TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 10, 2022

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PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)*(7:01 p.m.)*
Raymond Phoenix (Present) *(via telephone)*
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel da Silva, Associate Member (Present)

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

PUBLIC HEARING – SITE SKETCH – 264 Moody Street (Assessors' Map 3, Parcel 103A) John Medeiros (Stingray Motors) (used car sales)

SEE ATTACHED MINUTES

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 12. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of February 24, 2022
- APPROVE Change of Occupancy:
  - Tony & Stacy Sosa (Riverwalk Creamery) – 116 East Street
    (from yogurt shop to soft serve shop)
- APPROVE/SIGN Bills – W.B. Mason (office supplies)

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – 581 Fuller Street (Assessors' Map 9, Parcel 51C) Daniel Shaw (sewer & drain cleanout)

SEE ATTACHED MINUTES

CENTER STREET TRAFFIC NEAR STARBUCKS

Mr. Coelho said that the Safety Committee discussed the traffic concerns at their meeting earlier tonight. He also said that the Police and DPW had a meeting with the representative of the DOT, and that they're looking at potential solutions. Mr. Phoenix mentioned that there are restrictions that come with the special permits that were issued to the businesses at that location, and that possibly some of the curb cuts could be closed at the surrounding businesses.

(The conversation was continued below)

PUBLIC HEARING – ZONE CHANGE – 279 Cady Street (Assessors' Map 1B, Parcel 5A) Joe Alves (Agricultural with a portion of Agriculture Moderate Density (AMD) to Agriculture Moderate Density (AMD) Overlay District) ***(mail item #13 included)***

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PUBLIC HEARING – ZONE CHANGE – 0 & 694 Chapin Street (Assessors' Map 11D, Parcel 97 & Map 16B, Parcel 1-1) VDS Properties, LLC c/o Mr. Joe Alves (Residence A & Agricultural with a portion of Agriculture Moderate Density (AMD) to Residence A) ***(mail item #14 included)***

SEE ATTACHED MINUTES

CENTER STREET TRAFFIC NEAR STARBUCKS *(continued from above)*

Mr. Coelho restated that some of the special permits could be pulled to help alleviate some of the traffic problems in the area. Mr. Phoenix commented that he thinks the next step should be for the Planning Board to meet with the Safety Committee and other town departments to find a solution. Mr. Stefancik noted that the DPW is sending a letter to DOT about eliminating the right turning lane until after the boxed area in front of Starbucks. Mr. Coelho suggested that an invitation be sent to the Chairman of the Safety Committee, Selectmen and the DPW to meet with Planning to further discuss a solution. Mr. Phoenix remarked that the invitation be sent to the whole group. Mr. da Silva commented that the invitation be sent to the DOT also.

(The conversation was continued below)

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – 98 Barna Street (Assessors' Map 2C, Parcel 62) Kimberly S. Reed (dog grooming salon)

SEE ATTACHED MINUTES

CENTER STREET TRAFFIC NEAR STARBUCKS *(continued from above)*

Mr. Phoenix **MOVED** to invite the Board of Public Works, the Safety Committee, the Board of Selectmen and representation from Mass DOT to a meeting of the Planning Board to discuss the issues relative to Center Street, specifically at and around the intersection with the Mass Turnpike and the surrounding businesses in that immediate area.

Mr. Coelho: Do we have a date --- or are we gonna wait?

Mr. Phoenix: Well, I figure we can probably let Doug and Sue pick a date on that and then hopefully we can get everybody to join in on it. I wouldn't say we need to put it off until all the stars align, I think we might need to just pick a date and try and stick with it and if we get a lot of push back, but I think we can leave that to them to schedule.

Mr. Coelho: Ok, is that good Doug?

Mr. Stefancik: Yeah, that works.

Mr. Carpenter: Just a future date?

Mr. Coelho: Yeah.

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

CANNABIS FACILITIES

Mr. Stefancik shared the Bylaw for the Town of Easthampton with the Board. He mentioned that the Easthampton Planner (Jeff) would be a great person for the Board to talk to as he was instrumental in the early cannabis planning. Mr. Stefancik said that he is setting up a potential meeting with the Board of Selectmen at their March 29th meeting to discuss whether they're in favor of cannabis facilities and removing the prohibition out of the general bylaw.

The conversation will be continued until the next Planning Board Meeting.

Documents included: Marijuana Bylaw Timeline; Draft Medical Marijuana Bylaw; City of Holyoke Marijuana Facilities Bylaw; City of Westfield Marijuana Establishments Bylaw; City of Easthampton, MA Bylaw (06-21-2021)

Mr. Carpenter: Mr. Chairman, I make a **MOTION** to adjourn at 8:05.
SECOND Ms. Houle.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho – yes.

