – MMWEC, Allen Tate – EDF Renewables were present for the discussion.

Mr. Phoenix remarked that after watching the video of the public hearing, he had concerns about the length of the access road being sufficient to service all of the solar panels, and the paving of the parking area. He also said that because the public hearing has been closed, that no new information can be introduced for the discussion.

Mr. Viadero and Mr. Tate both commented that the solar facility is located on a private property and enclosed by a fence on the MMWEC property. Mr. Tate explained that there is paved parking on the MMWEC campus for personnel to access the property, and that it is not the intent to have the solar facility manned and operated by people on a regular basis. He said that the gravel access was requested as it is less impactful to the environment, and that any person doing maintenance could park outside of the facility on the pavement adjacent to the access road.

Mr. Phoenix and Mr. Stefancik reviewed the solar bylaws for paving requirements.

Mr. Phoenix: So, if anybody disagrees, please speak up, but I want to try and make a **MOTION** to grant the waivers as were requested by the applicant as they are in the best interest of the town and the adjoining area and to further approve the plan as presented with the condition that we get an updated site plan showing that the parking space will be paved and what type of pavement will be used.
SECOND Mr. Queiroga.
4-0 in Favor
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Documents included: Waiver request; Site Plan Set – Stonybrook Solar Project Proposed 6.9 MW AC Solar Array – 327 Moody St, Ludlow, Hampden County, Massachusetts (July 2021)

PUBLIC HEARING – PROPOSED ZONING BYLAW REVISIONS – Town of Ludlow Planning Board (Proposed Amendments to the Town's Zoning Bylaw)

(continued from above)

SEE ATTACHED MINUTES

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Mail Item #36 – Letter of concerns re: Wendy's Restaurant from Antonio & Joan Braz

The letter stated the following concerns: trash being picked up at 5:30 a.m.; delivery trailers arriving at 5:00 a.m.; the fence between Wendy's & 26 Stivens Terrace needs to be extended due to people cutting through the lawn; intercom at drive-up is too loud.

The Board discussed the issues and requested that Mr. Stefancik reach out to the complainant to further elaborate on the issues. Mr. Phoenix asked that Wendy's come in with something showing that there's an engineer that's willing to put his seal on the line that the drainage does work, and that they're going to have a path forward on these other issues within 60 days.

File Mail Item #37 – Invitation to ribbon cutting ceremony at Harris Elementary School

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File Mail Item #38 – Hubbard Memorial Library Fall 2021 Events for Adults

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Mail Item #39 – Resignation letter as Planning Board Member from Rafael Quiterio

The Board agreed to send a letter to Mr. Quiterio thanking him for the time that he put in and that the Planning Board wishes him the best in taking care of himself and improving his quality of life.

Mr. Queiroga: I'd like to make a **MOTION** to that effect.
(inaudible)
SECOND Mr. Phoenix.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Phoenix: Since we have accepted the resignation of one of our members, I would make a **MOTION** that we contact the Board of Selectmen and inform them of that fact and that we need to schedule with them to work to replace Rafael, to fill his seat on the Board until the next election.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.

Consent Agenda:

Mr. Stefancik mentioned that on the 279 Cady Street Change of Occupancy, he did get an email regarding the type of equipment that the owner was going to have (tree service trucks, cherry picker). He said this was previously a nursery operation, and that some other types of uses aren't necessarily under that nursery or agriculturally exempt umbrella. Mr. Phoenix remarked that if it's being described the way that it is on the agenda, that the Change of Occupancy is being approved for the use as described which doesn't include some of that extra stuff, but if they want to expand to the extra usage, then they would need to come in and talk about it to see how to move forward with additional permitting.

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The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 35. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of August 12, 2021
- APPROVE Change of Occupancy:
  - Simply Orthodontics of Ludlow, PLLC – 733 Chapin Street, Suite 300 (change of ownership – dental practice)
  - Joeseph P Alexopoulos (Tree413 Inc.) 279 Cady Street (operation of existing nursery)
- APPROVE Bills:
  - Turley Publications (advertising for Zoning Bylaw Amendments public hearing)

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

Meeting adjourned at 9:05 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 – PROPOSED ZONING BYLAW REVISIONS
Town of Ludlow Planning Board
(Proposed Amendments to the Town's Zoning Bylaw)
September 9, 2021

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PLANNING BOARD MEMBERS

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

The hearing began at 7:00 p.m. in the Selectmen's Conference Room.

In attendance: Attendees

Mr. Coelho read the legal notice into the record. The legal notice included the description of: Proposed zoning bylaw revisions to include the following: SECTION II: ZONING DISTRICTS 2.0 CLASSIFICATION OF DISTRICTS, removing Industrial B (IB). SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.1 Use of Buildings, Structures, and Land, by changing Building Inspector to Building Commissioner, and striking out and replacing Building Inspector/Building Official/ Inspector of Buildings with Building Commissioner in the entire zoning bylaw. Add to 3.0.3 Obstruction at Street Intersections, "See Diagram #3." Add to 3.0.4 Fences, "For the purpose of property separation on residential property, fencing must be made of wood, vinyl, chain-link, metal and/or aluminum materials. Barbed wire and similar wire type fencing, to include chicken wire, shall not be allowed for residential property separation." Remove Industrial B from 3.0.4 Fences. 3.0.6 Mobile Homes add verbiage about mobile home replacement in mobile home parks. Remove from 3.2.2 TABLE OF PRINCIPAL USES reference to Industrial B. SECTION IV: DIMENSIONAL AND DENSITY REGULATIONS 4.1 SPECIFIC DISTRICT DIMENSIONAL REQUIREMENTS remove 4.1.3 Industrial B Districts. 4.4 MILL REDEVELOPMENT DISTRICT (MRD) Bylaw 4.4.10 b. Site Plan Approval Process, change five members to six members. SECTION VI: SPECIAL LAND USE REGULATIONS 6.4 PARKING REQUIREMENTS 6.4.2 Parking Guidelines add e. For proposed uses not listed in the parking guidelines an adequate number of parking spaces will need to be provided to accommodate visitors, staff, and the general public. Final determination of parking adequacy to be determined by the Planning Board, with input from the Board of Public Works and the Safety Committee. Remove Industrial B from 6.4.5 a. Parking Area Location. Add 6.13 CONSERVATION DEVELOPMENT BYLAW. SECTION VII: SITE PLAN APPROVAL 7.1.5 Required Site Plan Contents m.2. remove "2e." Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES add Site Plan Approval from the Planning Board to already permitted zones under Earth Removal. Under LAND USE CLASSIFICATION MIXED USE add Site Plan Approval and Special Permit Approval from the Planning Board in Business A and B. Under LAND USE CLASSIFICATION RESIDENTIAL USES add Apartment by Site Plan Approval and Special Permit from the Planning Board under Residential B, Business A and Business B. SECTION X: DEFINITIONS add Mixed Use Development and Apartment.

