TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
April 13, 2023

PLANNING BOARD MEMBERS

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

The meeting began at 6:35 p.m. in the Selectmen's Conference Room.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

Board to Reorganize / Appoint Kathleen Houle as Associate Member

Mr. Carpenter: Mr. Chairman, I nominate Ray Phoenix for Chairman of the Planning Board.
SECOND Mr. Coelho.
4-0-1 in Favor. (Mr. Phoenix)
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Phoenix – abstain; Mr. Queiroga – yes.

Mr. Carpenter: I nominate Mr. Coelho as Vice-Chairman of the Planning Board.

Mr. Phoenix: Before I hear a second, is there also a nomination for secretary at this time?

Mr. Carpenter: I will add Mr. Queiroga as the secretary to my motion.

Mr. Phoenix: Is there a second on both of those appointments for Chris and Joe as Vice-Chair and Secretary. Is there a second?
SECOND Mr. Silva.
5-0 in Favor.

Mr. Carpenter: Last but not least, I'd like to appoint Kathleen Houle as Associate Member.
SECOND Mr. Coelho.
5-0 in Favor.

The Planning Board Reorganized as follows:

Chairman: Raymond Phoenix
Vice Chairman: Christopher Coelho
Secretary: Joseph Queiroga
Members: Joshua Carpenter, Joel Silva
Associate Member: Kathleen Houle

Mr. Carpenter: I make a **MOTION** to go into executive session at 6:35 p.m. to return after we are done in executive session to discuss pending litigation regarding JLL Real Estate LLC vs The Planning Board of the Town of Ludlow and Cameron Coast LLC vs The Planning Board of the Town of Ludlow.
SECOND Mr. Coelho.
5-0 in Favor.

The Board went into executive session at 6:38 p.m.

EXECUTIVE SESSION – Pending Litigation – Attorney Brian Winner
- JLL Real Estate, LLC v. Planning Board of the Town of Ludlow, et al.
- Cameron Coast, LLC v. Planning Board of the Town of Ludlow, et al.

The regular meeting resumed at 7:13 p.m.

CONTINUED PUBLIC HEARING – Zone Change – Manuel D. Silva & Joao Silva – 0 Russell Street (Assessors' Map 1A, Parcel 20J) (Residential B to Industrial A)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – Evan Wurszt – 103 Jerad Drive (Assessors' Map 41, Parcel 26G) (office for landscaping business)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – Crystal & David Williams – 121 Arnold Street (Assessors' Map 11B, Parcel 52) (real estate/land transactions, advertising, lead generation, marketing, online sales of goods)

SEE ATTACHED MINUTES

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P
TOWN OF LUDLOW

PUBLIC HEARING – Proposed Zoning Bylaw Amendments (SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES add to land use classification "Self-Service Storage Facilities" in the BUSINESS USES row. SECTION VI: SPECIAL LAND USE REGULATIONS. 6.4 Parking Requirements Section. 6.4.2. Parking Guidelines by adding the following: Self-Service Storage Facility: 1 parking space for each 2,000 square feet of gross floor area. SECTION X: DEFINITIONS add SELF-SERVICE STORAGE FACILITIES)

SEE ATTACHED MINUTES

ANR – Robert D. Bourdeau II – 415 Holyoke Street (Assessors' Map 11B, Parcel 29) (divide property into 3 parcels to create 2 estate lots)

Robert Bourdeau was present for the appointment.

Mr. Bourdeau explained that that he's taking the existing piece of property and splitting the house off and splitting the back two pieces into estate lots.

Mr. Phoenix and Mr. Stefancik commented that they didn't see anything missing on the plan.

Mr. Carpenter: I **MOVE** to endorse the ANR.
SECOND Mr. Coelho.
5-0 in Favor.

Documents included: Master application; Plan of Division of Land – Ludlow, MA – owned by Robert Bourdeau (February 28, 2023)

PUBLIC HEARING – Special Permit / Estate Lot – Robert D. Bourdeau II – 415 Holyoke Street (Assessors' Map 11B, Parcel 29) (2 estate lots)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – Joaquim & Ana Borges – 198 Stivens Terrace (Assessors' Map 15B, Parcel 161) (office for landscaping & construction business)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – Brian Foster – 26 Coolidge Avenue (Assessors' Map 2C, Parcel 137) (office for painting business)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – Dillon Price – 52 Lehigh Street (Assessors' Map 15D, Parcel 52) (office for content writing services (consultant))

SEE ATTACHED MINUTES

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 20. - Legal Notices from surrounding communities
- APPROVE Change of Occupancy:
  - Alexandre A. de Carvalho (Cady Street Market, Inc. dba Cady Street Meat Market – 16 Cady Street (change of ownership – meat market)

Committee Assignments

Mr. Coelho: I'd like to make a **MOTION** to appoint Joel Silva to the Long Range Planning Committee and the Open Space Recreation Committee.

Mr. Phoenix: Can I get you to modify that slightly and have everything else be as it currently exists?

