TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
September 22, 2022

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

APPOINTMENT – Ali Bulut – 4-8 White Street (trailer / site plan)

Mail item #40 Notice of Violations re: 4-8 White Street (refrigerated trailer/delivery truck) from Leslie Ward, Building Commissioner/Zoning Enforcement Officer included in appointment)

Ali Bulut and Attorney Cornelius Phillips were present for the appointment.

Mr. Queiroga read the enforcement letter (mail item #40) from Leslie Ward, Building Commissioner, which stated that the refrigerated trailer and delivery truck must be removed from the property immediately and that Mr. Bulut must contact the Building Department with (3) three days to inform them how the issues have been corrected.

Mr. Phoenix mentioned that it was a big surprise that the trailer showed up on the property this year due to the fact that the applicant was told last year that it wasn't allowed.

Atty. Phillips asked if there was any way that the applicant could seek a variance to have the trailer located on the property for two months out of the year for wine grapes. Mr. Phoenix responded that if there is a belief that it satisfies the requirements for an appeal from the Zoning Board of Appeals, then Mr. Bulut would have the right to make an appeal every time he gets a violation letter, but that he's not sure that he has the grounds for an appeal, but that refrigerated trailers are against what the bylaws state. Mr. Phoenix mentioned that it was discussed last year that a refrigerated unit could be located on site as well as space in the building to maintain the product, and that the existing site plan was discussed.

Atty. Phillips said that he will contact the Building Commissioner in the morning regarding the violation.

Pickleball courts

Mr. Phoenix said that he's heard that some pickleball courts are being planned in town and asked if anyone has called the office regarding these.

Mr. Stefancik said that he will contact the parks department, DPW, school department, town administrator, and Boys & Girls Club to see if there are any plans for pickleball courts and to inform them that they would require site plan approval.

Site Sketch – 534 Center Street (Assessors' Map 16A, Parcel 66) Madhukar R Medipally, DMD (2nd floor office use)

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Madhukar Medipally, DMD and Bruce Wilson were present for the appointment.

Dr. Medipally confirmed that the site sketch is for future business use of the second floor.

Mr. Queiroga read the waiver request and comments from the town departments.

Mr. Phoenix: I'd like to make a **MOTION** to find that the proposal in front of us is suitable as a site sketch instead of a full site plan, to in fact waive that full plan down to the sketch, and further, again given the nature of the proposal, to waive the associated public hearing.
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. Phoenix: Hearing nothing, I'm gonna make a **MOTION** in the standard form to approve the site sketch as presented.
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; Site Plan - 534 Center Street Ludlow, MA - owned by Haviland Pond LLC. - Prepared for Dr. Madhukar R. Medipally

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ANR – 0 West Street (Assessors' Map 7, Parcel 1B) Dan Gerasimchuk (subdivide into two parcels)

Dan Gerasimchuk was present for the appointment.

Mr. Gerasimchuk said that he's looking to divide the present lot, which is just under two acres, to build two new construction houses.

Mr. Phoenix and Mr. Stefancik agreed that everything was noted on the plan.

Mr. Phoenix: I'll make a **MOTION** in the standard form to approve the ANR as submitted.
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.

Documents included: Master application; Plan of Lots in Ludlow, MA - prepared for: Danil Gerasimchuk West Street Ludlow, MA 01056

APPOINTMENT – James Baldyga – 16-26 Kirkland Avenue (review site plan)

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James & Ruta Baldyga were present for the appointment.

Mr. Coelho recused himself from the discussion as a board member.

Mr. Queiroga read the letter from Doug Stefancik requesting Mr. Baldyga come in for a meeting to discuss the parking issues on Kirkland Avenue.

Mrs. Baldyga said that there are eight parking spaces plus three on the driveway for the property. Mr. Phoenix remarked that the site plan that was approved shows five parking spaces for the whole building. He also noted that one of the concerns is that some of the vehicles are staying there for extended periods of time which eats up that parking lot. Mr. Phoenix remarked that the property owners could come in with a new site plan which shows additional parking and said that some of the businesses in town that are limited for parking find other sites nearby that have open air parking to park vehicles. He also advised them that what's going on now with the parking doesn't meet the bylaws or the approved site plan that's on file.

Mrs. Baldyga said that the parking became more congested after the new house was built across the street.

A discussion was had regarding where the parking spaces should be as opposed to what is noted on the site plan and whether parking could be put in front of the unused loading dock.

Mr. Coelho gave the details of the current parking situation and that the parking needs to be shown on the site plan and adhered to. He also said that the DPW will be putting up no parking signs on the street.