Mr. Coelho: Ok so, that's started. That was a mouthful. Now we have the actual text of everything here. I don't have to read all this right? Doug, why don't you bring us through this quickly, and I think most of us have had time to digest most of this stuff and a lot of it is housekeeping, so.

Mr. Stefancik: Correct, that's, a lot of it is housekeeping. The first article is just removing Industrial B out of the classification of the districts, and more so because we don't have anything zoned Industrial B, everything's Industrial A or Industrial C. The second article is just taking the building commissioner's name and striking out anywhere throughout the Bylaw, the building inspector, building official, inspector of buildings, building inspector and changing all that to building commissioner --- consistent noted in this Bylaw but also throughout the entire Zoning Bylaw.

Mr. Phoenix: Mr. Chairman?

Mr. Coelho: Mr. Phoenix?

Mr. Phoenix: I don't know what your pleasure is 'cause I know you asked Doug to kind of go over these, but if he goes over all of them and then we go back and we have discussion on each of them, and then the public has a chance to comment on all of them , it's just gonna get long and messy very, very quickly. I don't know if you want to take these as they come. I do have some comments on this one.

Mr. Coelho: Ok, so let's start with Article 1, that's changing every, getting rid of all Industrial B references because we don't have any Industrial B. Anybody on the Board want to talk about that? ---. Is there anybody on the public that has any input on this? Is there anybody in the room there tonight?

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Mr. Stefancik: Yes, I do have an audience of a few people that are interested in certain Bylaws, specifically the mobile home bylaw, and the fencing bylaw for residential property separation.

Mr. Coelho: Ok, so as far as Article 1 is concerned nobody has any input on that. Ok, --- on to Article 2 ---.

Mr. Phoenix: I just want to make sure for clarification purposes, especially for those that aren't familiar with the process, you want to just outline for people where we're at with this as far as getting these on the warrant versus making recommendations on them if they've been submitted to the Board of Selectmen, that sort of thing?

Mr. Stefancik: They have been submitted to the Board of Selectmen and Town Counsel's been looking through them as well. So, we would need to make, at this point, a recommendation for either approval, disapproval or to postpone action.

Mr. Phoenix: --- the recommendation, again, for those who aren't familiar with the process, is not a guarantee that the vote at town meeting would go the same way that we recommend. It's just our recommendation. There are some consequences if we recommend against something and Town Meeting agrees with us and shoots it down, that things can't come back as quickly as being resubmitted. I suspect that that's not gonna come into play quite as much because these are bylaw changes we're putting in ourselves. So, that's kind of the way this process works. So,

with that in mind on Article 1, I'm gonna make a **MOTION** to recommend approval at town meeting.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Ok, Article 2. Once again, this article primarily changes everything from --- building inspector and makes it all building commissioner instead of having different names all over the place.

Mr. Phoenix: My question on this is why would we change it to building commissioner or anything along those lines? Shouldn't it just be zoning enforcement officer?

Mr. Stefancik: I think the title is building commissioner. It could be building commissioner/zoning enforcement officer, but it just was what the title was throughout the whole zoning bylaw, it either was inspector of buildings, building inspector, building official. So, I was just keeping it consistent with what the title is for the building position, building commissioner.

Mr. Phoenix: No, I get that it's inconsistent where there's certain pages that being highlighted in the packet. I'm just thinking if you're going to be changing it, we should probably change it to something that's more inclusive because we've discussed previously the possibility of trying to have that responsibility shift to an individual outside of that office, who would still be in charge of enforcing zoning would not necessarily be the building inspector. I don't know if you want to change it to building commissioner, building inspector, building whatever under those circumstances. It's not like this changes for lack of clarity, everybody can figure out inspector, building inspector and whatnot are all the same person.

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Mr. Coelho: --- change is what you're saying.

Mr. Phoenix: Well, what I'm saying is the proposal that's in front of us right now is to clean it up and make the title the same in all the various places in the Bylaw, which I think is probably not a bad idea overall. I don't think it's necessary because I think it's sufficiently clear as-is. I don't think we've had anyone in the twenty plus years I've been doing this come into a meeting and say well this here says the building inspector and this says the inspector of buildings, who are these two-different people? So, I think it's unnecessary. It's probably a good thing to make it consistent, but I'm questioning whether we're making it consistent for same thing to the right thing. I guess that's where I'm at.

Mr. Queiroga: Chris?

Mr. Coelho: Yeah.

Mr. Queiroga: --- comments either by the Board of Selectmen or by the other boards?

Mr. Coelho: No, this is our stuff, so.

Mr. Queiroga: Ok, so they haven't been involved in making any comments at this point.

Mr. Coelho: ---

Mr. Phoenix: Yeah, so I'm interested to see what other people on the board think, but to put it on the table, my head is at recommending postponement.

Mr. Coelho: Or can we just change it to building commissioner/zoning enforcement officer?

Mr. Phoenix: That's gets muddier on town meeting floor because then you have to propose the amendment and you have to make sure you have all your copies in line for that. Then you have to make sure people understand that they're voting on the amended version because it could be like a twelve-page amendment and then you're gonna have to make sure that they know that they're voting on the amended version and it makes the whole thing ---

Mr. Coelho: --- why not change --- zoning enforcement officer now, you know?

Mr. Phoenix: Before we continue, there's somebody who's phone number starts with a "508" area code that keeps coming up as some background noise. If they could mute the call that would be helpful until they have something they're adding. Thank you.

Mr. Coelho: Well again Ray, my thing is why don't we just get them all changed so they're all the same?

Mr. Phoenix: If that's your pleasure we can do it, I would just rather do it once and change it to something else. But, if we want to just consolidate on that one title, it's not a deal breaker for me. I just think it's unnecessary. I think it's like a dozen pages of unnecessary.

Mr. Coelho: Well, that's why we're here to make a motion. Is there anybody from the public ---?

Mr. Lennon: I have --- suggestion.

Mr. Coelho: Ok well, I mean again, this is a housekeeping issue. I wouldn't mind if they're all the same, I don't care. If there hasn't been a problem, there hasn't been a problem, but I'd be willing to take a motion any way we do it.

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Mr. Phoenix: I think I heard somebody say they had a suggestion. ---

Mr. Stefancik: Somebody in the audience had a comment.

Mr. Coelho: Who's that?