Mr. Coelho: And everything else to remain as it currently exists.
SECOND Mr. Silva.
5-0 in Favor.

The Committee Assignments are as follows:

Administrative Review Committee	Joe Queiroga, Chris Coelho
Open Space Recreation Committee	Joel Silva
Cemetery Committee	Joshua Carpenter
Safety Committee	Chris Coelho
40R Smart Growth Zoning Committee	Joe Queiroga
Community Preservation Committee	Ray Phoenix
Capital Planning Committee	Joshua Carpenter
Long Range Planning Committee	Joel Silva
PVPC Alternate Member	Joel Silva
PVPC Commissioner Member	Ray Phoenix
Fair Housing Committee	Joshua Carpenter

Payroll/AP Designation Form

Mr. Carpenter: Mr. Chairman, I make a **MOTION** to designate Doug Stefancik as the Payroll and A/P designee for the Planning Board.
SECOND Mr. Coelho.
5-0 in Favor.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2 41
TOWN OF LUDLOW

Violations at 4-8 White Street *(Mail Item #25 included)*
Mail Item #25 - Notice of Violations re: 4-8 White Street from Leslie D. Ward, Building Commissioner/Zoning Enforcement Officer, Department of Inspectional Services

Mr. Phoenix explained that there have been issues at the site in the past with non-compliance of a refrigerated truck being located at the property, and that the owner ended up closing the produce business. He said that more recently they had remodeled Unit #8 with tables, chairs, etc. and that cars have been filling the parking lot at night. Mr. Phoenix also noted that the new tenant has settled in without any permitting from the Planning Board. He commented that he sent a written formal complaint to the Building Commissioner which in response she has issued a cease and desist, and that all activity seems to have ceased. Mr. Stefancik said that all of the Town Departments were informed for any required permitting needed.

Town maintaining detention basins & lighting

Mr. Phoenix read the letter from Marissa A. Komack, Esq. asking that the town take over the street lighting and to transfer the stormwater parcel on Maria's Way in exchange for the money currently being held in escrow by the town. Mr. Stefancik said that Selectmen would like to know if the Planning Board supports the town taking back maintenance responsibility for the lights and stormwater basin.

Mr. Phoenix: I'll entertain a MOTION to inform the Town Administrator that the Planning Board would recommend against this course of action at this time.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
5-0 in Favor.

Documents included: Email from Marc Strange to Doug Stefancik Re: Avelino Way (March 27, 2023); Email to Douglas Stefancik from Marissa A. Komack, Esq RE: Ludlow (April 3, 2023)

Mr. Phoenix mentioned that the traffic changes at Harris Brook have gone into effect and that he still sees some areas that could be improved upon. He talked about the problems with the bus company being unreliable and said that he will keep an eye on the situation.

File Mail Item #21 – Reorganizations of Town Boards

File Mail Item #22 – Legal Notice – Ludlow Zoning Board of Appeals – 1211 Lyon Street

---

File Mail Item #23 – Violation letter from Ludlow Board of Health re: 147 Church Street

---

Mail Item #24 – Demolition of Ludlow Mills eight-story stock house building from Historical Commission

RECEIVED
2023 MAY 12 P 2:50
TOWN OF LUDLOW
CLERK'S OFFICE

Mr. Carpenter: I make a **MOTION** to extend that we have no issues with the demolition.
SECOND Mr. Coelho.
5-0 in Favor.

Mail Item #25 - Notice of Violations re: 4-8 White Street from Leslie D. Ward, Building Commissioner/Zoning Enforcement Officer, Department of Inspectional Services

Mr. Phoenix continued to read the mail item that was included in the above discussion.

Mr. Carpenter: **MOTION** to adjourn.
SECOND Mr. Coelho.
Mr. Phoenix: Those are, strangely enough, always in order and not debatable.
5-0 in Favor.

Meeting adjourned at 9:16 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

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

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:4
TOWN OF LUDLOW

TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – ZONE CHANGE
0 Russell Street – Manuel D. Silva & Joao Silva
(Residential B to Industrial A)
April 13, 2023

PLANNING BOARD MEMBERS

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

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

The public hearing was continued from March 9, 2023.

The hearing began at 7:13 p.m. in the Selectmen's Conference Room.

In attendance: Manny Silva, attendees

Mr. Phoenix: (*Advised the public that the cameras were recording.*) We do have a piece of correspondence that has come back to us. We had kind of left off last time saying that we were looking for opinion from town counsel who we do have on the line as well. I'm hesitant to ask a lawyer to take an opinion and make it shorter, but I believe the gist of it, correct me if I'm wrong, is that this would not qualify as spot zoning, that that's not really, spot zoning is not really what most people would take it to be. Is that correct?

