TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
January 12, 2023

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PLANNING BOARD MEMBERS

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

The meeting began at 7:02 p.m. in the Selectmen's Conference Room.

SITE SKETCH – 209 Fuller Street (Assessors' Map 11C, Parcel 49) Michael Bertini (Harris Brook Elementary School) (Add two (2) storage sheds for school equipment at the west end of the property, and construct a proposed basketball court along the north driveway and play fields)

Michael Bertini was present for the appointment.

Mr. Queiroga read the waiver request of the full registered site plan in favor of a site sketch, and a waiver of the fee and the public hearing. He also read the comments from the Building Department which requested that a marked crosswalk be added at the location of the new basketball court. The comments from the Fire Department and DPW said that there were no concerns. The Conservation Commission comments noted that there is currently a Notice of Intent on file, and that this is the final amendment allowed. Mr. Stefancik's comments stated that the plan met all of the criteria for a site sketch.

Mr. Bertini explained that the first shed is already in place, and that the second shed will be delivered in in April. He remarked that he's not sure when the basketball courts will be installed, but probably after the weather warms up.

Mr. Phoenix **MOVED** to waive the full registered site plan in favor of a sketch due to the minimal nature of the changes contemplated, a waiver of the fee considering that it would be going from the town's left pocket to the town's right pocket, and a waiver of the public hearing, again, based on the scope of the changes being contemplated at the site.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

Mr. Coelho **MOVED** to approve the site sketch pending the addition of the crosswalk.

Mr. Phoenix: Is that in the standard form?

Mr. Coelho: In the standard form.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

Documents included: Master application; Request for waivers; Comments from Town Boards/Departments; Layout and Materials Plan L2 – Ludlow Public Schools / Chapin Street Elementary Schools (Revision 05/17/19)

File Mail Item #02 – Memo from Marc Strange, Town Administrator re: Annual Town Report

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2023 JAN 30 A 10:29
TOWN OF LUDLOW

File Mail Item #03 – Legal Notice & Notice of Decision – Zoning Board of Appeals – 308 Woodland Circle

File Mail Item #04 – Notice of Decision – Zoning Board of Appeals – 0 (AKA Lot 7) Center Street

File Mail Item #05 – Memo from Marc Strange, Town Administrator re: Articles for the May 8, 2023 Annual Town Meeting Warrant

PUBLIC HEARING – SITE SKETCH – Ludlow Renewables, LLC – 0 East Street (Assessors' Map 27, Parcels 26, 27, 28, 29, 30, 31) (Gravel access road only for entrance into previously approved 4-Megawatt (MW) ground-mounted solar array at 0 East Street)

SEE ATTACHED MINUTES

ANR – Stefanie Millner – 42 Newbury Street (Assessors' Map 15A, Parcels 238 & 239) (Combine two parcels into one new parcel)

Stefanie Millner was present for the appointment.

Ms. Millner said that the ANR plan is to combine two parcels into one.

Mr. Phoenix remarked that the compass is shown on the plan, but that "true, magnetic, or assumed" is not called out on the plan.

Mr. Coelho **MOVED** to approve the plan conditionally that the surveyor indicates the type of north that's on the drawing before it gets filed.
SECOND Mr. Carpenter.

Mr. Coelho: I'm sorry, for Stefanie Millner at 42 Newbury Street.

Mr. Phoenix: Chris, can you just change that from approve to endorse?

Mr. Coelho: Sorry, ok, Mr. Chairman, I **MOVE** to endorse the ANR on the condition that it's indicated what type of north it is, true, magnetic, or assumed, and those documents are received corrected for Miss Stefanie Millner of 42 Newbury Street.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

Mr. Phoenix advised Ms. Millner that the corrected copy will need to be received by the next meeting on January 26, 2023, or the ANR will need to be denied due to the twenty (20) day approval period.

Documents included: Master application; Plan of Land - 42 Newbury Street Ludlow, MA – owned by Stephanie Millner (1/26/2023)

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CONSENT AGENDA:

Mr. Phoenix mentioned that on 44 Sewall Street he noticed that one of the entrances to the property has been closed off and that he doesn't remember a site plan coming in for that change. He asked if that could be investigated through the Planning Office or Building Department. Mr. Stefancik said that the Change of Occupancy for Balance Staffing at 44 Sewall Street, Suite 4, is going to have to pull a building permit for code review for the change of use, so that could be looked at, at the same time.