Mr. Lennon: If there's a possibility it might be split up into two positions, instead of calling it building commissioner/zoning officer wouldn't it building commissioner and/or zoning officer, so they have the ---.

Mr. Coelho: Yeah --- do that. And who is this for the record, name and address?

Mr. Lennon: Tom Lennon.

Mr. Coelho: Address?

Mr. Stefancik: Your address?

Mr. Lennon: 25 Messenger Street in Plainville.

Ms. Houle: You're representing the trailer park, correct?

Mr. Lennon: Yes.

Ms. Houle: He's the gentleman from the --- trailer park.

Mr. Coelho: Oh, ok.

Mr. Lennon: ---- looking for something to do.

Mr. Coelho: Yeah, well we can't make that big of a change as it is --- on town meeting floor --- kind of housekeeping that we haven't had a problem with, it doesn't much matter I guess.

Mr. Phoenix: I mean, I'm not committed to postponement, that's my preference, but it's not by a strong margin. So, if the rest of the Board wants to go forward with it, I mean, I'm certainly willing to go on board with that and then we can talk about other things later, but I just wanted to put that on the table.

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Mr. Coelho: I'm willing to accept a motion.

Mr. Queiroga: --- suggest to stick with building inspector or to slash it?

Mr. Phoenix: My preference for the time being would be to recommend postponement and leave things as is, and then come back at this with a different set of eyes and say are we gonna try and leave that responsibility with that particular office or are we going to look at changing who's doing that? And I'm not sure, 'cause in some of these places, I believe, it probably should still always be the building commissioner, and in some of the places it should probably be zoning enforcement officer, 'cause I think there's a distinction between those responsibilities and putting them together just because right now one person happens to hold both of those hats, I kind of think is a bit of a mistake. But, like I said, I'm not married to that philosophy, but that's what I think.

Mr. Coelho: --- motion and see if you get a second that's fine.

Mr. Phoenix: Sure, I'll make a **MOTION** to recommend postponement on Article 2 at town meeting.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Ok, Article 3, to see if the town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.3 Obstruction at Street Intersections by adding "See Diagram #3". So, essentially, we are adding Diagram 3 right into the bylaw pack, correct Doug?

Mr. Stefancik: Yes. See Diagram 3, and Diagram 3 is in the back of the Bylaw.

Mr. Coelho: Ok. That's pretty cut and dry. Anybody from the Planning Board have any about this? How about the general public? Hearing nothing more, I'd be willing to entertain a motion on this one.

Mr. Queiroga: Mr. Chairman?

Mr. Coelho: Mr. Queiroga.

Mr. Queiroga: I'll make a **MOTION** on Article 3 to see if the Town of Ludlow will amend the Zoning Bylaws Section III General Use Regulations 3.0 General Use, General Regulations 3.0.3 Obstruction of Street Intersection by adding See Diagram 3.

Mr. Phoenix: That's to recommend approval of that, Joe?

Mr. Queiroga: Yes, sir.
SECOND Mr. Phoenix.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Ok, Article 4, see if the Town will vote to amend the Zoning Bylaw Town of Ludlow SECTION III: GENERAL USE REGULATIONS Fences, by adding the following paragraph, "For the purpose of property separation on residential property, fencing must be made of wood, vinyl, chain-link, metal, and/or aluminum materials. Barbed wire and similar wire type fencing, to include chicken wire, shall not be allowed for residential property separation."

Mr. Phoenix: Mr. Chairman, how about rock? And why do we care if somebody uses some different fencing? It's not a safety issue where we have to worry about, you know, like we'd have to keep things like fire from crossing property to go from house to house. That's why we have setbacks, but I don't understand why we're getting involved in what type of fencing material would be made out of. And like I said, what about a stone fence, a stone wall? That's something you can use to divide residential property and it's not covered in this text.

Mr. Coelho: Well that's fine, but I think wire does present a safety issue.

Mr. Phoenix: Well, I think barbed wire does, but I think that's a whole different kettle of fish beyond zoning. I think that's a public safety issue.

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Mr. Coelho: Ok, again, this was a request from a resident and ---.

Mr. Phoenix: Is the resident present to explain why we need to make that regulation for the town?

Mr. Pszeniczny: I'm here.

Mr. Stefancik: Yes, he is here.

Mr. Phoenix: I'd be interested to hear that.

Mr. Pszeniczny: Ok, Matt Pszeniczny, 103 Stivens Terrace.

Ms. Houle: Maybe if he comes up here. ---

Mr. Stefancik: Matt, can you come up to the table?

Mr. Coelho: Hello?

Mr. Stefancik: He's right here, Matt Pszeniczny.

Mr. Pszeniczny: Yup, Matt Pszeniczny, 103 Stivens Terrace. Well, I'm specifically talking about fencing, not walls. So, you know, I don't consider a stone wall a fence, but I was specifically thinking of chicken wire and barbed wire. I think the two basic considerations are, is one is safety. If a homeowner has children or relatives playing in the yard, that's a serious safety consideration in a child falls on chicken wire or barbed wire, it, you know, cuts like a razor blade. The other thing is property values. It can drastically affect property values as well. Those are two of the main considerations that are concerns that I have.

Mr. Phoenix: And where did this, I don't know if it came from you or something that Doug provided? Where did the language itself come from?

Mr. Stefancik: I worked on that Ray with Matt to see if this is something that he thought this met what his needs were, so we put this together and possibly we could've put more materials, but covering what typical fencing material is, is between the wood, vinyl, chain links.

Mr. Phoenix: But, I think where my concern comes in, and I understand there's a difference in general between fencing and walls, but the way this is worded is for the purpose of property separation on residential property fencing must be made of etcetera, etcetera, etcetera. So, we're kind of coming into this with this is what's going to define that line between the property as a physical barrier, whether you're talking a fence or a wall, I think, becomes immaterial unless we actually have fence defined in the bylaw, which I strongly suspect we don't.

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Mr. Coelho: I don't think ---.

Mr. Phoenix: I can check Section 10, but I don't think fence is officially defined. I mean there might be merit here, I don't know that this is ready for going to town meeting for acceptance at this point.

Mr. Pszeniczny: Yeah, I'm not looking to exclude, you know, these uses on your property within your boundaries, but, you know, where.

Mr. Stefancik: Yeah, there is no fence definition, but we do have a fence section of the Bylaw.

Mr. Phoenix: And what does that say?