Meeting adjourned at 8:05 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE SKETCH
264 Moody Street (Assessors' Map 3, Parcel 103A)
John Medeiros (Stingray Motors)
(used car sales)
March 10, 2022

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PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Raymond Phoenix (Present) *(via telephone)*
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel da Silva, Associate Member (Present)

The hearing began at 7:01 p.m. in the Selectmen's Conference Room.

In attendance: John Medeiros

Mr. Coelho read the legal notice, advised the public that the meeting is being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: used car sales.

Mr. Coelho: Mr. Medeiros. Why don't you give us a brief description of what you want to do and where you want to do it.

Mr. Medeiros: So, it's 264 Moody Street and I'm the owner of the building. The building's separated into four spaces, and I occupy the rear space of the building. --- used car license for sale of classic cars. I've always had classic cars and I just want to grow it a little bit more, and a license would help with that.

Mr. Coelho: I'm going to go ahead and start reading comments from other town boards. Safety Committee has no concerns. The Department of Public Works, and that was Miss Penny Lebel, the Department of Public Works, Mr. Goodreau, has no comments. Penny Lebel, Vice Chair of the Conservation Commission, says there's no wetlands. Batting a thousand so far. And one paper, and the Planning Board, Doug, says the plan meets all the criteria for a site sketch. Fire Department: *To whom it may concern, the site sketch submitted to the office for establishing used car sales located at 264 Moody Street, Unit #4 has been reviewed for compliance and the following will be required. Property management must provide any updated keys to gain entry to any of the units at these locations. Please schedule a site visit with Captain Falconer from the Ludlow Fire Department. We will inventory the existing Knox Box for this property to go over existing keys for units or add any keys for the property. Please note any omissions or missed items during this plan review does not relieve the owner or contractor from meeting all applicable codes laws, regulations, and standards as they apply to construction, maintenance, and use of this building. Please feel free to contact this office if you have any questions or concerns regarding this matter. Respectfully, Captain Seth M. Falconer.* So, you understand that you gotta get with them straighten out some of the fire safety access situations. And Andrea has no comments from the Board of Health. Ok, so there we are. And where's my cheat sheet?

Looks like we're into the findings and waivers portion of this. Are there any waivers being requested?

Mr. Stefancik: There is, for the full site sketch to the, full site plan to the site sketch.

Mr. Phoenix: And just to be clear, basically the main changes that we're contemplating on this plan are the usage and those designated parking spaces for the car sales. Is that correct?

Mr. Medeiros: I'm not gonna have any outdoor parking for the display of cars. They're all gonna be inside.

Mr. Coelho: Ok, so there aren't any changes to the footprint out there?

Mr. Medeiros: Correct.

Mr. Coelho: And do you expect a lot of foot traffic for this, or it's probably very…

Mr. Medeiros: No, very, very minimal.

Mr. Coelho: …specialty kind of situation.

Mr. Stefancik: And the display spaces are shown.

Mr. Coelho: He's got three spots for employees? Is that what that is?

Mr. Queiroga: ---

Mr. Stefancik: Dealer salesmen parking, and space for the cars.

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Mr. Coelho: Ok, and now are your hours gonna be set hours all the time or is it kind of?

Mr. Medeiros: I'm gonna have my cell phone on there for contact, and it's gonna be through website advertising.

Mr. Coelho: Right, that seems to be the way the car industry's going anyways. You gonna put any car vending machines in, no?

Mr. Medeiros: Not really, no.

Mr. Coelho: Ok. I don't have any more questions.

Mr. Phoenix: Mr. Chairman, since there's no changes to the building or really to most of the plan other than the call outs on the chart and call outs on some of the parking, I will make a **MOTION** to therefore grant a waiver as requested of a full site plan down to a sketch as has been provided.
SECOND Mr. Carpenter.
5-0 in Favor
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho – yes.

Mr. Coelho: Anybody on the Board have any other questions related to this? No? Ok, I'm gonna open it up to the public. Does anybody out here have any questions for the applicant? Anybody on the phone?

Mr. Phoenix: Just me.

Mr. Coelho: Great.

Mr. Phoenix: Hearing nothing, I will make a **MOTION** in the standard form to approve the site sketch as submitted and to close the public hearing.
SECOND Mr. Carpenter.
5-0 in Favor
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho – yes.

Hearing closed at 7:07 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

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Documents: Master Application; Waiver request; Comments from Town Departments/Boards; Site Sketch 264 Moody Street Ludlow, MA owned by 264 Moody Street, LLC. prepared for Stingray Motors (1/5/2022)

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION
581 Fuller Street – Daniel Shaw
(sewer & drain cleanout)
March 10, 2022

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PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Raymond Phoenix (Present) *(via telephone)*
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel da Silva, Associate Member (Present)

The hearing began at 7:10 p.m. in the Selectmen's Conference Room.

In attendance: Daniel Shaw

Mr. Coelho read the legal notice, reviewed the application, advised the public that the meeting is being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: sewer & drain cleanout.

Mr. Coelho: Why don't you give us a brief description of what you're looking to do?

