TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
June 9, 2022

PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present – 7:17 p.m.)
Christopher Coelho (Present)
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.

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 27. - Legal Notices from surrounding communities
- APPROVE Change of Occupancy:
  - Eleanore Noonan (McBee Enterprises LLC dba McDonald's) – 862 East Street – Westbound Mass Pike Service Plaza (change of ownership)
- APPROVE/SIGN Bills – Roberts & Ludlow Printing (print zoning maps)
  – Postmaster (stamps)
  – Schwabb, Inc. (office supplies)

File Mail Item #28 – Reorganization of Council on Aging

Appointment – Attorney Stephen Reilly (cannabis facilities discussion)

Atty. Stephen Reilly was present for the appointment via telephone.

Mr. Reilly explained that he is one of the owners of Insa, which is one of the larger cannabis companies in the state that runs five dispensaries including Springfield, Easthampton, Northampton, and Avon, and in other states including Pennsylvania, Florida, and Ohio. He said that the production market may be reaching a point where there may be an oversupply of product, but there may be opportunities for new products. Also, in terms of the dispensary side, there's room for additional dispensaries although the state has become somewhat saturated with them. Mr. Reilly noted that Western Mass has a pretty good cannabis density with stores in Springfield, Belchertown, Hadley, Amherst, Chicopee, and Holyoke. He also said that the Massachusetts market is a little distorted due to out of state purchases which increases the demand beyond what it really is, which may lead to a drop in the demand and create an excess in supply when those states don't need to come to Massachusetts anymore, resulting in a difficult environment for growers.

Mr. Coelho questioned the zoning locations of dispensaries including areas where there's foot traffic, such as East Street, rather than industrial zoned areas only and if there's any instances where that's allowed. Mr. Reilly responded that Easthampton has a few walk-up dispensaries, as well as Boston. He also remarked that the majority of towns are now zoning cannabis stores in business zoning, treating it like retail, and that that's the direction where people are going. He noted that what he's seen them do is zone it in business areas, but then impose additional restrictions like a special permit for distance requirements for schools or churches. Mr. Coelho also asked whether the future market will be heading towards a "craft" industry. Mr. Reilly said that he doesn't think it's heading that way in Massachusetts. He also commented that most of the cities and towns in the area have adopted the same bylaw in that there are parts that don't make sense, and that a fresh approach to the bylaws would be a good thing with reference to things like hours and size of dispensaries, etc. He went to say that there are some towns with no distance restrictions and there haven't been many issues to date, and with a decrease in crime.

Mr. Queiroga questioned whether there would be any good locations other than Center Street. Mr. Reilly said that East Street or the Mills might potentially have some interest, as well as Center Street. In addition, he remarked that another area of interest would be on site consumption as it seems to be the newest thing in Massachusetts.

Mr. Queiroga asked about the investment costs involved in the business and tax payments that would be made to the town. Mr. Reilly said that the start-up costs would be at least a million dollars. He noted that there is bill going through legislature now that would require 3% tax of gross sales that would go in perpetuity, but that there will also be an ability to get an impact fee for another 3%, but that's gonna be limited to one five-year period by this new legislation.

Mr. Carpenter inquired about how many test facilities there are located in the state. Mr. Reilly answered that there might be seven or eight, but the only one that he knows they use in Western Mass is a lab in Holyoke called My Analytics.

Mr. Queiroga asked about the volume of the medical facilities compared to the recreational facilities. Mr. Reilly remarked that the medical facilities are buying significantly less, about a tenth of the sales.

Mr. Stefancik asked Mr. Reilly where he thinks host agreements and community outreach meetings are going in the future as a requirement or dissipating with legislative changes. Mr. Reilly said that the community meetings will still be required, and in theory they should be a good thing, but in practice he thinks they're really not effective. He said that because of the processes that they go through for the host community agreements, the process for the licensing piece, the community outreach meeting becomes redundant and somewhat of a waste of time because nobody shows up. He commented that he doesn't feel that they're necessary, but that it's in the statute and it would be a long shot to get them to drop them.