Mr. Stefancik: Fences shall not exceed four feet in height across the front yard setback portion of a lot perimeter shall comply with provisions of Section 3.03 of Zoning Bylaws, shall not exceed 6 ½ feet in height on the remainder of the lot perimeter. No fence more than a quarter solid shall be erected across the front line and closer to the street setback requirements of the primary building. All fences must be at least six inches from the lot line and must be erected so that the less appealing side shall face inward and the chain link or --- fence shall have the barbs face down. A fence height greater than 6 ½ feet may be permitted with the authority of the

Board of Appeals after a public hearing. Shrubs and shrubbery shall not constitute the meaning of a fence for the purpose of the provisions. All fences four feet and higher require a building permit. It goes on, fences located on land zoned Industrial A, B, or C shall not exceed 6 ½ height across the front yard setback portion of the lot, and no fence more than a quarter solid shall be erected across the front line and closer to the street than the setback requirements of the primary building shall comply with the provisions of Section 3.03 of the Zoning Bylaw. Shrubs for screening and fencing shall not exceed three feet in height across the front yard setback portion of any lot. No restriction on height on the remainder of the lot perimeter. Shrubs do not require building permit. All shrubs and shrubbery must comply with Section 3.303 of Obstruction Street Intersections and Section 4.08 Corner Lots. Jersey barriers are prohibited as fences to provide property lines of all zoning districts.

Mr. Phoenix: Ok, and when we look at like Section 6.7 for wireless communication, it looks like we can have also in there, fencing may be protective in nature, but shall not include a spun barbed wire design. If we're gonna take and put something in here about barbed wire, I'd rather we copy the verbiage from elsewhere instead of coming up with something that seems needlessly convoluted. I think maybe we might be able to bring this back to town meeting next time, but I don't know that this ready right now. And we probably should have discussed this in open session prior to the public hearings so that we could have worked on this and workshopped it a bit before we got to this point.

Mr. Coelho: We did.

Mr. Phoenix: I don't recall fencing being brought up. Was it one of the ones I was out? One of the past two meetings?

Mr. Stefancik: It was, yeah. Correct.

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Mr. Phoenix: Even at that, two meetings is not a long time. We've discussed that before.

(multiple people talking)

Mr. Phoenix: When doing bylaw changes, we need to start talking about these the long runaway, because they need to considered and deliberate because they're changes to the whole bylaw.

Mr. Coelho: And with that being said…

Mr. Phoenix: And my attendance had been pretty good until we were dealing with going to the hospital for my kid being born the last couple meetings.

Mr. Coelho: --- Ray, nobody's blaming you.

Mr. Phoenix: Well, what I'm saying is, this should have come up long before that if it's gonna be going on this town meeting.

Mr. Coelho: Well it was just brought to our attention.

Mr. Phoenix: Then it should have been cued up for the next town meeting so that we're not trying to put something in quicker than we should.

Mr. Coelho: Ok, that being said, --- double of our time on this. We're gonna need to continue because we have other appointments today. So…

Mr. Phoenix: I'm gonna make a **MOTION** to recommend postponement on Article 4.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: That being said, once again, this is slated for 15 minutes and we got about two-hours-worth of work here. So, I do not want to be unfair to our next contestant here, and can we continue these till next week or what?

Mr. Stefancik: Yeah, but I think we'll have to just send our background information in with the Board not having given a decision. You'll have to give the decision at town meeting, what the recommendation was. I mean, it's doable. We've done it before.

Mr. Coelho: Can we take our 7:15 now and then come back to this?

Mr. Stefancik: Yeah, we can do that. We've done that too.

Ms. Houle: I think that's a smarter move.

Mr. Stefancik: Yeah, I mean, we can finish up the business. We have some people for the utility here, Mass Municipal Wholesale Electric too.

Mr. Phoenix: So, to do the technical portion Doug, do we need a motion to continue until tonight at 7:45?

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Mr. Coelho: Well, probable 7:30. Wait, it's 7:30 now, yeah 7:45.

Ms. Houle: 8:00, I would say 8:00.

Mr. Coelho: 8:00?

Mr. Phoenix: Ok, I will **SO MOVE.**
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Coelho – yes.

(At 7:37 p.m. the public hearing was continued until 8:02 p.m.)

Mr. Coelho: Ok, we are continuing our hearing from earlier today and we are up to Article…

Ms. Houle: Five.

Mr. Coelho: …Article 5 ---. Article 5: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.4 Fences by removing Industrial B from the second paragraph because we are removing Industrial B's from the town bylaws because we have no Industrial B. So ---.

Mr. Phoenix: Mr. Chairman, if there's no discussion from the Board or from the public, I'd like to make a **MOTION** to recommend approval at town meeting.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Article 6: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.6 Mobile Homes, by amending the following. The new section to read as: a. Temporary mobile homes to be placed on the site of a residence which has been destroyed by fire or other natural holocaust for a period not to exceed twelve (12) months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary Code. And b. Existing Mobile Home Parks, all that's the same, right? We're just looking at number a?

Mr. Stefancik: "A" is the only thing that's existing, "b", "c", and "d" are all to be added.

Mr. Coelho: All to be added?

Mr. Stefancik: And one of the interested parties brought additional verbiage, which I think, unfortunately, is too late to bring that in because I just got that at 7:00.

Mr. Coelho: ---

Mr. Phoenix: Just out of curiosity, where did the verbiage that's in this bylaw change come from? Is this something from a standard thing from Pioneer Valley or?

Mr. Stefancik: No, no. I think Building worked with the Selectmen on it and additionally there's a letter from Tony Goncalves about the support of the mobile home bylaw. So if Chris has that, he can read that in or I could read that in.

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Mr. Phoenix: No, I can, if we need to we can read the letter in, but I read the letter. I was aware of that. I just was curious where the wording came from in this. If we were using something that's already been written and tested in another community or if we were writing from scratch, and it sounds like we're kind of coming at it somewhat from scratch?

Mr. Stefancik: Yes, and I think just 'cause of the uniqueness of our community with this, this is probably where they were coming from. It's specific more so to our two existing mobile home parks.

Mr. Coelho: So, from what I understand, it's harder for them to repair or replace damaged structures?

Mr. Stefancik: Correct, they can't take out anything that's old or decrepit, I think, unless it's of a natural disaster sort of thing, so this would be a helping hand to the mobile home parks to replace anything that's destroyed or decrepit condition, be able to move things out and keep the upkeep a lot nicer. I think it's a helping hand to both mobile home parks. I mean, which sometimes people do they say they do look tired looking.

Mr. Coelho: ---

Mr. Phoenix: Beyond that, it's a sign of some at least minimal amount of respect to the people that live there and the people that are trying to maintain it. The fact that we haven't had a provision for this all this time is kind of a sad commentary. I think this is well needed.

Mr. Coelho: --- working on these places ---, you know?