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 01. - Legal Notices from surrounding communities
- APPROVE Change of Occupancies:
  - Sheetal Patel (Jaymaharaj LLC) (The Laundry Room) 265 Fuller Street (Change of ownership of laundromat)
  - Sheetal Patel (Shreekrupa LLC) (Meadowbrook Plaza) 257-265 Fuller Street (Change of ownership of entire plaza)
  - Lorie Miller (Balance Staffing) 44 Sewall Street, Suite 4 (From retail store to office)
- SIGN Special Permits:
  - Jose Lucas – 35 Barton Street (catering business)
  - Jasmine S. & Andre M.M. Queiroga – 15 Barrett Street (office for general contractor)

Approve final draft – Marijuana / Cannabis Zoning Bylaws

Mr. Phoenix commented that there were some grammatical errors in the draft such as missing commas, and awkward wording in C.6.11.2 (letter should be letters, and department should be departments), and 6.11.14 (no apostrophe after days). He also noted that 6.11.10 and 6.11.11, and possibly 6.11.12, should be reorganized to the top of the list. The corrections will be made, and the draft will be reviewed again at the next meeting on January 26, 2023.

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

Review / Approve 2022 Annual Report

To give the board members time to review the Annual Report, approval was tabled to the next meeting on January 26, 2023.

Kirkland Avenue – 90-day follow-up

Mr. Coelho recused himself as a board member in order to discuss the issue as a neighbor/resident.

Mr. Coelho said that the situation has gotten better and that he hasn't heard anyone else complaining about the parking. He remarked that it's not perfect, but that it's a pre-existing non-conforming that's been there for a very long time. Mr. Coelho also noted that DPW has put up some no parking signs and removed others, and that the business Bon Chien has left, freeing up a few more parking spaces.

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Documents included: Minutes of September 22, 2022

Planning Board Fees

Mr. Stefancik commented that R. Levesque initiated a study of the Planning Board fees of Ludlow and surrounding communities because they have an applicant submitting an application and are saying that Ludlow has the highest fees in the area. He asked the Board if they want to do any further research on this. Mr. Phoenix said that there has been some complaints in the past, but that those applicants usually have asked for a waiver of the fee down to a lesser amount due to the total land size versus what is actually being used, and that he doesn't see why the Planning Board wouldn't be interested in entertaining this as part of an argument to grant a waiver down to a lower dollar value when they come in, and then it can be discussed whether it warrants a waiver or not at that time.

Documents included: Email from Alexandra Cichetti to Douglas Stefancik re: Fee Guidance (December 21, 2022); Ludlow Planning Board Fees Chart (effective May 17, 2007)

Mr. Phoenix: I don't see anything else on the agenda, so I'm gonna make a **MOTION** to adjourn.
SECOND Mr. Coelho.
5-0 in Favor.

Meeting adjourned at 8:05 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 – SITE SKETCH
0 East Street (Assessors' Map 27, Parcels 26, 27, 28, 29, 30, 31)
Ludlow Renewables, LLC
(Gravel access road only for entrance into previously approved 4-Megawatt (MW) ground-mounted solar array at 0 East Street)
January 12, 2023

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PLANNING BOARD MEMBERS

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

The public hearing began at 7:17 p.m. in the Selectmen's Conference Room.

In attendance: Palmer Moore – NEXAMP, Ken Strom – WDA Design Group, attendees

Mr. Queiroga read the legal notice which included the description of: Gravel access road only for entrance into previously approved 4-Megawatt (MW) ground-mounted solar array at 0 East Street.

Mr. Queiroga read the cover letter from Kenneth Strom which included a waiver request of a full registered site plan in favor of the site sketch. He also read the comments from the town departments which included: Building Department – a valid building permit for the project is required; Board of Health – no comments; Fire Department – provide Knox Box Model #3261 with keys to access and all gates and points of entry; Douglas Stefancik, Town Planner – plan meets criteria for a site sketch, all 6 parcels will need to be combined into 1 parcel; DPW – construction within the public way will be needed for connection of access road to East Street; Conservation – no issues. Mr. Queiroga gave the applicant a copy of the invoice from Turley Publications, and read the email from Garrett Postema of MassDOT to Douglas Stefancik (January 11, 2023) which stated that the proposed access is through the "no access" portion of the State Highway Layout (SHLO) of I-90 Ludlow and that all work requires a highway access permit.

