TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
January 26, 2023

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2023 FEB 10 A 11: 43
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 Silva, Associate Member (Present)

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

PUBLIC HEARING – Special Permit / Home Occupation – Ceciley Fenno – 173 Winsor Street (Assessors' Map 14B, Parcel 58) (mobile massage business)

SEE ATTACHED MINUTES

Mr. Phoenix asked for clarification on the difference in parking requirements for the two different types of businesses on the Change of Occupancy for Richard Rodriguez (Smooth Innovators) 242 East Street (from pawn shop to barbershop/salon). The Bylaws stated that the parking requirements were the same for both types of businesses.

PUBLIC HEARING – Special Permit / Home Occupation – Jennifer Molina -155 Tower Street (Assessors' Map 31, Parcel 27) (telehealth therapy)

SEE ATTACHED MINUTES

SITE SKETCH – 91 Claudia's Way (Assessors' Map 26, Parcel 1B) Ludlow Boys & Girls Club (Baseball field enhancements to include building a new concession stand, two (2) ADA compliant bathrooms, and installation of a new sport court to contain two (2) pickle ball courts & basketball hoops)

Mechilia Salazar, Rick Bellucci, Dino D'Angelo were present for the appointment.

Mr. Queiroga read the comments from the town departments which included: Doug Stefancik wrote that the plan meets the criteria for a site sketch; Fire Department noted that an approved clear and unobstructed path shall be provided and maintained for access to the fire department inlet connections for the sprinkler system located on the backside of the building where construction is to be taking place; Board of Health had no comments; DPW had no comments; Conservation Commission commented that they may have to file with Conservation; Building Department had no comments.

Ms. Salazar explained that they have secured restricted funding to spend on capital improvement projects and have come up with this proposal as the best way to provide additional opportunities and services for the community.

Mr. Phoenix questioned whether the site plan was less than twenty years old, and that there were not more than two revisions to the plan. He said that this is the second change to the original plan that's already over twenty years, so the next one will more than likely need to be an updated full plan.

Mr. Phoenix **MOVED** to grant all three waivers, again that would be the full site plan down to a sketch, the public hearing, and the fee, for the reasons that we have a full site plan on file that is just over twenty years old, only been amended once with a very extensive plan for that amendment, that it is not in the town's best interest to have a public hearing above and beyond what we're already having on this tonight, the change is very minimal, and that the property is owned by the town.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

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Mr. Phoenix: Unless anybody has any further comments or questions, I would make a **MOTION** at this time in the standard form to approve the site sketch as submitted.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Documents included: Master application; Request for waivers; Comments from Town Boards/Departments; Site Layout Plan – Ludlow Community Center Athletic Field Development Ludlow, Massachusetts (Revision December 7, 2022)

Approve final draft – Marijuana / Cannabis Zoning Bylaws *(continued from 1/12/23)*

Mr. Phoenix **MOVED** to submit the draft as it currently exists for the Marijuana Bylaw to town meeting that's coming up.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

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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Review / Approve 2022 Annual Report *(continued from 1/12/23)*

Mr. Phoenix **MOVED** to send the town report in so that whether it's Chris, me, or whoever else, doesn't have to stand up at town meeting and read the whole thing.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Documents included: Draft 2022 Planning Board Annual Report

Sidewalk extension for basketball court at Harris Brook Elementary School

Mr. Stefancik remarked that at the last meeting the site plan was approved and that the Building Commissioner commented to add a second crosswalk to go to the basketball court. He said that he asked Chris from the Mount Vernon Group to add that onto the plan (who suggested that instead of having two crosswalks, leave the existing crosswalk and do an extension of the crosswalk to the basketball court). Mr. Stefancik noted that he sent the extension of the crosswalk plan around to the town departments for comments and that nobody (Fire Department, Building Commissioner, Conservation, Safety Committee, Board of Health, DPW) had any issues with the plan.

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Mr. Phoenix: Mr. Chairman, I'm gonna make a **MOTION** to amend the previously adopted motion from January 12, 2023, related to this matter, specifically to amend it by changing: pending the addition of the crosswalk to pending the addition of the crosswalk where other suitable traffic control for the safety of children accessing the new area.
SECOND Mr. Carpenter.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Documents included: Email to/from Douglas Stefancik & Chris LeBlanc re: Harris Brook E.S. Site Change; Emails to/from Douglas Stefancik & Fire Safety, Leslie Ward (Building Commissioner), Conservation, Brian Shameklis (Safety Committee), James Goodreau (DPW), Timothy Fontaine (Board of Health), Joe Alves; Layout and Materials Plan – Ludlow Public Schools Chapin Street Elementary School (showing sidewalk extension to court)

File Mail Item #07 – Pioneer Valley Planning Commission 2024 to 2028 Transportation Improvement Program

Mr. Phoenix: I **MOVE** to file the rest of this piece of correspondence.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mail Item #08 – Notice of Intent / Right of First Refusal – Lot 13 Lyon Street (Assessors' Map 19, Parcel 3B)

Mr. Phoenix: I'm gonna make a **MOTION** that since we have no money to spend on this, that we inform the Selectmen that we are not interested at this time.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

File Mail Item #09 – Letter to Thomas L Engwer III (1211 Lyon Street) from Leslie Ward, Building Commissioner re: Curb Cut Permits – only one entry per single family dwelling is allowed onto a public way.