Mr. Stefancik: And we have a new owner for both of the mobile home parks and I think that's what's helped precipitate the bylaw and a lot of the improvements, and he is here tonight as well.

Mr. Coelho: Ok, am I obligated to read all this into the record?

Mr. Stefancik: Not necessarily, I think it's been around. It's been on the internet and.

Mr. Coelho: Ok, that's fine. Alright, so, let's take some input from the public. Anybody here from the public like to speak on this, on Article 6? Hello?

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Mr. Stefancik: Oh yeah, we do have a guest. ---

Mr. Lennon: Good evening everyone, my name's Tom Lennon. Just a little background, I've been doing this for about 20 years. I own five mobile home parks, two of them being both parks in Ludlow. I am pretty familiar with this, and this is what I do full time. What we have in front of us here, under 6, my suggestion is, I just wanted to get a little more clarity for everyone. And I've seen a lot of different situations over the years. I have a little over 200 units, so I've seen a lot of things that, you know, I've seen over the years. So, a, b, and c seem fine. I don't have any issue with that. My opinion, --- professional, but someone that's extremely experienced in this. I have a suggestion on how we could, I'd like to get more clarity on Section d, and I have something written out. I didn't know, I only found about this meeting yesterday, just for the record. So, as soon as I found out about it, I went in and I put this, some things together today. I think it's a, and I handed everyone that's here one, and I think it's important enough that if we had to postpone this in case I didn't get it in in the timely manner, I think it's that important. I'm more than happy to read them out to you, my revision on Section d if I could.

Mr. Coelho: No, no, educate us because your experience tops mine, that's for sure.

Mr. Lennon: And by the way, just for the park, I think most people know, the park's been seriously neglected for 15 years. There's a lot of nice people in there and there's a lot of --- hope to get rid of as well, so to kind of make the whole community. The town here, you guys do a good job running the town. I have my own variation of a small community that I'm responsible for and, you know, it's like a bunch of kids and some are great, and some don't probably get along as well, so it's really good to have some of this clarity. And the Attorney General overlooks us and there's a lot of rules and regulations that I have in all the parks and this is some of the stuff that's in there that would really help enforce it. I think it's, so I'll read it out if that's ok. Section d is the part I'm looking to alter or suggest that when we go. Maintenance of Mobile Homes and Mobile Home Parks, I think, both parts, both the home and the park should be included in that category. *(Mr. Lennon read Article 6 Section III Regulations 3.0.6 Mobile Homes by amending and adding the following: New Section to read as a. - c. "As written" and d. Maintenance of Mobile Homes and Mobile Home Parks 1 – 3) (see file)*

Mr. Coelho: Ok, not to cut you short, but --- going ---. My question to you would be, is that stuff not addressed in your leases with these people as well?

Mr. Lennon: It is addressed in my leases and in the rules and regulations and it's probably in most parks across the state. The issue is enforcing it.

Mr. Coelho: Ok, ok. I got you.

Mr. Lennon: And if I could just read the last two.

Mr. Coelho: ---

Mr. Lennon: Alright.

Mr. Coelho: So, that way that it's presented now is the only way we can send it to town meeting without going through ---. --- do that is makes it --- more complicated at town meeting and the likeliness of getting this passed will probably decrease because of that. I think what we have here is a pretty good starting point and maybe next year we could go ahead and revise it with some of these recommendations. I think that's gonna be our best way to handle this. Because, this has already been advertised as it is.

Mr. Lennon: Well I, my suggestion is can we postpone this to next month's meeting? I mean, I...

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Ms. Houle: ---

(multiple people talking)

Mr. Stefancik: We could go with this in May and ---.

Mr. Lennon: Ok, if I could, just for the record, read the other two items if you wouldn't mind please. I read quick. *(Mr. Lennon continued to read d. Maintenance of Mobile Homes and Mobile Home Parks 4 & 5) (see file)* We got people that have, you know, campers, pop-up trailers, boats. I mean, it looks a little circus-y. I try to enforce it, but, you know, when I was speaking with the building inspector, he mentioned that was something that he wanted to come in and try to help enforce it. I mean, I do what I can. I'm pushing the square boulder up the hill, and you know, you're going around here and, you know, everyone was fighting me tooth and nail on this thing, but I probably got through 80% of it. It would certainly have a little extra teeth in it, if the town supported it or it was on the bylaw. So, if we have to push it to May, so be it.

Mr. Queiroga: Mr. Lennon ---?

Mr. Lennon: Yeah, I'm right here.

Mr. Queiroga: Mr. Lennon, this is Joe Queiroga from the Planning Board.

Mr. Lennon: Hey Joe.

Mr. Queiroga: Hi. --- to congratulate you because I --- park and the improvements have been tremendous and the beautiful white fence you put in the front. And I know you have over 40 tenants who came to your meeting. Ok, so we're trying to figure out how to get this approved for you because it's obvious that the tenants want you there.

Mr. Lennon: Thank you.

Mr. Queiroga: And what is the, Chris what do we need to do in order to move onto the next step here?

Mr. Coelho: Well, we make a motion to postpone and then we can add some of this other stuff. I think we're better off getting this in the books now and then adding to it later.

Ms. Houle: Mr. Chairman.

Mr. Coelho: ---

Mr. Phoenix: Chris, I tend to agree with you, especially since the May town meeting is supposed to be for budget issues not zoning.

(multiple people talking)

Mr. Phoenix: --- year, and if we're talking about people who are living in conditions that are inappropriate, I don't really want them going that long, going through the winter or going through a whole other summer, or waiting an entire year before they get relief and get better living conditions. I don't think that's the best move here. I think if we can get something in place that improves the --- and then down the line we can maybe do something to enhance what we have. I think that's probably our best move.

(multiple people talking)

Mr. Lennon: Just to make sure I understood it, are you saying go with what you guys already have, or are you saying go with what I was suggesting? I just, I wasn't sure.

Mr. Coelho: Go with what we have and over the course of the next year, you can work with Doug and we can get this…

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Ms. Houle: Tightened up.

Mr. Coelho: …expanded on next fall.

Mr. Lennon: What is it May, or is it not even May?

Ms. Houle: May usually they do budgets and ---.

Mr. Stefancik: It would be October next year.

(multiple people talking)

Mr. Stefancik: --- for May with permission from the Selectmen. But, technically it's the financial matters they handle for May.

Mr. Lennon: ---

Mr. Stefancik: But, this would be the best to start with this and then we can enhance it with the next October Town Meeting.