Atty. Winner: That's the long and short of it. --- and I know that you just said that it's hard to make a lawyer make things brief, and here I am extending it. Again, but it's something the court has to determine after reviewing all the facts and circumstances. There's no sort of automatic, you know, this is spot zoning or contract zoning, it requires a trial and its fact sensitive. So, if the zoning has a valid public purpose that the product of valid planning, then it's very likely to survive. And so that's usually why the overwhelming majority of the cases when someone challenges a zoning revision, they fall off. Because most of the time we're going to be able point to valid planning concerns and valid public benefits. And so, the only time when we would lose, is if 100% of the benefits are for private developer and there's absolutely no community benefit and it's completely inconsistent with all your planning goals. That would be a bad case for it. Anything else would be a good case. So that's the long and short.

Mr. Phoenix: So not to put too fine a point on it, but many, many moons ago when I first joined the Planning Board, the rule of thumb that I was told, back, back in those dark ages, was five acres or contiguous with other property that's of the zoning that you're switching to. So that was not really an accurate reflection of what the law says and what case law is. Is that correct?

Atty. Winner: Well, you can characterize it as kind of a rule of thumb, and that's a fine rule of thumb, it's just not, it's not a one or a zero.

Mr. Phoenix: Ok.

Atty. Winner: So, a court wouldn't just look at it and say well, it's five acres and it abuts similarly situated land, end of the case. You know, it's a multi factored text. So, that's certainly a valid tool to kind of do a sanity check on it, but there's more to it than that.

Mr. Phoenix: Ok. Thank you. So, I think that catches us up with new things. We do have a copy of the letter from town counsel as well as some pronounce of the case law that's involved in this, in case anyone's interested in that. We can certainly make those available. They're part of the public record at the moment, but they will also be part of what we have for this meeting as well by reference. But as I've said, we've kind of synopsized what's in here, I think, pretty well. With that, I guess the place I'd like to start, does the Board have anything new that they would like to add or ask about this particular matter.

Mr. Joel Silva: Nothing.

Mr. Carpenter: Nope.

Mr. Phoenix: Hearing nothing from the Board, would the applicant have anything they would like to add or ask?

Mr. Manny Silva: I just want to say one thing. Mr. Silva is not related. That I do want to say, and I always say it's pretty hard to come to Ludlow and not have somebody on the opposite side with the same name. But we are not related, actually I saw him the last time and first time, and I knew he was running, and I was wondering who is Joel Silva? Now I know who he is, and we're not related. The other thing, I think the lawyer summed it up pretty good. Is it beneficial? Obviously. We have a piece of land that's really doing nothing. You could potentially get some income out of it, you know, some good taxes and I don't think it's that detrimental. I don't know if there's any more neighbors, Mr. Mosca, right?

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:04
TOWN OF LUDLOW

Mr. Mosca: That's correct.

Mr. Manny Silva: Was, is here. I don't know if he's the only one that's here for the parcel. I know last meeting he was the only one. So, if it was really something that was, you know, flagrant, I think we'd probably have a lot of comments from the neighbors, but that's about it.

Mr. Phoenix: I think, I guess, you bring up a good point. Because we did have the prior session just to kind of go over this a little bit again. Part of what we talked about was other uses that have been contemplated for the site, what can be done under existing zoning and whether we think that the proposed zoning would end up creating a situation that's better or worse for the neighborhood. I believe some of the discussion was specifically about the type of foot traffic and what might be generated, people trying to walk back and forth between residential property there and Cumby's without really having the benefit of sidewalks and all that sort of thing in there especially given the nature of that area, how high traffic it is, how dangerous it is, whether it would make more sense to have commercial or residential in there. I think that was a big part of what we talked about last time. So, if anybody has anything new on that either, we can certainly talk about that. But, if we're satisfied for the moment anyway on this side of the table, unless you have something else you'd like to add, I'm gonna open it up to the public. So again, I think you know the way we run things. You just need to state your name and address for the record so we can keep all that straight.

Mr. Mosca: ---

Mr. Phoenix: Certainly. And I would ask, just since, you know, this is a continuation, as much as possible if we can stick to new items and not retread old ground more than we actually need to.

Mr. Mosca: Sure, not a problem. My name is Guido Mosca. I am the abutter directly across the street from the proposed project. I didn't hear the attorney's name over the phone. I also am a property owner and am an attorney. I've been an attorney in Massachusetts for 43 years. I have done my own research on this, and you should know that at the prior hearing, no showings made by the petitioner that it would be in the public health safety morals or general welfare to allow the zone change. And it's not commercial, he's asking for industrial. You mentioned commercial before. He's asking for ---.

RECEIVED
2023 MAY 12 P 2:40
TOWN OF LUDLOW

Mr. Phoenix: We don't have a commercial zoning, we have business, we have industrial. Either business or industrial could be interpreted as a type of commercial. There is no commercial specifically in Ludlow.