Mr. Shaw: So, very simply put, I just, I'm looking to get a special permit to basically open up a handy man business/sewer and drain cleaning out of my existing building. I would just set up an office space inside my barn and utilize, for the time being, one of the vehicles I already have. There wouldn't be any extra employees parked at my place, no extra stuff on the outside of the building, nothing will change really.

Mr. Coelho: Something tells me that most of your work is gonna be off site other than office work.

Mr. Shaw: Absolutely.

Mr. Coelho: How about storage of chemicals? Do you store large amounts of chemicals to clean sewer drains with?

Mr. Shaw: No, most of it's all with machinery.

Mr. Coelho: Machinery, ok.

Mr. Shaw: Yup.

Mr. Coelho: And nothing on the outside of the house is gonna look any different?

Mr. Shaw: No, not at all.

Mr. Coelho: Looking for comments from other boards which typically we don't get them on these, but --- was gonna be a special case. No, I don't see any comments from anybody else, right? Ok. So, we need a couple of, a finding, we need a finding and a waiver. He's presented us pictures in lieu of a site plan if anybody would like to make a motion to find that this is appropriate as described?

Mr. Phoenix: I'll make a **MOTION** to find that the home occupation as described is a suitable use under the Bylaw, and to grant the requested waiver of a full site plan down to a sketch and photos as prepared by the applicant.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho - yes.

Mr. Coelho: Does anybody on the Board here have any more questions for the applicant? Hearing none, I'll open it up to the public. Is there anybody in the room tonight looking to have any information cleared up? If you could stand and say your name and address for the record, please?

Mr. Guz: My name is John Guz. I live at 569 Fuller Street. I couldn't hear a word you said. I'm just curious, 'cause sewer and drain, I believe you said you're connecting to your house from your barn?

Mr. Shaw: No, no, no. This would be sewer and drain cleaning.

Mr. Guz: Clean out.

Mr. Shaw: So, just operating a business, that's all.

Mr. Guz: Oh.

Mr. Coelho: And again, outside shouldn't change at all. That's one of, he's agreed to a list of criteria that he has to agree to and he understands those by signing those. So, outside of the house can't change.

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Mr. Guz: I'm just curious. If there was sewer around I'd like to be ---.

Mr. Coelho: Nope, not yet. Not yet, not up there, that's.

Mr. Queiroga: Do you have employees?

Mr. Shaw: Negative.

Mr. Queiroga: And what do you have for a vehicle?

Mr. Shaw: I actually have a, currently I have a Ford F350 and an E350, so I'm not sure which one of those I'm going to eventually connect to the business, but as of right now it would just be using one of them.

Mr. Coelho: And you already have those vehicles?

Mr. Shaw: I do, yeah.

Mr. Coelho: Ok well, anybody else out there in the public like to ask any questions, no? Anybody on the phone?

Mr. Phoenix: No.

Mr. Coelho: Hearing none, I would be receptive…

Mr. Phoenix: I'll make a **MOTION** in the standard form to approve the home occupation and to close the public hearing.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho - yes.

Hearing ended 7:15 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

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Documents: Master application

(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 – ZONE CHANGE
279 Cady Street (Assessors' Map 1B, Parcel 5A)
Joe Alves
(Agricultural with a portion of Agriculture Moderate Density (AMD) to Agriculture Moderate Density (AMD) Overlay District)
March 10, 2022

PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Raymond Phoenix (Present) *(via telephone)*
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel da Silva, Associate Member (Present)

The hearing began at 7:21 p.m. in the Selectmen's Conference Room.

In attendance: Joe Alves, Sofia Bitzas – R Levesque Associates, attendees

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LUDLOW, MASS.

Mr. Coelho read the legal notice, reviewed the application, advised the public that the meeting is being recorded and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: Zone Change Requested from: Agricultural with a portion of Agriculture Moderate Density (AMD) to Agriculture Moderate Density (AMD) Overlay District; Reason for Requested Change: To extend the Agriculture Moderate Density (AMD) Overlay District to allow for a future development.

Mr. Phoenix: Mr. Chairman?

Mr. Coelho: Mr. Phoenix.

Mr. Phoenix: I just want to clarify, we're looking to switch this from Ag to AMD. Is that correct?

Mr. Coelho: Well, I don't know if switching is a good, but we're trying to make the whole property into AMD.

Mr. Stefancik: You'd be expanding the AMD Overlay District.

Mr. Phoenix: Well, the reason I ask is because the AMD District is specifically defined in the Bylaw, so I'm not sure that this is as simple as a straight up and down zone change. We specifically, and I think it's arbitrary and honestly kind of dumb, but it's how it's written in the Bylaw is that AMD is, let's see, defined as all areas within the underlying agricultural district that are measured from the mean center line of the street to a point a thousand feet from the sewer line that was in existence on July 1st, 1991. So again, I think personally it's something that's kind of stupid because it's talking about where the sewer lines were, you know, thirty

years ago. But, that's the way its defined in the Bylaw, so I would say that, you know, no matter what we come of, as far as a feeling whether this would be a good idea for the neighborhood or not, I think we should have a baseline of contacting town counsel to make sure that we're within our rights to move forward with this and that we don't need to have an actual bylaw change to change that definition…

Mr. Stefancik: I did talk to town counsel.

