TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
October 27, 2022

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

Site Sketch – 209 Fuller Street (Assessors' Map 11C, Parcel 49) Ludlow Public Schools (Michael Bertini) (Installation of basketball hoops at Harris Brook Elementary School)

Michael Bertini was present for the appointment.

Mr. Queiroga read the waiver request for the waiver of the full registered site plan in favor of a sketch, and a waiver of the fee and the public hearing. He also read comments from the town departments/boards. The building commissioner wrote in her comments that the hoops are located in a traffic lane and should be placed in a fenced area separated from the roadway.

Mr. Phoenix: I'll make a **MOTION** to waive the fee for this submission as it is for the Town of Ludlow, just a different branch of it that's making the application and moving the money from one pocket to the other is kinda silly.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Mr. Phoenix explained that the site sketch is for just looking to put some hoops up and is not looking to substantially change to site in any way and nothing more than 25%, and that the site plan is fairly new without any changes to it.

Mr. Phoenix: So, with that in mind, I would also make a **MOTION** to waive the full site plan in favor of a sketch, and to waive the associated hearing and just handle this as a sketch based on the nature of the proposal.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Mr. Bertini said that he has not spoken to the Building Commissioner after she made the comments regarding the safety issues. He also said that there is a chain link gate across the roadway during school hours so that the traffic doesn't go through. Mr. Phoenix voiced his concerns over safety matters.

The board members agreed to wait until the Safety Committee has had a chance to review the plan and submit their comments before the Planning Board makes a decision. Mr. Bertini will come back to meet with the Planning Board before December 18, 2022, and possibly submit a revised plan.

Documents included: Master application; Waiver request; Comments from Town Boards/Departments; Layout and Materials Plan – Chapin Street Elementary School (Rev. 1/24/19)

ANR – 125 Simonds Street & 137 Vienna Avenue (Assessors' Map 11A, Parcels 163A & 163) Russell Cable (Create new parcels C & D as shown on plan)

Michael Smith of Smith Associates was present for the appointment.

Mr. Smith explained that they are just doing an equal area swap between two parcels to account for a fence encroachment.

Mr. Phoenix and Mr. Stefancik agreed that the plan met all of the criteria.

Mr. Phoenix: I'll make a **MOTION** to endorse the ANR in our standard form.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Documents included: Master application; Plan of Land - 125 Simonds Avenue, 137 Vienna Avenue Ludlow, MA – owned by Russell Cable and Maria Helena Andea (October 5, 2022)

ANR – Riverside Drive, Lot A (Assessors' Map 14B, Parcel 130) Jeff Daley, CEO, Westmass Area Development Corporation (Subdivide proposed 1.44-acre lot with 50.30' of frontage and 1-story brick building) (Waiver request for setback requirements)
Documents included: Master application; Waiver request; Plan of Land – Riverside Drive - Ludlow, Massachusetts, Surveyed and Mapped for Westmass Area Development Corp. (09/01/2021 – Rev'd: 10/18/2022); Comments from Leslie Ward, Building Commissioner

ANR – Riverside Drive, Lots B-1 & B-2 (Assessors' Map 14B, Parcel 130) Jeff Daley, CEO, Westmass Area Development Corporation (Subdivide proposed Lot B-2: 2.7 acres with 442' of frontage, and 2-story 12,000 SF brick building; and Lot B-1: 40,495 SF with 303' of frontage)
Documents included: Master application; Plan of Land (& Draft)– Riverside Drive - Ludlow, Mass., Surveyed and Mapped for Westmass Area Development Corp. (10/25/2021)

ANR – Riverside Drive, Lot C (Assessors' Map 14B, Parcel 130) Jeff Daley, CEO, Westmass Area Development Corporation (Subdivide proposed 42,989 SF lot with 245' of frontage and three 6,000 SF stock house buildings) (Waiver request for setback requirements)
Documents included: Master application; Waiver request; Plan of Land – Riverside Drive - Ludlow, Mass., Surveyed and Mapped for Westmass Area Development Corp. (10/24/2021); Comments from Leslie Ward, Building Commissioner

Sarah la Cour of Westmass Area Development Corp. was present via telephone for the appointment.

Ms. la Cour said that Lot A is a driveway leading up to a building that is under contract to purchase and that the owners will be using Lot A for parking and building access. She noted that the building shares a wall with Building 123A which is why a waiver was requested for the zero-lot line along the common

wall, and that the guidelines for the party wall regulations will be followed as the building inspector requires.

Mr. Queiroga read the waiver request from Westmass Area Development. Mr. Phoenix questioned the request for the waiver of frontage for the zero setback. Mr. Stefancik said that there is specific portion written into the Mill Redevelopment District on subdividing the properties which allows the waiver, and read a portion of the letter from Leslie Ward, Building Commissioner that stated that she recommends granting the waivers in both instances (Lot A & Lot C) with the stipulation that the walls that separate the two buildings meet the requirements of the party walls in accordance with 780 CMR of the Massachusetts State Building Code. Mr. Phoenix read 4.4.15 of the Mill Redevelopment Bylaw.

Mr. Phoenix: So, we do have the recommendation from the building commissioner and we do have the chapter and verse, so on the waiver request for the setback, I'm gonna make a **MOTION** to grant the waiver request on the setback based on the language in 4.4.15 of our Zoning Bylaw with notation that the building commissioner has given us her feedback on it, and on the condition that the party wall as described by the building inspector be handled accordingly.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Mr. Phoenix and Mr. Stefancik both said that they didn't see anything missing from the plans. Mr. Stefancik noted that a revised plan for Lot B1 and B2 will be coming in for signatures. He said that there was a sidewalk area that revised.

Mr. Phoenix: I will make a **MOTION** to endorse all three ANRs in our standard form as submitted.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

APPROVE Change of Occupancy: Robert Holmes (Bobs Bins) 71 East Street
(from print shop to retail store)

Mr. Phoenix requested that the Change of Occupancy be taken out of the consent agenda for discussion.

Mr. Phoenix questioned whether the proposed retail store will have an increased impact on parking, and if so, it may need to be relooked at in the future with site plan approval to justify the parking.

Mr. Phoenix: So, with that on the record, I'll make a **MOTION** to approve the change of occupancy.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Zoning Bylaws (Marijuana / Cannabis Uses to be added to the Table of Principal Uses)

Mr. Phoenix remarked that there were some grammatical and punctuation errors in the draft bylaw. The board agreed that the table looked fine. Mr. Stefancik will bring a revised copy to the next meeting for final review.

Documents included: Draft 6.11 Adult Use Marijuana/Cannabis Establishments and Medical Marijuana Treatment Centers; Table 1 Ludlow Table of Principal Uses

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CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 45. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of September 22, 2022 and October 13, 2022

Mr. Phoenix asked if anything has been filed with the Building Department regarding the trailer on (4-8) White Street. Mr. Stefancik responded that nothing has come in yet and that he is keeping an eye on the timeline for that.

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File Mail Item #46 – Special Permit Granted from Zoning Board of Appeals – 170-172 (aka 158) Munsing Street

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Mr. Phoenix commented that the appeal with a site plan had to be made within a certain number of days regarding the trailer located on White Street, that storage trailers are not allowed at any business in town, and that they are past the 14-day appeal period. Mr. Stefancik said that he will talk to the Building Commissioner tomorrow.

Mr. Carpenter: I'll make a **MOTION** to adjourn.
SECOND Mr. Phoenix.
5-0 in Favor.

Meeting adjourned at 8:04 p.m.

APPROVED:

Kathleen Houle

Kathleen Houle, Secretary

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