PUBLIC HEARING – Special Permit / Home Occupation – 12 Deponte Drive (Assessors' Map 31, Parcel 95L) Rebecca Gaffron (remote psychotherapy)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – 44 Emma Way (Assessors' Map 1C, Parcel 12C) Isaac Santana (frozen beverage business)

SEE ATTACHED MINUTES

ANR – Ventura Street (Assessors' Map 30, Parcels 280, 112, 226) Whitetail Wreks LLC (ANR of remaining lots)
Release of Covenant / Covenant – Hundred Acre Wood

Armand Deslauriers was present for the appointment.

Mr. Phoenix asked whether DPW looked over the new estimate for the value of remaining work. Mr. Stefancik said that Mr. Deslauriers provided an estimate with the total cost being $525,000 for remaining purposes, and that he spoke with Jim Goodreau of the DPW, and that he said that the six or seven lots for the covenant should be adequate enough to cover the remaining, but that he didn't have time to review it. Mr. Phoenix asked if there was anything in writing stating that. Mr. Deslauriers remarked that he provided a cost estimate from Bradway Construction which Mr. Goodreau accepted verbally.

The Board reviewed the ANR, and Mr. Stefancik said that everything was on the plan.

Mr. Phoenix: I'm gonna make a **MOTION** to endorse the ANR as submitted in our standard form.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Deslauriers remarked that the cost of the asphalt, which is shown on the estimate, is done now so it reduces the cost by $200,000, and there's a million dollars in lots that are being held, so it's a third of the value. Mr. Coelho said that Mr. Deslauriers has had a close working relationship with the Town of Ludlow for the past fifteen years, so he's not going to walk out on the last $300,000 of pavement, and that the Town is not running much risk here. Mr. Phoenix agreed that there is low risk, but that he worries about the next developer that comes in and there's nothing back from DPW. Mr. Stefancik said that he would be ok with the Board signing the covenant and not releasing it until he gets written comments back from the DPW.

Mr. Coelho: I'll make a **MOTION** that we release the covenant on the Lots 76-91, leaving the Town with six remaining.
SECOND Mr. Carpenter.
Mr. Phoenix: Wait.
Mr. Queiroga: Subject to?
Mr. Phoenix: Well that was made and seconded.
Mr. Coelho: Oh, subject to approval by the Department of Public Works that the numbers work out for six lots.
Mr. Carpenter: Do I have to rescind my second first?
Mr. Phoenix: It's up to the Chairman how he wants.
Mr. Carpenter: I'll second that if I don't have to rescind it. I'll **SECOND** that motion.

5-0 in Favor.

Documents included: Master application; Plan of Lots – Hundred Acre Wood – Phase III Ludlow, Mass. – Owned and Developed by Whitetail Wreks, LLC (June 3, 2022) (2 pages); Covenant; Release of Covenant

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Site Sketch – 488 Chapin Street (Assessors' Map 16D, Parcel 67B) Marc Strange (Town of Ludlow) (install 12' x 16' shed with concrete pad)

Marc Strange, Town Administrator was present for the appointment via telephone.

Mr. Queiroga read the waiver request which asked for a waiver of the full registered site plan in favor of a site sketch, a waiver of the fee, and the public hearing for the installation of a 12 x 16 shed at Town Hall. He also noted that an RDA was filed with the Conservation Commission for the shed installation. The Board of Health and the Fire Department had no comments. Mr. Stefancik wrote in his comments that the plan meets the criteria for a site sketch.

Mr. Coelho commented that there are too many sheds on the Town Hall property, and that possibly other buildings in town that are not in use at the moment, could be used for storage.

Mr. Stefancik said that there have been two site sketches submitted since the last full site plan.

Mr. Phoenix: I'll make a **MOTION** to grant the waiver of a full site plan in favor of a sketch as an addendum to the existing site plan and to waive the accompanying public hearing.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Phoenix: And I missed part of it in my motion, I'm gonna make a **MOTION** also to waive the fee since it's taking money out of the town's left pocket to put in the town's right pocket.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Ms. Houle – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

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

Documents included: Master application; Request for waivers; Comments from Town Boards/Departments; Site Sketch – Ludlow Town Hall. 488 Chapin St. Ludlow, MA

Draft Marijuana / Cannabis Bylaw

The Board agreed that the next step with the Marijuana / Cannabis Bylaw is to have Mr. Stefancik look at the Easthampton Bylaw to find out how the Town can allow this in regular business districts.