Mr. Phoenix: …because I think that may be what we need in order to make this happen. And it's probably the right move because it's really dumb the way it's written. But, I just want to make sure we're not overstepping.

Mr. Stefancik: I did speak to town counsel to clarify that because there was some questions on that whether it had to be, and she agreed that it would need to be a zone change. I think in the day the sewer line did not run through Cady Street, so it only crossed a portion of the property, but she said that a zone change would be the appropriate way to go on this, to take action.

Mr. Phoenix: Ok, 'cause I didn't see that in any of the written stuff attached to the file. Do we have that ---?

Mr. Stefancik: Yeah, I have that. Chris can read it.

Mr. Coelho: This is from Rose Crowley, January 24th, 2022. *Hi Doug, the zoning amendment would be required to change the Agricultural Moderate Density Overlay District. It would look, I would note that it looks like the parcel outline on the map below is in a Residential District A and not an Agricultural District, therefore, I don't believe the AMD couldn't be extended over the parcel as it's now zoned. There's not an underlying agriculture district to extend the AMD over. The ZBL definition states: Agriculture Moderate Density Overlay District: A zoning district that allows a greater range of uses than is allowed within the Agricultural District. The overlay district is defined as all areas within the underlying Agriculture District that are measured from the mean center line of the street to a point 1000-feet from the sewer line that was in existence on July 1, 1991. Give me a call if you wish to discuss.* So, is this parcel zoned agriculture?

Mr. Stefancik: It is. It's wrong on the GIS. It shows it as Residential A, and it's not. That's Agriculture. It always has been.

Mr. Coelho: Ok, so that's kind of…

Mr. Stefancik: And I did clarify that with her verbally.

Mr. Phoenix: Yeah, I'm not comfortable moving forward unless we have something in writing saying that we don't need to change that definition. And again, I'm fine with holding a separate hearing and changing that definition and make it something that makes more sense because then at 1991 is arbitrary and not really a valid thing to be measuring against at this point.

Mr. Stefancik: I think she was quoting the definition in the email.

Mr. Coelho: Yeah, she put the definition in the email, but she is saying that it would not be applicable if it wasn't within the Agriculture District, but it is Agricultural. She must have been

under the impression that it was not, because it's wrong on the GIS when she looked it up, she thought it was residentially zoned.

Mr. Stefancik: Correct, and it wouldn't be allowed. You couldn't stretch this over if it was residential, you could only do it if it was agriculture.

Mr. Coelho: It is agriculture.

Mr. Stefancik: It is.

Mr. Queiroga: And just as I may ---, part of the property already, is already Agricultural Moderate Density.

Mr. Coelho: I understand that.

Mr. Queiroga: That has implications on what they can and can't do there, so.

Mr. Phoenix: I know how AMD works. The problem is it's not a zoning district that we change things into, it's an overlay district that is defined in words. So, I think in order to change the bounds of it, we need to change those words. And I would want to have preferably a direct conversation with town counsel so that we could have some type of synchronous thing and make sure everybody's on the same page.

Mr. Coelho: Is there sewer on Cady now?

Mr. Queiroga: Yes.

Mr. Stefancik: There is, yeah. And they do show it on the plan, the sewer line going through in front of Cady Street.

Mr. ---: It goes all the way up Grimes Street also.

Mr. Stefancik: I think in 1991 it didn't go out to that area.

Mr. ---: No, the sewer line just recently came in about a year and a half ago.

Mr. Queiroga: Yeah.

Mr. Coelho: And the Bylaw says specifically the sewer line in 1991.

Mr. Phoenix: Yes, it does.

Mr. ---: Is there any mention of a wetlands area?

Mr. Coelho: We'll be opening this up to the public shortly.

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Mr. Phoenix: So, I just wanted that out there 'cause we can still discuss whether this has merit in and of itself or whether the additional uses are valid or anything like that, but my gut tells me that, you know, to do this we're in the wrong process. And I think what we need to do instead is, as a board, revisit this definition, update the definition, and then the zoning should take care of

itself as far as the overlay. Because if it's in Agriculture and we change that date from 1991 to something a little bit more reasonable the bulk of this piece of property's gonna get picked up in that anyway and the remainder of it's gonna be in the same situation as everybody else that has split between AMD and AG unless we also do something smarter with how we define that. So, that we say that maybe if at least half of your parcel is within the district, the whole thing gets counted.

Mr. Coelho: My question is legally what happens if you do have a corner of your parcel that's zoned differently than. I mean, I think you can make an argument that you can do what you want. I don't know. I'm not a lawyer, but.