Mr. Lennon: Alright, well I think if there was anything that had the highest priority on all of them, was the firepits. I mean, these people think they're in a campground, and they got firepits going and, you know, I live on five acres, so I have a firepit, but, you know, these people are living, it's almost like they're right next to each other. It's like being in the Big Y and there's one car between you that's not there and they're firing up a firepit. And they say why can't we have it, everyone else can have them in town. So, that kind of, honestly, I say because you can't, they're in the rules and regs, but short of enforcing it, I don't know, I can't, and it's just kind of a safety thing. You know, so I guess I understand the concept of maybe this gets pushed off, but that's certainly a good one. Everyone wants a chimenea or a firepit there.

Mr. Coelho: Right, to amend this whole thing, we would have to do that on town meeting floor.

Mr. Lennon: Ok, alright. I hear you.

Mr. Coelho: And I'll tell you what, when it gets to this point at town meeting, their patience is already worn through.

Mr. Lennon: I can tell. No, I'm only kidding.

Mr. Coelho: So, the odds of them voting in favor of something diminish. If we get this on the docket now and get this through, next time we can move into tightening up some of those screws.

Mr. Lennon: Ok, fair enough, yup.

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Mr. Coelho: And you know what, I'm gonna task you voluntarily to work with Doug to do that. I'm gonna task Doug to work with you.

Mr. Lennon: I have it all laid out. Yeah, absolutely, we can work together on that. You know, it's a joint effort. I'm just coming from the end that you guys haven't seen. Not that it's rocket science, but it's the experiences and the things that I've seen. I think these are really good ---.

Mr. Coelho: I understand the nuances of tenancy here, with tenants and stuff, but I think this is something to start with and we can build from.

Mr. Lennon: Alright, fair enough. Thank you.

Mr. Coelho: Ok, is there anybody else from the public that wants to speak on this?

Mr. Stefancik: Yeah, Elaine Hodgeman wants to talk on this as well.

Mr. Coelho: Ok.

Mr. Lennon: Thank you.

Ms. Hodgman: Oh, I'm sorry. Come up here?

Mr. Coelho: Hello?

Ms. Hodgman: I'm getting there.

Mr. Stefancik: She's making her way up from the audience.

Mr. Coelho: Oh, she is? She's actually in the building? Ok.

Ms. Hodgman: Hi, Elaine Hodgman, 1475 Center. Does this, as it's written, say that if somebody wants to just upgrade their mobile home because they just want a new mobile home will they be allowed to do that? Or does it have to be condemned or damaged somehow first? 'Cause some of those mobile homes…

Mr. Coelho: Mobile homes that suffer a catastrophe, are destroyed or condemned can be replaced with it's original location by the owner of the mobile home or the owner of the mobile home park.

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Ms. Hodgman: But it says destroyed or condemned.

Mr. Coelho: Right.

Ms. Hodgman: But some people just want to get a new mobile home because they're tired of the old one and they want to upgrade or improve themselves. Is that allowing that?

Mr. Stefancik: Well, it says all new mobile homes must be installed over concrete pads. So, there's an allowance for a new mobile home to come in.

Ms. Hodgman: But the reasoning is not restrictive?

Mr. Lennon: I think what she's saying. I'm trying, that's what I had a hard time with that too. I think maybe the key word is destroyed. I guess that's an opinion. You look at someone's house and say that's pretty destroyed. Some of these people, keep in mind, homes appreciate in value, these are homes that are probably 30, 40, 50 years old and some of them have gone through them and they look really nice. Some have been neglected for years and years and they need siding on them or they need to be renovated and some of the people don't have the money to pull one out. So, I think what they're doing is, they're in there remodeling. Right now, I have five of them in one park and five in the other that are in the middle of rehabbing them and remodeling them. You can't, because of COVID, you can't get other homes, but if I understand your question if somebody just has, like you know, you have an average house, can I remodel my average house? Can somebody go in and remodel them? I can't imagine why they wouldn't be able to.

Ms. Hodgman: True, but what I'm saying is there's some older homes back in the fifties, and it's just, you want to take it out.

Ms. Houle: But right now, you can't do anything.

Ms. Hodgman: Right.

Ms. Houle: Not even repairs, like, I mean, major repairs.

Ms. Hodgman: Will this new law will allow them to take it out and just put in a new one?

Ms. Houle: --- well.

Ms. Hodgman: No, I'm asking.

Ms. Houle: Right now, I don't believe you can do anything.

Mr. Stefancik: Exactly. This is better than nothing.

Ms. Hodgman: I wasn't sure.

Ms. Houle: This is giving someone the ability to make more…

Ms. Hodgman: More improvements?

Ms. Houle: …more improvements than what's there now, it's a very…

Ms. Hodgman: I didn't know how to ask.

Ms. Houle: Mobile home parks --- before zoning, so.

Mr. Lennon: ---

Mr. Phoenix: I would just want to kind of add in on that. I didn't catch that when I was reading it. I think that's a good catch from Mrs. Hodgman 'cause I think that is a valid concern and at first when I read it, I thought that was gonna be an included use case. That if somebody just wants to upgrade their living situation that they'd be allowed to. But, I'm not convinced that that is the way that it reads which brings me back to why I had asked originally about where this language came from and how we arrived at it. And it also brings me back to my other point about, we should be doing some of this work on these a month, two months, three months, six months out before the meeting so that we can get other people to show up, we can have discussions with people ahead of time. We could have gotten the feedback, you know, obviously, people got involved since then, but theoretically we could've gotten feedback from the people living in the mobile home parks before we got to having this in front of us. I think normally my inclination would be like on some of the other stuff to postpone action on it, but I've heard from a number of people that have complained about their living situation and I think because of the dire need for having better, and the fact that that involves some safety concerns for people, I think that's one of the only reasons I'd be willing to go forward with this now and then patch it later. So, I think we need to start making a list of things that we need to tweak on this. And if we get a special in the spring, let's jump in on there, otherwise, we'll have it ready for the fall. Let's at least get this in there for now so that people have some hope of, you know, taking care of some of those immediate urgent concerns.

Ms. Hodgman: My last comment is, I'd like to see it as a mobile home park, not as a trailer park, because mobile homes are affordable living and they're not homeless people that way. I'd like it to keep going up it's been, that he's been doing. He's taken a lot of junk out of there.