Mr. Stefancik remarked that it could be kept in the Business A & B districts, the Mills district, and Industrial. He also said that a site plan and special permit would be required. Mr. Stefancik noted that a distance requirement from certain spaces could be included in the bylaw. Mr. Phoenix argued that there are no restrictions on drug stores, and that the security on marijuana establishments is tighter than your average pharmacy.

The Board discussed possibilities of on site consumption facilities in the future as they are not allowed at this time in the state.

Documents included: Draft Bylaw: 6.13 Adult Use Marijuana/Cannabis Establishments

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Mr. Carpenter: **MOTION** to adjourn at 8:30.
SECOND Mr. Phoenix.
5-0 in Favor.

Meeting adjourned at 8:30 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 – SPECIAL PERMIT / HOME OCCUPATION
12 Deponte Drive – Rebecca Gaffron
(remote psychotherapy)
June 9, 2022

PLANNING BOARD MEMBERS

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

The hearing began at 7:37 p.m. in the Selectmen's Conference Room.

In attendance: Rebecca Gaffron, attendees

Mr. Queiroga read the legal notice and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: remote psychotherapy.

Mr. Queiroga: Why don't you tell us what your business plan is? What are you thinking of doing?

Ms. Gaffron: So, I am a psychotherapist right now. I'm working in a group practice. I do remote psychotherapy already and I want to start my own business, move my clients under my own business instead of being under the group practice.

Mr. Queiroga: Ok, and this is at your home site?

Ms. Gaffron: Yes.

Mr. Queiroga: And do you have any employees?

Ms. Gaffron: No.

Mr. Queiroga: Just you, ok. Questions from members of the Board?

Mr. Phoenix: Just to run through what we got on the application on the home occupation supplement sheet. Looks like you're looking to use 120 square feet out of 2,400. As you mentioned, no nonresident employees, no signage, no customers at the house, no deliveries unlike a normal residence, no changes that'll make it look less residential, and no commercial vehicle.

Ms. Gaffron: Correct.

Mr. Phoenix: With that in mind, you also did ask us to waive a full site plan in favor of a sketch and some photos that you were able to give to us. So, to kind of just kick things off, it won't be a motion on yes or no for this, but just to make a finding and to act on that waiver. I will make a **MOTION** to find that the home occupation as been described is a suitable one under the Bylaw, and to waive the special permit, waive the site plan in favor of a sketch and photos as prepared by the applicant.
Mr. Coelho: **SECOND** for discussion. This is completely remote?

Ms. Gaffron: Yes.

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

Mr. Queiroga: Just so you know, this meeting is on a public channel and both in the picture and the sound and I've already given you the Turley bill, and I don't think we have any comments from any of the town boards. Do we have any grants or waivers on this?

Ms. Houle: We just did that.

Mr. Phoenix: Already did. Done.

Mr. Queiroga: All done?

Mr. Phoenix: That's done.

Ms. Houle: That part's done.

Mr. Queiroga: Do you, do we need anything else Doug?

Ms. Houle: Just to vote on it.

Mr. Stefancik: No, just act on the waivers and public…

Mr. Phoenix: Probably shouldn't make a motion until we ask for public.

Mr. Queiroga: Yeah, anybody here would like to comment or ask questions on this subject? They're all dying to jump out of their seat. Ok.

Mr. Phoenix: Hearing nothing, I'll make a **MOTION** in the standard form to approve the special permit for home occupation as presented, and to close the hearing thereafter.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Hearing ended 7:40 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).

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION
44 Emma Way – Isaac Santana
(frozen beverage business)
June 9, 2022

PLANNING BOARD MEMBERS

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

The hearing began at 7:42 p.m. in the Selectmen's Conference Room.

In attendance: Isaac Santana, attendees

Mr. Queiroga read the legal notice and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: frozen beverage business.

Mr. Queiroga: Why don't you tell us what your game plan is?

Mr. Santana: Yeah, so it's, I already had a hearing with the Board of Health, got all my licensing, Serve Safe, allergen. They came to the house, to the site, evaluation, everything checked out. So, it's simply just like a Spanish frozen treat, pretty much just juices and pulp, stuff like that. I mix them, make them, freeze them, and then simply sell them to people that enjoy them.