Mr. Mosca: Now, since no showing was made as to the intended use that he intended to make of the property, and I asked specifically at the last hearing, what do you intend to do, and there was no answer from the petitioner. He is not presenting a showing of how it would be in the public health safety morals or welfare of the public. Let me point out something else to you. The Town of Ludlow has a master plan. The master plan says nothing about creating new industrial areas in the Town of Ludlow. The master plan has industrial areas, and it shows expansions in the future of those industrial areas which are all adjacent to existing industrial areas. It's a fact that Russell Street, Shawinigan Drive, there's absolutely, it's all residential. There are 46 residential properties from Russell Street all the way to the closest industrial area which is a mile and a half. So, this is clearly a residential area. As far as planning, the lawyer did say that if it's consistent with planning, well the planning in the master plan doesn't call for the creation of new industrial zones and doesn't call for the creation of a new industrial zone on Russell Street at Shawinigan Drive. So, his request is not consistent with the planning, number one, number two, he has not stated what he intends to do. So, how can this board make a determination of well, it's consistent with the public health safety morals and general welfare on the basis of something that he has not stated? The fact that he's going to pay taxes, he's paying taxes now as every property owner has, and what the lawyer may not know, he filed years ago to build 15 units apartments there which then he never did. That was up to him. But the basis is not there to make a determination, and in my opinion, and I have done two or three weeks of legal verse research on this, there are a number of cases which have been, the changes have been declared invalid. Now the lawyer, could I have your name sir, please, over the phone?

Mr. Phoenix: Counsel, Attorney Winner, the gentleman's asking for your name please?

Mr. Winner: It's Brian Winner, Mead, Talerman & Costa, 730 Main Street, Millis Massachusetts.

Mr. Mosca: How do you spell your last name?

Mr. Winner: Like it sounds, Winner.

Mr. Mosca: Ok. Well, what I have here is I have, you're probably familiar with it, the handbook of Massachusetts Land Use and Planning Law, Bobrowski, Section 308, and specifically Spot Zoning, Section C, and I can provide a copy of this, I've highlighted it, I can provide a copy to the board. There are, let's see, let me count them, just for a second. One, invalid, no change in area, failure to plan, which is what I was referring to, and his property is the same like all the other residential properties. Two, invalid, citing indistinguishable from surrounding land, which is the case. Three, invalid, singled out from adjacent lots. Four, invalid, lots not distinguishable from area. Five, invalid, benefits owner, which is what this individual is trying to do. Six, invalid, lots singled out. Seven, invalid, lot indistinguishable. Eight, invalid, no change in area. Nine, invalid, lots not distinguishable. Ten, invalid, no change in area. Eleven, invalid, rezoned island in a sea of industry. Twelve, invalid, lots singled out. Thirteen, invalid, lots singled out. Fourteen, invalid, lots singled out. So, I've cited, and it's in this text, Bobrowski, fourteen cases where they were declared invalid. So, it is not as rare and uncommon to have these invalid.

Mr. Phoenix: Ok, I would say first of all, no change in area and some of those other synopses that you gave are, they don't make any sense because generally zone changes don't involve a change in area. Also, you talked about benefit to the property owner, I would submit to you that there is no zone change somebody is gonna go through the bother of submitting unless they're gonna get a benefit of doing it. So, every zone change that comes in, the property owner is looking for some kind of benefit, large, small, or what have you. The only way it's not to the property owner's benefit, is if it's something that we're looking to do against what they want to have happen. So, as our attorney already said, the question is, is it solely for the benefit of the applicant or is there some benefit to the town, and I believe we discussed that last week. And again, I did ask toward the beginning of you speaking, that we try and move forward and not go back and talk about the same things we already did.

Mr. Mosca: Well, the lawyer wasn't present last time. And so back to my point, how can you determine anything when he is not stating what he intends to use? How can you make?

Mr. Phoenix: Because that's how zone changes work. We're here to determine what the zoning would be appropriate for that parcel regardless of what the use is going to be because as you saw, we had a plan that came in years ago that was gonna be for residential units, then that didn't end up coming to fruition, so now there's a different plan. The same thing could happen whether it gets rezoned or not. Another plan could come in and then that doesn't work out and something changes or it gets built and something happens and they decide they want to do something else. The zoning isn't for whatever is going to be put there now. The zoning is for what's going to be there rolling forward. So, when we look at the zone change, we're not looking at a specific use as presented by the applicant, we are looking at what would be appropriate in that area given what we have in front of us.

Mr. Mosca: May I respond? As the lawyer will tell you, every case that discusses spot zoning, the court had before it what the intended use was. There is not a single case where it is just the generic, well it's residential and now I want industrial. In every single court case, and I believe the lawyer over the phone will confirm it because he's read these cases, the court considers and sees what the intended use was. This is the Table of Uses for the Town of Ludlow. I have added up all the possible uses under Industrial, they are 57. You can, in my view, you cannot establish or permit this without knowing what he intends to do on the property and say we're gonna give you the industrial change and you can do any of the 57 uses. What is the distinction here that I think you're not making? And the issue has been raised of spot zoning, which I raised at the last hearing, it is no longer just, well it's a zone change from residential to industrial. But you have

to look into the facts to see if what the individual intends to do would in fact, A. be public health safety morals and general welfare of the Town of Ludlow showing no determination from the board that that's what he intends to do and that's the criteria that the court uses.