Mr. Phoenix: Well normally if it's split, then you can do, you know, use number one on that section, and use number two on the other section. We've had that happen before. We've had that happen I think, one of the more recent ones that's come to my mind was Springfield Truck Leasing, I think is split between two different zones between the front and back of the parcel, or at least they were. So, it's not unheard of for that kind of thing. But again, I just, I'm concerned that I think this is a good idea, I think it's just the wrong way to get there. And I understand the attorney gave some advice in written form, but that written advice kind of says we shouldn't do this if we have questions, ask for more info. And we had Doug say I talked to her and she said that it's a thumbs up, and although I trust Doug, we need that stuff in writing. We can't just take verbal on stuff like this.

Mr. Coelho: So, a zoning amendment would be required to change that Agricultural Moderate Overlay District. That's how she starts off the email with. So, wouldn't that be what we're doing now?

Mr. Phoenix: Well we're doing a zone change, but she's also under the assumption that this is residential when she wrote that. Which, if she's under the assumption that it's residential, then a zone change to Agriculture would mean that it would then have AMD apply to the agricultural property that falls within the bounds of the definition. This is why it's too complex for us as a part-time elected board to make that decision without having direct clear contact with town counsel. I'm not even necessarily comfortable with emails written by somebody else. I would prefer to have direct contact with town counsel when we're talking about this. I don't want to have any missed steps on something like this. And again, I think it's a good idea to get this property to have those additional usages, I just want to make sure I'm doing it right.

Mr. Coelho: True. You can --- all you want.

Mr. Stefancik: You can always continue the pubic hearing till your next meeting and I can see if town counsel is available or at least available by the phone or something. That way it may put this to bed without having to act on this tonight. And that way it gives us plenty of time for town meeting. We're still in decent shape for the next meeting for March.

Mr. Coelho: We don't have any comments from other boards, right?

Mr. Stefancik: No, no.

Mr. Phoenix: Do we have anybody from the public there tonight?

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Mr. Coelho: We do have a lot of people from the public here, so maybe we'll move to that right now. Is people, are you here to speak about, to ask questions about this proposed change? Ok, so we have a limited time, till 7:35 which is only two minutes.

Mr. Phoenix: And Chris, before you open it up to the floor, we might want to just make sure that everybody's aware that whatever decision we do end up making on this would only be a recommendation to town meeting, and then town meeting eventually has to vote up or down on this, and that can go separately from what our recommendation is ---.

Mr. Coelho: And once again, the way we have this scheduled, we have two minutes right now, and I don't think it's fair to all the people in the room now to give everybody fifteen seconds. So, I think what we need to do is continue this till next week and allot a bigger time slot for this and get the town attorney over here. She does work for us. So, provided she can be here next time, if not, find a date that we can still get in front of town meeting and she can be here. I don't know if that's just…

Mr. Stefancik: Well if you continue the meeting, I have to have a set date if it's our next meeting in March.

Mr. Coelho: We have to have this done by when to get it in front of town meeting?

Mr. Stefancik: Usually, probably, actually I think if we go into April it's running too close to town meeting. The last meeting in March probably is the safe bet. After that it's forget it.

Mr. Coelho: That's our option. We can continue this till the next meeting. Get, please make sure that the attorney knows that facts on this and doesn't assume that it's something that it's not.

Mr. Stefancik: I thought she did, and it's not, as one of the board members pointed out, what he's comfortable with. You know, I specifically asked about a zone change amendment and that's what I received. It didn't say to amend the Bylaw, it would be to amend the zoning. This is still a zoning amendment, a zone change. You're amending the zoning map.

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Mr. Coelho: Well, once again, this ---

Mr. Phoenix: ---

Mr. Coelho: I've got people in front of me that want to speak and we don't have time for that tonight.

Mr. Phoenix: And we need to make sure that whatever we're acting on from our lawyer is in writing, so that if somebody comes and decides that they disagree with what we're doing or how we're doing it, we have that written opinion from town counsel or we have them on camera being recorded saying their opinion, so that it's not us relying on somebody else, whether that's you, whether that's whoever, we've been burned by that kind of thing before where we don't have things written down. We either need it written or we need it recorded as part of the meeting.

Mr. Alves: Chris, the next meeting ---?

Ms. Houle: The 24th.

Mr. Coelho: Two weeks.

Mr. Alves: --- can we steal some time from that to hear comments?

Mr. Coelho: Well that's a whole other zone change, you know?

Mr. Alves: --- I think that's gonna be a quick one.

Ms. Bitzas: --- that one specifically a zone in it's entirety. It's a split zone going entirely to another zone, not an overlay. So, the definition shouldn't come into play on the next one.

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Mr. Coelho: So, what you're saying is we should pause, we can pause this public hearing now and if we have time after the next one, can we come back to this?

Ms. Bitzas: Or we can keep going…

Mr. Stefancik: Yes, you can do that. You've done that before. And then continue this, or you continue it until the next meeting in March. I mean, I don't have the lawyer on the phone or in front of you personally.