Mr. Phoenix explained that the property owners can have somebody go out to the property and make a new site plan and get creative with how to get some parking spaces called out as part of how the property is going to be managed. He noted that if the Planning Board doesn't approve the plan, they can always go to the ZBA to try to get a variance, but that the first step would be to get an engineer or land surveyor to see what can be legally put on the plan to support those businesses.

Mr. Carpenter: I make a **MOTION** to follow up with this in 90 days and unless we hear a complaint from a neighbor, then we'll just bring it back in and we'll kind of go from there.
SECOND Mr. Phoenix.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Documents included: Letter from Doug Stefancik to James Baldyga re: 16-26 Kirkland Avenue Ludlow, MA (September 12, 2022); Site Plan for Joaquim Palatino and Daylight Dairy Products Inc. (1-7-81 - 2/23/93)

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 39. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of September 8, 2022
- SIGN Special Permits:
  - Robert W. Smith – 100 Waverly Road (Accessory Apartment)
  - Nicholas Suter – 9 Cady Street, Apt. 6 (office for painting business)
  - Lauren Gauthier – 1670 Center Street (bookkeeping company)

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- APPROVE Change of Occupancies:
  - Hillary Boutin – 200 Center Street, Suite 5 (from dance studio to photography)
  - Tahir Humayun – 546A Center Street (change of ownership for existing convenience store)
  - Leslie Ann Quesada – 36 East Street (salon both rental - aesthetics)

Mr. Coelho rejoined the meeting.

Zoning Bylaws (Self-storage facilities, AGMD District definition, Marijuana Bylaw: A. Purpose & B. Definitions)

Self-storage facilities

Mr. Stefancik gave the Board two draft definitions of self-storage facilities to review in which the Board agreed to use the first one: *Facilities also known as temporary storage or personal storage businesses which rent space, be it within a permanent building or in "cargo" boxes, for the temporary or long-term storage of personal items. These businesses generally have lease agreements with customers and have hours of operation during which customers may access their stored items.*

Mr. Phoenix also made some grammatical and punctuation corrections to the text of the article. The Board discussed whether a special permit should be required for self-storage in industrial zones and the Mill Redevelopment District.

Mr. Coelho: I'll make the **MOTION** to add special permit to Industrial A and Industrial C for the self-storage.

Mr. Phoenix: And to clean up the language in the text section.

Mr. Coelho: And to clean up the language in the text section.
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. Phoenix: If we're doing motions, I'll make a **MOTION** on the first one to go for with the first definition, not the second, and to add a period after the word classification in the reasoning section.
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.

The Board discussed parking requirements for self-storage units as they need to be noted in the zoning bylaw, and how many parking spaces should be required.

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Mr. Carpenter: I'll make a **MOTION** to add a comma after customers and then we will determine the parking spaces at our next meeting with Doug coming back with some suggestions.
SECOND Mr. Phoenix.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho - yes; Ms. Houle – yes; Mr. Queiroga – yes.

AGMD District definition

Mr. Stefancik said that he added in: *The Agricultural Moderate Density Overlay District can be amended, from the original 1,000-foot measurement in existence from July 1, 1991, provided that sewer lines have been extended beyond the original 1,000 feet.* He explained that town counsel is still reviewing the change and that he is waiting for feedback.

Mr. Phoenix mentioned some punctuation and grammatical corrections in the article and reasoning text.

Mr. Phoenix: I guess since we're making motions, I'll make a **MOTION** to go forward with this one, tentatively pending feedback from town counsel, with the understanding that the formatting of agricultural moderate density overlay district will be standardized most likely by adding a comma after the word agriculture and further that the commas after amended and 1991 will be deleted and the word extending in the reasoning will be changed to extended.
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.

Marijuana Bylaw: A. Purpose & B. Definitions

Mr. Phoenix commented that he didn't really see any corrections. Mr. Carpenter suggested adding the word cannabis back into the title.

Mr. Carpenter: Since we're making motions, I make a **MOTION** to add cannabis back into 6.11 where it says adult use marijuana, it will now say adult use marijuana/cannabis establishments.

Mr. Phoenix: And then keep the rest as is.

Mr. Carpenter: And keep the rest as is.
SECOND Mr. Phoenix.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho - yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Carpenter: Since we already did the consent agenda, I make a **MOTION** to adjourn at 8:52 p.m. **SECOND** Ms. Houle.
5-0 in Favor.

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Meeting adjourned at 8:52 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.)