Mr. Phoenix: On the contrary, I think we specifically discussed that at the last hearing, and again, even if he makes a presentation today by saying I have a fully built out site plan, this is what I plan to put there as soon as this gets approved, even if he builds that, there's nothing that would stop him from a week later tearing the whole thing down and giving us a new site plan for something else. So, for us to say we're going to approve it because he's telling us he's gonna do this, he could, at some expense to himself possibly, end up going through with that and show look I did build that, but essentially a long run bait and switch for something else. So, we don't look at one specific proposal, we look at zoning versus the zoning.

Mr. Mosca: Ok, let me give you two examples of what would be considered not spot zoning: A petition to change a piece of property which has historical building on it, that would be ok to change the zoning; or if you want to do low-income housing, that satisfies the requirement public health safety etcetera. But whatever he intends to do, which no one knows because it's not been addressed here at the public hearing, does not qualify and satisfy the requirements. My opinion is that it would be, it would have no substantial relation to the public health safety and morals and general welfare if the board does not know what he intends to do. There are 57 uses that he can do. If you grant this to him, he can go through the 57, I'll do this and I'll do that, and none of these, many of these don't have anything to do with public health safety or welfare.

Mr. Phoenix: Again, I'm gonna say this, I think for the last time before I have to cut you off unfortunately since we are already over time on this, we discussed that during the last session of this public hearing and I understand that you're opinion is different from what was discussed during the last session, you're certainly entitled to your opinion, and this board may or may not feel differently after hearing other things this week, but we already did discuss that and I think what we talked about was the cost versus benefit of having up to 15 or what arbitrary number of residential units of possibly families with small children who are gonna walk down the street to Cumby's versus a number of businesses where people are gonna pull in and pull out. And I think we did discuss, and I think you'll remember, that we did discuss that during the last session, so if you have something new I would certainly welcome you to bring that up, but if we're just gonna be going back and talking about things that we already talked about, I am gonna have to ask if anyone else in the room has something that they would like to bring up. So, do you have something new at this time, sir?

Mr. Mosca: No, the only point I have to add, is how can you make that determination if you don't know how he intends to use it for? You're saying some business, but you don't know what?

Mr. Phoenix: Thank you for your opinion, sir. Does anyone else in the room have anything that they would like to add or ask at this time? Hearing nothing from anyone, I'm gonna ask one more time for any comments or questions from this side of the table.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I've been torn up over this for the last two weeks.

Mr. Phoenix: Is that a motion?

Mr. Coelho: No. And I just want us to consider the change from residential to industrial. We already have one pile of dirt coming into this town on a property that was already zoned industrial to begin with, that didn't go through this process. I don't want more piles of dirt coming into the town. So, I would not, I'd be more inclined to go to a business zoning than an industrial because of the variability in what can go there, and because we don't know what the intended plan is. And I'm just looking at it completely pragmatic. I just don't want another pile of dirt when you come into this town.

Mr. Phoenix: So, you're thinking mainly along the lines of aesthetics?

Mr. Coelho: Yeah, aesthetics and it is all residential over there.

Mr. Phoenix: I mean, I would submit that having ---

Mr. Coelho: I think there's too much variability in industrial.

Mr. Phoenix: --- is a problem already.

Mr. Coelho: There's too much variability in industrial. Like I said, it could be something really low impact which would be great, but on the flip side of that, it could be a rock crusher, you know? And we've had that problem in other areas with mixed zoning that were problematic because the zoning already existed that way, not because we changed it into that. So, that's the problems that I've been having for the last two weeks thinking about this.

Mr. Phoenix: So, it's not just the aesthetics, it's also just in general considering the abutting residential, is that?

Mr. Coelho: Yeah, for sure.

Mr. Phoenix: So, you're worried about having the industrial directly abutting?

Mr. Coelho: Yeah, because it could be such a high impact use that it would be chaotic for the residents. And again, we're not requiring that we know what goes on, what's gonna be planned there, but maybe if we did know it would be easier for me to vote to change it. You know, again, having a pile of dirt at the entrance of town, although would be an acceptable use under industrial, I don't think it helps anybody.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 3:03
TOWN OF LUDLOW

Mr. Phoenix: I'm gonna ask one more time for comments or questions from this side of the table before I share what I'm thinking. Does anybody else have anything?

Mr. Joel Silva: I agree with Chris.

Mr. Phoenix: Hearing nothing beyond Joel's addition down there, I would say honestly, I'm kind of, of the same mindset. I think I would be more ok with business than industrial. Business and residential tend to be much better neighbors than industrial and residential. I still think there might be an argument and probably a valid one that the industrial might still be better for that neighborhood especially for safety concerns than residential in that area. I just, I still, it's

difficult for me to picture that getting built as residential, I think is what it comes down to. Given the tragedy that's already happened over there, I just, I have, it gives me nightmares.