Mr. Alves: Can we take the comments just to see if there's anything else we have to address?

Mr. Phoenix: What do we?

Mr. Coelho: I'm gonna take five minutes and take comments from the people that are here now, and I think we're gonna need to continue this till next, our next meeting and we can get something clearer and more applicable than an email from the town attorney. And that's the way I think it's gonna shake down. So, I'm gonna give everybody two minutes right now, and we're gonna continue this, I think we're gonna continue this for two weeks provided the applicant doesn't, wants to do that or he can withdraw without prejudice, but I don't know that that's the way to go either. So, if you could stand up, state your name, address, and then articulate what you've came to say and then we'll have to move. So, everybody gets, everybody's gonna get two minutes.

Ms. Valley: Hi, I'm Lil Valley. I live on Grimes Street. And my big concern is that's always been wetlands down there.

Mr. Coelho: Ok, that will be something that if there is a future development, that'll be addressed by the Conservation Commission. If there are wetlands there and they're delineated, he's got certain rules he's gonna have to develop around. So, that's more of a Conservation Commission situation closer to any development. It doesn't really apply a zone change. Is that fair?

Ms. Chenier: So, I'm Terese Chenier and my parents are at 141 West Street, and we're on the same page because I grew up there, there was a pond there. There's no more pond. So, I know what you're saying about Conservation, but at the same time where'd the water go? And if you're gonna keep on developing over there, there's more water there that's gotta go somewhere else.

Mr. Coelho: Right, when they do, I used to do this, so when they do a wetland delineation they'll be looking for plants and there's certain rules they have to meet by that and they're pretty strict.

Ms. Chenier: Well.

Mr. Coelho: So, if there is wetland there, they'll delineate it.

Ms. Chenier: That's what we're here for. Also, I think some of the things that you're talking about, it doesn't look like it's all been worked out. You're talking about sewer from 1991 and some of know that some of the sewer was recent. ---

Mr. Coelho: Right, and that's part of the problem with this definition.

Ms. Chenier: Some of your information in there may be wrong, but you're talking about having another meeting to discuss that, that would change the outcome of this meeting.

Mr. Coelho: Well no, it's more technical than that. It's because the Bylaw was written with that date in it without thinking that the sewer was gonna continue more. Had the sewer been up there since 1991, this whole parcel would be moderate, it would be all zoned this way anyways. You wouldn't have to even be going through this.

Mr. Phoenix: Well, I think part of it too ---

Mr. Coelho: They based it off the sewer access in 1991 and that's changed.

Mr. Phoenix: I think...

Ms. Chenier: But, I guess how can you change something that was written back then?

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Mr. Phoenix: ... Chris, I think a lot of why that's 1991 is simply because of at that time, if you think back, we didn't have an easy way to use something like GIS to locate where is the sewer, what's within 1,000 feet of it and get some more approximating live data. That was something that was a manual process and would to be figured out what is within, what isn't and have that all defined out. But I think that's a big piece of why it was done that way. It was also the technology of the time wasn't really up to having something ---.

Mr. Coelho: Right. And having sewer access allowed for the moderate density.

Mr. Phoenix: Right.

Mr. Coelho: Name and address please?

Mr. Meyrick: So, It's Chris Meyrick from 141 West Street. So, in what he's saying, the prior when Del's was there, and they had, you know, the shrubbery and everything, and the trucks coming in and out and it wasn't supposed to be that. There was supposed to be a catch basin to come in to catch the water because what happened almost immediately after that started to get developed years ago, water from that from that side of the road started to dump off onto our property. That was supposed to be handled and it never was, in the first approval. So, our concern now is this second approval, haven't addressed it previously, you're not gonna address it

again. So, that's a serious issue, because just like what she said, you just keep putting more and more water over onto other people's property and it's not acceptable.

Mr. Coelho: Ok, that is something that needs to be addressed if they have something on their site plan where they were supposed to control the water, nobody ever enforced that.

Mr. Meyrick: Correct.

Mr. Coelho: That's news to me, and Del's doesn't own it anymore. So, we're kind of by an eight ball whereas development over there would probably solve problems like that 'cause now we have regulations.

Mr. Meyrick: Only if it were in the paperwork and enforced.

Mr. Coelho: Oh, it has to be. On a site plan when they come in front of us, they have to take care of drainage. That's part of the situation now. Maybe in 1990 it wasn't. But now they have to have stormwater control and basically, they have to have it engineered so it doesn't go on other people's property.

Mr. Meyrick: All I'm saying is, previous it was supposed to be taken care of and it wasn't.

Mr. Coelho: I apologize for that, but unfortunately, I was 18 years old in 1991 and I couldn't enforce much. But moving forward, anything that happens over here, we can certainly have the ability to do that.

Mr. Meyrick: 'Cause it is a problem. And the middle of the road there floods out too, so it's a danger for cars coming by. I mean, that, everybody here knows that.