Mr. Queiroga: I think I read the rest of them.

Mr. Phoenix: I think you did too. What I didn't catch, and maybe I just missed it, did you tell everybody about the cameras and stuff?

Mr. Queiroga: I will. Just so that everybody knows, which I'm sure you all do, but this is an open public hearing. There are cameras both recording visual and sound. And I think I've already read the comments from town boards, and we will read the checklists when the time comes. Ok, so.

Mr. Phoenix: Mr. Chairman, just for clarity, I believe the only waiver that's being asked for is the full plan to a sketch. Is that correct?

Mr. Strom: There are existing waivers that were granted, now we're changing the sketch ---.

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2023 JAN 30 A 10:29
TOWN OF LUDLOW

Mr. Phoenix: The only one being asked for tonight is that one.

Mr. Strom: Right, the change in the access location via this sketch.

Mr. Queiroga: Questions from other members of the Board?

Mr. Phoenix: Do we want to ask them, I mean it seems pretty straight forward, but do we want to ask them for the elevator pitch, at least, on what they're doing?

Mr. Queiroga: Yeah, why don't you give us the plan?

Mr. Moore: Sure, yeah. It's been a long time coming. This goes back to when we originally brought the solar project forward to the Planning Board and then, first and foremost, the Conservation Commission. Other access points which would have included coming in off of the end of Reynolds Street, obviously would have been disruptive to dense residential area, and would have necessitated crossing wetlands directly to get to the site. We talked to Eversource about using their own transmission corridor as a point of access and we were bluntly denied. But, as you may have seen in our original approval from the Conservation Commission, it was reliant upon us finding an alternative access point into the property, and so we started working with DOT over two years ago on getting, granting access through their property from East Street into the subject parcel or parcels to access the property. As noted in the comments from DOT, that required a break in access and we've been working with them extensively for a long time now to get that. We have an easement agreement with them that is on the final yard line and we expect that to get signed within this month. And then the highway department, they do have a permit, I was surprised that they said they did not. Eric --- who's on that distribution list, is the person we've been working with for a while. But they have a permit, I know we have a permit number, they've been just holding it in escrow until the easement gets signed, and then they will release the permit to do the access from the public way. So, we worked hard just to get through that process with DOT so that we could get this access point and an access point that is away from wetland resources and other sensitive areas around the project site to meet that requirement from the Conservation Commission and the Planning Board.

Mr. Queiroga: Will you be able to get back in if you need to do maintenance?

Mr. Moore: Yes, the easement will run with the duration of our lease with the underlying property owner for the parcels where we have the project. So, we're obligated to decommission the project at the end of its project's life so we have access that will run though that full term and allow us to then remove the project at the end.

Mr. Queiroga: Questions from members of the Board?

Mr. Phoenix: I think anything bigger that we needed to talk about, we talked about when it was here before, so I think for this I'm good.

Mr. Queiroga: Questions Chris? No?

Mr. Coelho: If I had questions, you'd be the first to know Mr. Chairman.

Mr. Queiroga: Ok, then if that's the case, then I'll be looking for a motion.

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2023 JAN 30 A 10:29
TOWN OF LUDLOW

Mr. Phoenix: It's a public hearing Mr. Chairman.

Mr. Queiroga: It is a public hearing.

Mr. Phoenix: --- have to do the, well, if you want a motion, I'll make a motion for the waiver. We can do that, at least, to start with. I'll make a **MOTION** to grant the waiver that's been requested, of a full plan in favor of a sketch based on the scope of the changes to the existing site plan and that it seems to be consistent with the best interest of the total town in general.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Mr. Queiroga - yes.

Mr. Queiroga: Is there anybody here that wants to comment on this or ask questions on this project? Ok.

Mr. Phoenix: Hearing nothing, I'll make a **MOTION** in the standard form to approve the site sketch as submitted and to thereafter close the public hearing.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Mr. Queiroga - yes.

Hearing ended 7:30 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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Documents included: Master application; Cover letter/waiver request from Kenneth T. Strom, PLS (December 19, 2022); Comments from Town Departments/Boards; Context Plan – 0 East Street - Ludlow Renewables, LLC (09/04/2019); Email from Garrett R. Postema to Douglas Stefancik re: MassDOT District 2 Comments Regarding 0 East Street – Gravel Access to 4 MW Solar Array (January 11, 2023)

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