Mr. Coelho: Now that's something I can buy.

Mr. Phoenix: The question that I'm having honestly, really comes down to, do we go for the industrial to have a potential safety benefit over the residential that it currently is or do we try and push back and see if we can get it to become business which we think would be an even better usage than what's being proposed by the applicant? And that's really where, do we take what's being presented that I think is already some benefit, or do we try and push for a bigger one?

Mr. Coelho: So, if we pass it, or if we recommend approval as industrial and it gets changed to industrial, what kind of control do we have to what's gonna be put there?

Mr. Phoenix: Not much.

Mr. Coelho: Yeah, right.

Mr. Phoenix: That's why I think there is a benefit to having it be Business A or Business B instead of Industrial. Unfortunately, that's just not what we have in front of us. We don't have a menu to select off of here. It's, do we recommend yes or no at town meeting.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 2 P 2:40
TOWN CLERK

Mr. Queiroga: Do you have any comments?

Mr. Manny Silva: I do. I could've easily, I came in here just straight out told you that this is just gonna, we're gonna try to do an industrial because there's a lot more businesses that can come in. The parcel is not that buildable. There's quite a, at least half of it is useless. It's swampland. So, it's not gonna be a major, major thing. It's probably gonna be a small thing, probably gonna be one, even two would be difficult, very difficult. So, it's gonna be one. I could come in and tell you find the easiest industrial, the most beneficial and give you that and say, hey I'm gonna put a small office there, it's gonna be quiet, it's gonna be this, and then it gets passed down the road, town meeting passes it, and then I say, you know what, I got somebody that wants to do this and it's gonna happen. You know, I'm not restricted to do it. Do I have something right day today that's going in there? I don't think so. I do have an auto business. Maybe I put a garage there with a little bit of autos, maybe. Certainly, I'm gonna do something because as you all know, land these days you can't keep. It just keeps digging into your pockets and into your pockets in taxes and whatnot. I firmly believe that it's gonna, we're gonna generate probably, you know, ten to fifteen thousand dollars in taxes where in residential you might generate a little more, but also --- the schools ---. So, it's like one hand washes the other quite honestly. It's like this is better, this is not. So, I just think there's a better fit to having industrial. Am I benefitting on it? I really can't say yes or no. I don't know what that parcel's gonna bring if I sell it versus trying to sell it as residential. I tried for several years as residential and didn't get very many bites. Will I as an industrial? Maybe a little. But as far as benefit, it's not like I'm gonna make all kinds of money, it's just not happening.

Mr. Phoenix: Just by way of housekeeping, we did have a couple new people walk in. I suspect they're not here for this particular matter since they came in toward the end of our discussion, but just to keep us honest. I just want to ask if you have anything that you'd like to add or ask and let you know we do have cameras and mikes running in the room. Thank you. So, I guess at

this point, we've had a fair amount of discussion. I don't think I'm hearing much else being brought up we haven't already discussed. So, I think the next order of business would be to have a motion on what recommendation we're going to make to town meeting.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

Mr. Carpenter: I **MOVE** to recommend approval to town meeting for the zone change at 0 Russell Street from Residential B to Industrial A because it is in the best interest of the town, is consistent with any master plan of the town, and is not spot zoning.
SECOND Mr. Queiroga.

Mr. Phoenix: Motion's been made and seconded. Just for discussion, I don't know about the master plan piece specifically, but would you be agreeable to just striking that particular piece because I don't know that the master plan speaks in favor or in opposition to this particular proposal.

Mr. Carpenter: I can rescind my motion and create a new one if you would like.

Mr. Phoenix: Is the second agreeable to that?

Mr. Queiroga: Yes.

Mr. Carpenter: Mr. Chairman, I rescind my motion and make a new **MOTION** to recommend approval to town meeting of the zone change located at 0 Russell Street from Residential B to Industrial A because it is in the best interest of the town and is not spot zoning.
SECOND Mr. Queiroga.
5-0 in Favor.

Mr. Phoenix: Is there a motion to close the public hearing?

Mr. Carpenter: **MOTION** to close the public hearing.
SECOND Mr. Coelho.
5-0 in Favor.

The public hearing was closed at 7:41 p.m.

APPROVED:

Joseph Queiroga, Secretary
su

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:41
TOWN OF LUDLOW

Documents: Master application; Assessors' Map 1A; Letter from Marc Strange, Town Administrator re: receipt of petition for zone change (February 8, 2023); Email from Brian Winner to Douglas Stefancik re: Spot Zoning (April 11, 2023); Case Law: McLean Hosp. Corp. v. Town of Belmont, 56 Mass.App.Ct. 540 (2022), Durand v. IDC Bellingham, LLC, 440 Mass. 45 (2003)

(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
103 Jerad Drive – Evan Wurszt
(office for landscaping business)
April 13, 2023

PLANNING BOARD MEMBERS

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

The hearing began at 7:45 p.m. in the Selectmen's Conference Room.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

In attendance: Evan Wurszt, attendees

Mr. Phoenix read the legal notice, advised the public that the cameras are recording, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: office for landscaping business.