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 06. - Legal Notices from surrounding communities

- APPROVE/SIGN Minutes of January 12, 2023

- APPROVE Change of Occupancies:
  - Eleanore Noonan (McBee Enterprises LLC d/b/a Boston Pizza) 362 East Street (Mass Pike Eastbound) (addition of Boston Pizza to Ludlow Service Plaza)
  - Richard Rodriguez (Smooth Innovators) 242 East Street (from pawn shop to barbershop/salon)
  - Luis Teixeira / Marcel Nunes (The Lighthouse / Tin Cup Facilities) 108 Sewall Street (The Lighthouse - change in ownership)

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Mr. Carpenter: Mr. Chairman, **MOTION** to adjourn.
Mr. Phoenix: Those are always in order and not debatable, but they do need a **SECOND** and I'll give you one of those.
Mr. Carpenter: Oh, thank you.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Silva – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Meeting adjourned at 7:53 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
173 Winsor Street – Ceciley Fenno
(mobile massage business)
January 26, 2023

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PLANNING BOARD MEMBERS

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

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

In attendance: Ceciley Fenno

Mr. Queiroga read the legal notice. The legal notice included the description of: mobile massage business.

Mr. Queiroga: Ok Ceciley, this is a public hearing, and let us know what you're gonna be doing.

Ms. Fenno: So, I was trying to get a business certificate and using my home address. I own a mobile massage business, well just me. For almost two years now, I used to live in West Springfield and I used my home address there as my business address. Now I'm in Ludlow for the last few months. It is just a strictly mobile massage business. I don't have any clients coming to my house or anything like that. I always just go to their house, perform the massages there. Yeah, that's, I think, basically it.

Mr. Queiroga: Ok, you own the house?

Ms. Fenno: Well, my boyfriend does. I'm on the deed though.

Mr. Queiroga: You're on the deed?

Ms. Fenno: Yeah.

Mr. Queiroga: Ok. And am I right in assuming that you won't have any employees?

Ms. Fenno: Right, just sole proprietorship, yeah.

Mr. Queiroga: And do you have a, you do have a picture here of the house.

Ms. Fenno: Yup.

Mr. Queiroga: And you put a shot of the little office you got there?

Ms. Fenno: Yeah.

Mr. Queiroga: Ok.

Mr. Phoenix: Mr. Chairman?

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Mr. Queiroga: Mr. Phoenix.

Mr. Phoenix: Just to run through the application supplement for what we have listed on here is the area of the home and other buildings is 1,305 square feet. Area to be used for home occupation is zero, which I might want to come back to in a moment. Number of non-resident employees is zero. And no to all of the following: planned signage for the business; customers at the house; deliveries unlike a normal residence; and changes to the site that would make it look less residential. Commercial vehicle in connection with the business is a 2017 Jeep Wrangler which is under 5,000 GVW according to this. And we do also have a signed request for the waiver of the full site plan in favor of a sketch and photos. As far as the number of square feet, like I said, just to kind of circle back to that. It's awkward, I think, is the best way to put it. We've had discussions in the past about businesses that essentially operate off of a cell phone and not much else. Usually there's some amount of square footage that's considered associated with the business, whether it's a computer set up, whether it's, you know, whatever. There's usually some number there.

Ms. Fenno: Ok.

Mr. Phoenix: Are you going to be storing, like, the table or other equipment at the property or is that gonna all be in the vehicle? How is that gonna look?

Ms. Fenno: Yeah, I leave my table in the car. Everything I need to go there. I guess, just, I store linens at my house for the table.

Mr. Phoenix: Ok. So, Mr. Chairman, if you want to pass that back over to the applicant. I don't know if you just want to put a relatively small number on there. You can go up to 25% of the total floor area or 500 square feet, whichever is less. So, in your case, you could go up to 25, so that's a little over 300. So even if you want to just put 50 square feet just so that it covers you having some area that you are using for…

Ms. Fenno: Yeah, I got you. Yeah, I wasn't sure what to put for that.

Mr. Phoenix: And that's fine. Like I said, it's a weird one for a lot of businesses that are doing stuff off site, or just doing contract work and stuff.

Ms. Fenno: Right.

Mr. Phoenix: 'Cause more and more, I think, we're continuing to see a lot it's just, essentially, I take calls on my cell phone and I take care of things for people.

Ms. Fenno: Right.

Mr. Queiroga: Ok, I don't see that on…

Mr. Phoenix: Should be application supplement one. The same one that the waiver's on Joe. Maybe two or three pages past that. That one right there.

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Ms. Houle: Have her do it.

Mr. Phoenix: Just have her ---

Mr. Silva: More than that, --- hundred square feet.

(multiple people talking)

Mr. Phoenix: Whatever number you want to put.

Ms. Fenno: And then initial next to it, you said?