Mr. Lennon: By the way, thank you. One of the things, my opinion, I think, the operative word is destroyed. I think, you know, again, maybe that's an opinion. Some of these are destroyed, I

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don't mean in a catastrophic way where a hurricane took them out, but you get one good gust, I think it could. Hurricane Doug comes through town and could probably take a bunch of them out. I think, but right now, it says trailers and cabins. I have zero interest in doing trailers and cabins. Those are camp grounds. I absolutely, just for the record, when you use the word trailer, I know you're just using that, but, mobile homes or manufactured homes or what are in there, that's all I want to put in there. Zero interest in putting up pop up trailers. I even made in my recommendation was no campers or motor homes or anything like that. I don't want that, nor would I allow it. Even if the town, right now the bylaw does allow me to have cabins and campers and RV and I don't want that, nor would I allow it. It cheapens it and it gives it a wrong image. I'm trying to upgrade, transform the whole community in there, so I would think though, just to make sure I understood this, if somebody wants to come in and remodel their home under these new things that are being presented tonight, I'm seeing this as they should be able to come in and get it, remodel it or pull it out and put a new one in.

Mr. Phoenix: Well, they'd be able to, if there's a case that can be made that the mobile home has suffered a catastrophe or has been destroyed or has been condemned. But, I think that we do need to tweak that and take that condition out because if they just want to, you know, there's stuff in here from maintenance. I don't know, I think we need to explore this more deeply. But I think at least let them take care of those situations where things are pretty bad.

Mr. Lennon: After the word are destroyed, couldn't we add in or in need of repair or is it too late?

Mr. Coelho: Again, we'd need to amend it on town floor.

Mr. Lennon: Got it.

Mr. Coelho: If that's the point, we might as well go through the whole thing.

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Ms. Hodgman: And I do agree, keep it simple ---.

Mr. Phoenix: I mean, the question comes down to, can these people wait another year without getting relief?

Ms. Hodgman: No, they can't.

Mr. Lennon: No, they really can't. It's, we got good momentum right now. There's a lot of people in there telling me that they want to remodel them all and they're coming over to the Building Department and the door's getting shut right on them and they're not allowing them to do that.

Mr. Phoenix: And that's where I was coming from too. So, if they can't wait a year for the relief, I'm gonna make a **MOTION** to recommend approval at Town Meeting as we got it here in the packet and then we can look at it again over the next few months and we can put something together where we can improve this and make it better.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: So, we're gonna get it in like this and we're gonna work on it and make it better with the input of everybody over time instead of the last two weeks before it's due.

Mr. Lennon: Thank you very much.

Mr. Coelho: Ok, thank you all for your input on that. I appreciate it. Article 7. To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow Section III: GENERAL USE REGULATIONS 3.2.2 TABLE OF PRINCIPLE USES.

Mr. Phoenix: Mr. Chairman?

Mr. Coelho: Yes.

Mr. Phoenix: Since we have these all printed for people who were there in person and we have them available for download for the website and it's been printed in the legal notice for the most part as well, I'd like to condense things a bit. We have items number 7, 8 and 11 that all have to do with removing Industrial B because it doesn't exist. I would like to make a single **MOTION** to recommend approval of Items 7, 8, and 11 at town meeting since they all fall under the same criteria that we discussed previously.
SECOND Ms. Houle.

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Mr. Coelho: Is there anybody from the public that wants to speak on any of these, 7, 8 or 11? Hearing none, we have a motion and a second.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Article 9, to see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by removing and replacing in its entirety, SECTION IV DIMENSIONAL AND DENSITY REGULATIONS 4.4 MILL REDEVELOPMENT DISTRICT (MRD) BYLAW 4.4.10 Site Plan Approval Process b. by changing five members to six members. So, anywhere it references five we are going to change it to six. And the reason for that is a quorum for a ten-member committee will be six not five.

Mr. Phoenix: Yeah, I took a look at the Bylaw. It looks like it probably got done that way because of the way the list is written because both Planning has one line that's for two people and Engineering has one line that's for two people. So, it's a list that's numbered 1-8 even though it's a ten-member group. So, I think that's probably where we got the five instead of the six originally and fixing it certainly seems to make sense.

Mr. Coelho: Ok, is there anybody from the public that would like to speak on Article 9? Hearing none.

Mr. Phoenix: I'll make a **MOTION** to recommend approval of Article 9 at Town Meeting.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

(conversation regarding Mr. Coelho losing phone connection)

Mr. Coelho: Article 10 to see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, SECTION VI: SPECIAL LAND USE REGULATIONS 6.4 PARKING REQUIREMENTS. 6.4.2 Parking Guidelines by adding a new section (e.) to read e. For proposed uses not listed in the parking guidelines an adequate number of parking spaces will need to be provided to accommodate visitors, staff, and the general public. Final determination of parking adequacy to be determined by the Planning Board, with input from the Board of Public Works and the Safety Committee. So, this is giving us a little bit of leeway on places that might not have an adequate amount of parking to allow us to ---.

Mr. Phoenix: I don't know if it's already been printed for the reasoning portion of it, but if it has not, sometime should be sometimes, there should be an s on the end of that. But, as far as the content of it, I think that sounds fine.

Mr. Coelho: Yeah, the reasoning --- too, so.

Mr. Phoenix: I'm just saying, if we haven't printed that portion yet, if we can just fix that type before we start printing copies for distribution.

Mr. Stefancik: Yup, yeah, I'll change that.

Mr. Phoenix: Ok.

Mr. Coelho: Ok, so anybody from the public like to speak on Article 10? How about anybody on the Planning Board?

Mr. Phoenix: Oh, and actually Doug, on that same subject of typos, it's a real word, it's just the wrong word. In that same line, sometimes there are proposed uses that are not covered in the, and it says paring guidelines. It needs a k.

Mr. Stefancik: Ok, yup, got that.

Ms. Houle: Parking.

Mr. Stefancik: I think I put that in and corrected it, but…

Ms. Houle: Yeah, it's corrected.

Mr. Stefancik: …you may have an older version.

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Mr. Phoenix: Well, somebody has to update the version ---.

Mr. Coelho: This is the world we're living in right now. Again, anybody from the public? I'm willing to entertain a motion on this one.

Mr. Phoenix: Hearing nothing, I'll make a **MOTION** to recommend approval at Town Meeting on Article 10.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Article 11's already dealt with. Article 12.

Mr. Phoenix: Mr. Chairman, this one's simply removing a "2e" which doesn't exist to correct a reference. It's just fixing a typo. Unless anybody really loves typos and wants to discuss it, I'd like to make a **MOTION** to recommend approval at Town Meeting.
SECOND Ms. Houle.

Mr. Coelho: Does anybody in the public want to talk about this? Ok, so I have a motion and a second.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Article 13, to see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES, LAND USE CLASSIFICATION/GENERAL USES by adding site plan approval (SPA) to EARTH REMOVAL. Site plan approval from the Planning Board is allowed in the following districts; Agriculture, Agriculture Moderate Density, Industrial A, Industrial C, and the Mill Redevelopment District and to amend Table 1 to reflect this change as follows. Reasoning: Currently the Planning Board approves the site plan and the Board of Selectmen approve the permit for earth removal. The Table of Principal Uses should be consistent with the Bylaw. This is more housekeeping.