Mr. Coelho: Ok, we do have…

Mr. Meyrick: --- that wasn't addressed.

Mr. Coelho: I understand. We do have to move on to the next hearing because that's the way it's scheduled here.

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Mr. Queiroga: You got two more.

Ms. Houle: Two more.

Mr. Coelho: I understand I have two more, but we're also gonna be continuing this at this point. So, if you'd like to give your name and address.

Mr. Glista: Mike Glista, I live at 297 Cady Street. What Chris was saying is absolutely right. They were supposed to address that wetlands area because that water flows right through the Del's property and it went down towards, what's the street down below?

Mr. Meyrick: I'm not sure, but that's how it went.

Mr. Glista: --- down that way. And that way Cady Street never flooded. What I'm concerned about is you have a traffic light at the top of the hill, now if you're gonna create a storage facility

there, what are they gonna do concerning the traffic coming over that hill? Because the blinking light…

Mr. Coelho: Again, we're talking about a zone change, potentially a zone change.

Mr. Glista: I realize that, but this is all gonna affect that.

Mr. Coelho: And there are hearings for that as well.

Mr. Glista: Because traffic doesn't slow down over that hill.

Mr. Coelho: I understand that.

Mr. Glista: You're gonna start having extra people going in and out of this facility you're just gonna create another hazard up there.

Ms. ---: Nope, I'm fine.

Mr. Coelho: You're fine. Ok, so at this point, I think we're at an impasse. We're gonna need to continue this till the next meeting if that's ok with the applicant, or you can withdraw without prejudice.

Mr. Alves: As long as I can make it to town meeting, that's all ---.

Mr. Coelho: And do me a favor and give me a call tomorrow. We need to get this straightened out with town attorney. I'll give her a call.

Ms. Bitzas: ---

Ms. Houle: March 24th.

Mr. Stefancik: 7:00.

Mr. Coelho: 7:00 till when?

Mr. Stefancik: 7:30?

Mr. Coelho: 7:30? Ok, so March what?

Mr. Stefancik: 24th at 7:00 p.m.

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Mr. Coelho: 24th at 7:00. We're gonna take another bite at the apple and see if we can't figure this out. Thank you, guys.

Mr. Phoenix: **MOTION** to continue till March 24th at 7:00 p.m.
SECOND Ms. Houle.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho - yes.

The Public Hearing was continued to March 24, 2022 at 7:00 p.m.

APPROVED:

Kathleen J. Houle

Kathleen Houle, Secretary

su

Documents: Master application; Mail item #13 – Petition for Zone Change for 279 Cady Street from Board of Selectmen/Ellie Villano; Plan for Zoning Map Amendment 279 Cady Street – Assessors Parcel ID 1B-3200-5A.0 Ludlow, Mass. (February 9, 2022); Assessors' Map 1B (January 2019); Email from Rose Crowley to Doug Stefancik RE: 279 Cady Street zoning (January 24, 2022)

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

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – ZONE CHANGE
0 & 694 Chapin Street (Assessors' Map 11D, Parcel 97 & Map 16B, Parcel 1-1)
VDS Properties, LLC c/o Mr. Joe Alves
(Residence A & Agricultural with a portion of Agriculture Moderate Density (AMD) to Residence A)
March 10, 2022

PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Raymond Phoenix (Present) *(via telephone)*
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel da Silva, Associate Member (Present)

The hearing began at 7:45 p.m. in the Selectmen's Conference Room.

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In attendance: Joe Alves, Sofia Bitzas – R Levesque Associates

Mr. Coelho read the legal notice, reviewed the application, advised the public that the meeting is being recorded and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: Zone Change Requested from Residence A & Agricultural with a portion of Agriculture Moderate Density (AMD) to Residence A; Reason for Requested Change: To extend Residential A Zoning District to the entirety of both parcels to allow for a future development.

Mr. Coelho: Give us a brief description of what's happening here please.

Ms. Bitzas: Sofia Bitzas, R Levesque Associates, here on behalf of the applicant Joe Alves. Pretty much as you guys can see on the plans, the properties are both split zoned, Agricultural and Residence A with the overlay going throughout it as well. But, the request before you is to just extend the residential portion all the way back to offer future development, nothing having to do with the AMD at this, at this point.

Mr. Coelho: And so basically, we're eliminating agriculturally zone and making it residential.

Ms. Bitzas: Correct.

Mr. Coelho: Ok, there's mail item #14, this is from the Board of Selectmen. *(Mr. Coelho read Mail Item #14 – see file)* Ok, so that's read in. Do we have any comments from any other boards?

Mr. Stefancik: Nope.

Mr. Coelho: Nothing. Ok, at this point I will open it up to the Board with any questions on what's happening over here.

Mr. Phoenix: No real questions. It sounds like we're basically looking to, or I should say the applicant is looking to trade more potential uses under agriculture for smaller lot sizes with fewer possible uses under residential.