Mr. Phoenix: Yes, please. With that, I don't know if the rest of the board has any other comments or questions, but I would start off by making a **MOTION** to find that the home occupation as described is suitable one under the bylaw, and further to grant the requested waiver of a full 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. Carpenter – yes; Mr. Phoenix – yes; Mr. Silva – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Queiroga: I'm also obligated to tell you that this is a public hearing, it's being recorded on camera and by sound, and where is the thing for the advertisement?

Mr. Stefancik: I gave it to her, she wrote the check out already.

Mr. Phoenix: Doug's too fast.

Mr. Queiroga: Alright, ok so…

Mr. Phoenix: If nobody else on the board has anything, I don't know if you want to open it up to the public. I don't think I heard anybody join online.

Mr. Queiroga: Yeah, a lot of people are out here.

Mr. Phoenix: We got to go through the formalities Joe.

Mr. Phoenix: But, hearing a whole lot of nothing, I'm gonna make a **MOTION** in the standard form to approve the special permit 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. Silva – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Hearing ended 7:09 p.m.

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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
155 Tower Road – Jennifer Molina
(telehealth therapy)
January 26, 2023

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PLANNING BOARD MEMBERS

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

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

In attendance: Jennifer Molina

Mr. Queiroga 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: telehealth therapy.

Mr. Queiroga: Ok, no other comments from, alright, why don't you tell us what this telehealth is?

Ms. Molina: It's therapy, mental health therapy, but it's all virtual.

Mr. Queiroga: It's all virtual?

Ms. Molina: I won't have like an office I go to anymore.

Mr. Queiroga: You go to the patient, if you will?

Ms. Molina: Yeah, I see people in an office prior to the pandemic, then Massachusetts changed the law that you can provide full services telehealth. So, instead of working for someone else, I'm gonna open my own practice.

Mr. Queiroga: Ok, and that will be at the house?

Ms. Molina: Yup. Nobody will be coming to the home.

Mr. Queiroga: No? Ok, and you're not gonna have any employees?

Ms. Molina: Nope. Just me.

Mr. Queiroga: Ok.

Mr. Phoenix: Mr. Chairman.

Mr. Queiroga: Mr. Phoenix.

Mr. Phoenix: Just to run through the supplement sheet, we have total area of the home at 1,667 square feet. We have area to be used 120. I'm gonna skip one of them for a second. As far as the next four questions are all answered no, as far as planned signage for the business, customers at the house, deliveries unlike those of a normal residence, or changes to the site to make it look less residential. Also, we have a no for a commercial vehicle. And we do have a signed request for the waiver of the full site plan in favor of the sketch and photos that the applicant has provided for us. The one that I did skip though, was number of non-resident employees, and Josh is actually the one that caught this. It curiously says one me, but that's non-resident employees. Do you live there or? Ok.

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Ms. Molina: How many people live there not working for?

Mr. Phoenix: Correct.

Ms. Molina: Three, my husband, my daughter.

Mr. Phoenix: The bigger question is how many people would be in connection with the business that don't live there?

Ms. Molina: None.

Mr. Phoenix: Ok, so, 'cause that's the one that we'd be interested in as far as like how many people are coming to the house or working out of there.

Ms. Molina: No, I'll be the only employee. I think is what I thought the question was asking.

Mr. Phoenix: If we could just get you to update that. The Chairman can probably pass you the sheet and you can just change that to a zero and just initial next to it just so we have that corrected, but Josh has good eyes tonight with that. That said, before we start looking for additional comments and questions, I'm gonna make a **MOTION** that based on what we've heard so far and what we have on file, to find that the home occupation as described is a suitable one under the bylaw, and further to grant the waiver of the full site plan in favor of a sketch and photos as has been prepared by the applicant.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Silva – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Queiroga: You are the owner of the house, right?

Ms. Molina: Yes, me and my husband.

Mr. Queiroga: Ok also, this is a public hearing and I just want to let you know that and that it's both recorded both in picture and in voice, ok? We've got some waivers to talk about?

Ms. Houle: We took care of that.

Mr. Queiroga: Already did that, ok.

Mr. Phoenix: And you saw the checklists already, the two thirteen item checklists, a-m and 1-13 that all kind of talk about, essentially, don't do anything there that makes it seem like it's not just a regular house. That's really what a lot of it comes down to. The biggest police of this sort of thing are your neighbors. So, if it's invisible to the neighbors, which this certainly sounds like it should be, then you should be good to go. But, if you start having issues, I don't know, you start storing barrels of Styrofoam beads out in the yard for some kind of therapeutic reason, I don't know, that's probably gonna send up some red flags and we'll have to deal with that when that happens.

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Ms. Molina: I bought the house I grew up in, so the neighbors I've known 38 years and they all know what I do, so I don't think it's too much of an issue.

Mr. Queiroga: Ok. Again, I'm just gonna state that this is a public hearing as you can see we have nobody here, but we have to at least ask anyway. What we got left on this?

Mr. Phoenix: Hearing nothing from anybody on this side of the table and nothing from anybody that doesn't seem to have joined online or come in person, I will make a **MOTION** in the standard form to approve the home occupation special permit and to close the hearing.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Silva – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Hearing ended 7:19 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).