Mr. Phoenix: I would suspect, without flipping through here too much, we don't have anything typically from other town departments on home occupations and that appears to be the case this time as well. So, to kind of catch us up here, looking at the application we do have special permit home occ. The detailed description is 3 bedroom, 2 ½ bathroom single family home with 1.05 acres of land that the home sits on, office for landscaping business. We have the certificate of ownership and authority has been signed and the home occupation supplementary sheet has been filled out. The answers on this one are: 2,310 for square feet, total 25 for what's gonna be in connection with the business; no non-resident employees as well as no to any planned signage for the business; customers at the house; deliveries unlike those of a normal residence or changes to the site that would make it look less residential. As far as vehicle to be used in connection with the business, won't be at the property, equipment stored elsewhere. And we do have a signed request for the waiver of the full site plan in favor of sketch and photos as prepared by the applicant which I'm sure are enclosed somewhere in the packet for anyone that needs to see them. I think I can see it through this sheet of paper already. Looks strikingly like a desk. It's a desk. So, that's what I have to read through. Would you care to explain what you're looking to do at the property?

Mr. Wurszt: I'm just looking to use it as an office, have my bills sent there and receive checks through there. As I said, I keep all my equipment, do all my maintenance and everything like that, elsewhere, so I won't be bringing like that to the home residence.

Mr. Phoenix: Ok and as we already went through, no non-resident employees, any of that stuff, no signage or really anything that's gonna make it look less like a regular residence?

Mr. Wurszt: Correct.

Mr. Phoenix: Realistically just that desk and a mailing address for the business.

Mr. Wurszt: Yup, that's it.

Mr. Phoenix: And I believe you've already seen the two, they're essentially like checklists that we have, 1-13 and a-m as far as special permit and home occupation criteria that you are gonna be agreeing to operate by that are all kinds of fun things about storage of buoyant materials and all that stuff.

Mr. Wurszt: Yup.

Mr. Phoenix: I believe you've seen those. You're aware of all those conditions that we do include on the home occupation special permits, correct?

Mr. Wurszt: Yes.

Mr. Phoenix: With that, is there anything from the board at this time? Hearing nothing, I suppose the first thing I'd like to do is just make the finding and handle the waiver, and then we can open up for public comment and go from there.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the office business as proposed by the applicant, Evan Wurszt, 103 Jerad Drive is a suitable home occupation under the bylaw.
SECOND Mr. Queiroga.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: Is there a motion on the waiver request of a full site plan in favor of sketch and photos as presented?

Mr. Carpenter: I **MOVE** to waive the full site plan in favor of sketch in the standard form.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

RECEIVED
2023 MAY 12 P 2:57
TOWN CLERK'S OFFICE
TOWN OF LUNENBURG

Mr. Phoenix: So that's the first couple things for housekeeping that it does fall under this category of procedure, and that you don't have to do a full site plan with the pins and all that stuff called out because it's not really necessary if you're still gonna be having it be residential.

Mr. Wurszt: Ok.

Mr. Phoenix: With that done, unless somebody else from this side of the table has something to bring up, I'd like to ask the audience if you have any comments or questions at this time, this would be a good point to bring them up. I would just ask that you state your name and address

for the record so we can keep everything straight in the minutes. Does anyone have anything? Hearing nothing, I'm gonna ask for a motion from the Board.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to approve the special permit under 7.0.4 a-m and the home occupation under Section 6.2.1-6.2.13 for Mr. Evan Wurszt at 103 Jerad Drive with the restriction that this permit will run with the applicant and not with the property.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: Is there a motion to close this public hearing?

Mr. Carpenter: **MOTION** to close the public hearing.
SECOND Mr. Queiroga.
5-0 in Favor.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

The public hearing ended at 7:52 p.m.

APPROVED:

Joseph Queiroga, 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
121 Arnold Street – Crystal & David Williams
(real estate/land transactions, advertising,
lead generation, marketing, online sales of goods)
April 13, 2023

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

The hearing began at 7:54 p.m. in the Selectmen's Conference Room.

In attendance: Crystal Williams, David Williams, attendees

Mr. Phoenix read the legal notice, advised the public that the cameras are recording, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: real estate/land transactions, advertising, lead generation, marketing, online sales of goods.

Mr. Phoenix: Kind of just doing the highlights of the application. The description is to conduct real estate/land transactions, advertising, lead generation, marketing, online sales of goods. Sounds very, very familiar after reading through the legal notice. And as far as the home occupation sheet, we have total square footage is 1,723. They're looking to use 45. No non-resident employees as well as no to planned signage, customers at the house, deliveries unlike those of a normal residence, or any changes that make it look less residential. And as far as commercial vehicles, just our own personal vehicles, approximately 2,000 pounds. And we do have a signed waiver request of the full plan in favor of a sketch and photos with a parenthetical that we already have home office approval for another office business. So, that's kind of where we're at with paperwork on this side. Would you care to just explain what you're looking to do?