Mr. Queiroga: You, is that at your home?

Mr. Santana: Yes.

Mr. Queiroga: You're the owner of the home?

Mr. Santana: Yup, me and my wife.

Mr. Queiroga: Do you have any employees?

Mr. Santana: No, just myself.

Mr. Queiroga: What about vehicles?

Mr. Santana: No commercial vehicles, no signage, nothing like that. The only advertising that I use is Facebook which is just a private page that I made for people that join. So, I have members of that group. They simply place an order online, through Facebook, then once it's filled, I let

them know that it's available and then we usually either do pick up or delivery. If they do pick up, I tell them to give me like a five-minute notice when they're on their way, and then I'll bag it so that when they get there it's simply, you just walk out, hand them something, and they leave. It's a matter of maybe a minute that they're in front of my house. I give it to them, and then they leave. I have them prepay in advance so it's not, there's no exchanging or anything going on in person.

Mr. Queiroga: Ok, any questions from members of the Board?

Mr. Phoenix: Frequency of customers coming to the house? What would you expect?

Mr. Santana: So originally, I was out of work for a little bit, so I was --- it was gonna be busy, but now I'm back to work. So, right now I've been doing maybe one, maybe two days a week just for a couple hours each day. So, it could be as much as ten people, maybe twelve, or it could be less. It really depends on who wants it at that time. So, I don't have like a set number, but I try to be cognizant of my neighbors. I have a really good relationship with all my neighbors. I've already talked to all of them about this, and they all seem to be on board with allowing me to do it. So, you know, I try to be cognizant. I don't do anything too late. I usually stop around like 6:30 p.m. I don't start early either, I usually start around maybe noontime the earliest. So, like I said, I try to keep it quiet. And I always tell people too, like when you come, you know, no loud music, that kind of stuff, just to be courteous to everybody else on the street.

Mr. Phoenix: And I think that goes a long way, just to make sure that we cover it though, as far as number of vehicles, I know you signed off on the sheet, but just to have it as part of the minutes of the meeting.

Mr. Santana: Absolutely.

Mr. Phoenix: No more than two vehicles in excess of what you would normally have there at any given time, so if you've got customers that coming, you know, it could become a problem if you have…

Mr. Santana: Yeah, a whole line or something. Yeah, I get it.

Mr. Phoenix: …anything like that could be an issue. I think a lot of that is gonna be policed by your neighbors.

Mr. Santana: ---

Mr. Phoenix: And if they're ok with it, I don't know that there's gonna be anybody really knocking on your door saying there's a huge problem. But, if there is something that happens, if it generates any kind of traffic that's excessive for the neighborhood, anything like that, I just want to make sure that you understand that it's not something that would be sustainable as a home-based business.

Mr. Santana: Yup.

Mr. Phoenix: You would need to find another home. And hopefully that would be a good problem for you to have.

Mr. Santana: Ok. Yeah, this is more of like a hobby for me. I don't see it being ever a, like full time thing or something that would be more than this.

Mr. Phoenix: Like I said, I think the way you were describing it kinda sounds like that anyway, but just to have that officially as part of the.

Mr. Santana: Ok.

Mr. Coelho: Apple computer started as a hobby.

Mr. Phoenix: I think most things started as a hobby.

Mr. Santana: Yeah.

Mr. Phoenix: And then just kind of to run through that supplement sheet that we have, looks like you're looking to use just under 150 square feet. I can't quite make out the total square footage, but I'm sure Doug made sure that was fine. As you mentioned, no nonresident employees, no signage, yes to customers at the house, no unusual deliveries, no changes to make it seem less residential, and only the personal vehicle. And you did also ask us for a waiver of the full plan in favor of a sketch and photos as you've presented, as you've provided. I don't know if anybody else on the Board has anything, but I'd be willing to make a **FINDING** that the home office, home occupation as described is a suitable one under the Bylaw, and to waive the full registered site plan in favor of a sketch as has been presented by the applicant.
SECOND Ms. Houle.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Queiroga: Does anybody want to speak on this?

Mr. Phoenix: Hearing nothing, I'll make a **MOTION** in the standard form to approve the special permit for home occupation as requested, and to close the public hearing thereafter.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Hearing ended 7:47 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).