Mr. Phoenix: I hear a bunch of silence. Unless anybody wants to speak on it, I'm gonna make a **MOTION** to recommend approval of Article 13.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Article 14. To see if the Town will vote to amend the Zoning Bylaws the Town of Ludlow, Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES, by adding to MIXED USES, under LAND USE CLASSIFICATION/MIXED USE, and allowing the use through Site Plan Approval and Special Permit approval from the Planning Board, in the following districts; Business A and Business B and to amend Table 1 to reflect this change, as follows. So mixed use would be allowed in BA and BB but with SPA/SPPB. For all you taking notes out there that's Special Permit Planning Board. Reasoning: This would allow mixed use in Business A and Business B, meaning apartments would be allowed through site plan approval and special permit with the Planning Board. This was one that was brought up to me. I thought it made sense. We have a lot of older type buildings that were mixed use, that might have been mixed use, and I think it just puts everybody on a more even footing provided they have room for parking and all the other amenities. And that's where our approval through the site plan and special permit comes in. Anybody on the Planning Board have anything to add?

Mr. Phoenix: I would like to think there'd be more public comment on this so that we could get a better feel for what the other people in the town think, but on its face, I don't see a whole lot wrong with doing that. I think it's a step in a good direction.

Mr. Coelho: Anybody in the general public like to speak on Article 14? Not hearing anything. Ok, with that, I'd be willing to ---.

Mr. Phoenix: I make a **MOTION** to recommend approval on Article 14.

SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Phoenix: Mr. Chairman, Article 15 simply adds a definition to go along with what we just did, so I'm gonna make a **MOTION** to recommend approval.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Phoenix: Mr. Chairman, Article 16 and 17 are similarly linked, but this is adding apartments instead of doing the mixed use and this also involves Residence B. So, I would think we should probably discuss these both in parallel, so we can just make a motion on this together.

Mr. Coelho: Ok, Article 16, we're gonna amend the Table of Principle Uses by adding apartments by site plan approval and special permit in the following districts: Residential B, Business A, Business B, and to amend Table 1 to reflect this change as follows. And Article 17 -- -- the definition as well, apartments would be allowed through site plan approval. Again, this is a mixed zoning designation. I don't really have anything else to add.

Mr. Phoenix: Unless anybody else has anything that they'd like to contribute, I'll make a **MOTION** to recommend approval of Article 16 & 17.
SECOND Ms. Houle.

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Mr. Coelho: Does anybody from the public out there have anything to say? Ok, we have a motion and a second.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

Mr. Coelho: Boy, Town Meeting's gonna love us this year, huh? Article 18: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, SECTION VI: SPECIAL LAND USE REGULATIONS: by adding 6.13 CONSERVATION DEVELOPMENT BYLAW. New section to read. Conservation development.

Mr. Phoenix: Yeah, you aren't gonna want to read that whole thing. My question's gonna be kind of like with a lot of other stuff. Where did this come from?

Mr. Stefancik: This was one of the Pioneer Valley Planning Commission. They helped us out in the day. This is, I think, one of our second bite at the apple on this.

Mr. Phoenix: Oh, it's more than that. It's at least the third one since I've been here.

Mr. Stefancik: Yeah, there did one early, early on. This one itself, we had Pioneer Valley Planning come in and help out. And then, I think, we postponed action on it. You're hearing that, you know, Fire didn't want the roads shrunk up. They didn't want people parking on the roads. People didn't like the idea of shared driveways. So, we did take out some of those things. You know, if you're gonna build it's gonna be to the standards of our regular subdivision standards. Without, you know, people could be able to park on the street. I think the thing is we're gonna end up, the win-win here is the conservation of the land and I think the incentive is for developers if they're able to develop a little differently, more compact. I mean I think,

certainly, they're gonna have to figure out the puzzle and how this is all gonna work. If they're gonna deal with septic systems, if they want to have individual lots for people, what they're gonna have on it, or they want to build condo style where everything's a home owners association. So, it's a complicated bylaw and it's not an easy one. I don't know how well it will be received by developers. I think it's probably only, I can see, you know, like an estate lot subdivision out of something like this.

Mr. Phoenix: Well, we're not forcing the developers to do it. We're giving them another tool in their tool box for how they can develop their property. So, I don't think they have anything that they can reasonably complain about in here as far as what this does to them and the value of their property and their investments. And I think when you were talking about the benefits that are to be had from this kind of development, you missed some of them too because there's also beyond the preservation of the open space, beyond the developer having to pave less, there's also that the town in the long run, needs to maintain less roadway. There's also that there's less need to busses to travel extended distances to go through cookie cutter subdivisions. There's a whole lot of impact that kind of snowball and really create a lot of benefits to the town in that long term. And we've certainly also seen very vividly what happens when you don't have this kind of thing in place and somebody has a large piece of land that they just want to develop and finally make it happen. And I'm honestly not afraid of telling people if you don't like this bylaw and you want to vote against it, don't be surprised if we end up with another 241-unit subdivision coming in that comes in through 40B and then we can maybe negotiate it down the 160's. 'Cause that's the reality of this situation is by giving the developers a little bit more leeway, we gain a lot of long term benefits and we can kind of contain some of that growth in the town and we can actually preserve things. Whereas before, people seemed to think that things like this and allowing people to do these types of development, we're gonna cause deforestation, they were gonna cause us to lose, to do a direct quote from one of the town meetings, the town's historic landscapes. The realty is the exact opposite and hopefully people have learned from the mistakes of the past and we can get them to accept this.

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Mr. Coelho: Anybody else?

Mr. Queiroga: No, just, Ray, I agree with you, and this is something that's been talked about for a long time. I think it's a positive move and I think it's gonna prompt some conversations at the town meeting. And I think that's the only way to get this --- moving forward.

Mr. Coelho: Anybody from the public wish to speak on this article?

Mr. Phoenix: Hearing nothing, I'm gonna make a **MOTION** to recommend approval at Town Meeting and further to close this public hearing.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Queiroga – yes; Ms. Houle – yes; Mr. Coelho – yes.

The Public Hearing closed at 8:47 p.m.

APPROVED:

Kathleen Houle

Kathleen Houle, Secretary

su

Documents: Draft Zoning Bylaw Changes October 2021 Town Meeting; Article 6 Section III Regulations 3.0.6 Mobile Homes (*proposed amendment submitted by Tom Lennon*)

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

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