Mr. Coelho: Right. Mr. Queiroga?

Mr. Queiroga: I feel the same way. It's a win-win for both them and us and the town.

Mr. Coelho: Ok. Anybody else? With that being said, I'm gonna take this and open it up to the public. Are you here to speak on this issue? If so, stand up, say your name and address for the record, and address all questions through the Chair.

Mr. Canoa: Tony Canoa, I used to live…

Mr. Coelho: Address?

Mr. Canoa: I used to live at 18 Victor Street --- my house. I live at East Akard Street.

Mr. Coelho: Ok.

Mr. Canoa: 151 East Akard Street. --- good luck because that thing is a mess, trees and stuff like that.

Mr. Coelho: Ok.

Mr. Canoa: --- be in good shape.

Mr. Coelho: Ok.

Mr. Queiroga: Thank you Tony.

Ms. Houle: Thank you.

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Mr. Coelho: The little one back there? ---. Miss would you like to say anything on this? No, ok.

Ms. Bitzas: ---

Mr. Coelho: Ok, so that being said, it seems pretty clear we're going from a potentially more burdensome zone to a less ideally, and that's the way I'm understanding it as well, so with that being said, I think we can take a motion on this one.

Mr. Phoenix: Hearing nothing else, I'll make a **MOTION** to recommend approval to Town Meeting and to close the public hearing.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho - yes.

Hearing ended 7:51 p.m.

APPROVED:

Kathleen Houle, Secretary

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Documents: Master application; Mail item #14 – Petition for Zone Change for 0 & 694 Chapin Street from Board of Selectmen/Ellie Villano; Plan for Zoning Map Amendment 694 & 0 Chapin Street – Parcel I.D.s: 16B-3650-1-1 & 11D-3650-97-1 Ludlow, Mass. (February 9, 2022); Assessors' Map 16B (January 2019)

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION
98 Barna Street – Kimberly S. Reed
(dog grooming salon)
March 10, 2022

PLANNING BOARD MEMBERS

Christopher Coelho – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Raymond Phoenix (Present) *(via telephone)*
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel da Silva, Associate Member (Present)

The hearing began at 7:58 p.m. in the Selectmen's Conference Room.

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In attendance: Kimberly Reed

Mr. Coelho read the legal notice, reviewed the application, advised the public that the meeting is being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: dog grooming salon.

Mr. Coelho: Looking through the application, it looks to be complete. She has requested a waiver of a site plan, she's got some pictures and a site sketch here. Not seeing anything from any other boards.

Mr. Phoenix: Mr. Chairman, after reviewing the application and the supplement for the home occupation that comes with it, indicating the amount of the property being used for the business, that there's no non-resident employees, all that kind of stuff with the no signage, no deliveries, I'd like to make a **MOTION** to find that the business is at least a suitable home occupation for us to discuss under the Bylaw, and to grant the waiver of the full registered site plan in favor of a sketch and photos as prepared by the applicant.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho - yes.

Mr. Coelho: So, why don't you give us a brief description of what you envision over here and.

Ms. Reed: Sure, yeah, I've been grooming dogs for twenty something years now. My last job was at Petco in East Longmeadow, and I found a call for dogs being too stressed out there and found that doing it at my home residence was a little bit more relaxing for them. I have quite a following so not needing the signage. I was just gonna go right into keeping them, taking care of every six to eight weeks, one dog at a time. I have tinnitus from working with dogs for twenty years, so. The noise was getting a little too much and the, you know, Petco and any other facility wants you to do ten dogs a day. I now might do ten dogs a week, so.

Mr. Coelho: So, you're not anticipating a lot of traffic that…

Ms. Reed: No.

Mr. Coelho: …isn't normally what's at your residence?

Ms. Reed: No.

Mr. Coelho: Maybe a little bit more, but.

Ms. Reed: I got my own two dogs, but they're quiet too.

Mr. Coelho: Now what about your hours of operation, what would they be?

Ms. Reed: I'm only taking, I mean, maybe 10:00 till, I'm starting at 10:00 a.m., takes me two hours a dog, I'll maybe do two to three dogs, so done by 6:00, 6:30.

Mr. Coelho: Ok, does anybody else on the board have any questions? I'm gonna go ahead and open it up to the public. There's anybody on the phone, Ray?

Mr. Phoenix: Nope, just me.

Mr. Coelho: And would, does anybody?

Ms. Peabody: We're just here for support.

Mr. Coelho: You're here for support? Well isn't that very nice of you.

Ms. Reed: Thank you!

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Mr. Coelho: You can come in two weeks and support me. Ok, so it doesn't appear that there's anybody that wishes to speak on this.

Mr. Phoenix: If there's no further comments or questions, I'll make a **MOTION** in the standard form to approve the home occupation and to close the public hearing thereafter.
SECOND Ms. Houle.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho - yes.

Hearing ended 8:02 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents: Master application

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