Mr. Williams: Yeah, just basically what you just said. We're gonna be doing real estate transactions for land and real, real estate. We'll do lead generation and marketing, online sales, stuff of that nature. There's no, like, goods that'll be coming to the house and, you know, resending it out at the house or anything. There's not gonna be any additional traffic or anything like that. Basically, it's like the same thing that we're doing with our other business, nobody even knows that we're doing it. We go to other places to conduct that business, and with this one here, everything's gonna pretty much be through the internet.

Mr. Phoenix: And I believe I saw you did sign off on the two 13-point checklists that we have as far as making sure you're storing your buoyant materials properly and all that other fun stuff, correct? Ok. And do we have any comments or questions from the Board at this time?

Mr. Queiroga: No employees, right?

Mr. Williams: No sir, just me and my wife.

Mr. Phoenix: Hearing nothing else from the Board at the moment, I will open it up to the public. If anyone does have anything they'd like to add or ask, I would ask that they state their name and address for the record so we can keep everything straight in the minutes. Does anyone have anything at this time? Hearing nothing, unless the Board would like to have anything to add beyond this, I would ask for, to begin with, a finding, and then potentially a waiver and then go from there.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: **I MOVE** to find that the special permit home occupation for Crystal and David Williams at 121 Arnold Street for real estate land transactions, advertising, lead generation, marketing, and online sales of goods business is a suitable home occupation under the bylaw, and additionally, I would add to that to waive the full site plan in favor of a sketch and photos as prepared by the applicant since this is in relation to a home occupation and not doing so is consistent with the purpose and intent of the zoning bylaw.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Coelho – yes; Mr. Carpenter – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: Is there a motion on the actual application itself?

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the special permit in the standard form.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: Is there a motion to close the public hearing?

Mr. Carpenter: **MOTION** to close the public hearing.
SECOND Mr. Coelho.
5-0 in Favor.

The public hearing ended at 7:59 p.m.

APPROVED:

Joseph Queiroga, Secretary

SLV

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:41
TOWN OF LUDLOW

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 – PROPOSED ZONING BYLAW AMENDMENTS
Town of Ludlow Planning Board
(SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES add to land use classification "Self-Service Storage Facilities" in the BUSINESS USES row. SECTION VI: SPECIAL LAND USE REGULATIONS. 6.4 Parking Requirements Section. 6.4.2. Parking Guidelines by adding the following: Self-Service Storage Facility: 1 parking space for each 2,000 square feet of gross floor area. SECTION X: DEFINITIONS add SELF-SERVICE STORAGE FACILITIES)
April 13, 2023

PLANNING BOARD MEMBERS

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

The hearing began at 8:00 p.m. in the Selectmen's Conference Room.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

In attendance: Attendees

Mr. Phoenix read the legal notice and advised the public that the cameras are recording. The legal notice included the description of: (SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES add to land use classification "Self-Service Storage Facilities" in the BUSINESS USES row. SECTION VI: SPECIAL LAND USE REGULATIONS. 6.4 Parking Requirements Section. 6.4.2. Parking Guidelines by adding the following: Self-Service Storage Facility: 1 parking space for each 2,000 square feet of gross floor area. SECTION X: DEFINITIONS add SELF-SERVICE STORAGE FACILITIES).

Mr. Phoenix: So, as I read, this is the Bylaw changes that we're looking at in relation to self-service storage facilities. Sally sells seashells by the seashore. There are three, I believe, articles relative to this, it looks right, one, two, three, yup. Unless anybody feels we should do otherwise, let's just take them as they come. First one:

ARTICLE: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, SECTION III. GENERAL USE REGULATIONS, **Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES, LAND USE CLASSIFICATION/BUSINESS USES** by adding **SELF-SERVICE STORAGE FACILITIES** by site plan (SPA) and special permit (SPPB) approval from the Planning Board **in Industrial A and Industrial C by site plan approval from the Administrative Review Committee (ASPA) in the and the Mill Redevelopment District and to amend Table 1 to reflect this change, as follows:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD

BUSINESS USES											
SELF-SERVICE STORAGE FACILITIES		N	N	N	N	N	N	N	SPA/ SPPB	SPA/ SPPB	ASPA

Reasoning: Self–Service Storage Facilities would be allowed through site plan approval and special permit in Industrial A and Industrial C and by site plan approval from the Administrative Review Committee (ASPA) in the Mill Redevelopment District.

Mr. Phoenix: That doesn't seem like reasoning, that seems like an explanation of what I just said. Maybe that's just me. Any comments or questions from the Board on that particular one? So, I would ask to have that reasoning cleaned up if possible. I don't believe that's been submitted yet, has it?

Mr. Stefancik: No, not the reasoning.

Mr. Phoenix: Can we just touch that up a bit?

Mr. Stefancik: Yeah, fix that.

Mr. Phoenix: The actual meat and potatoes of the article though, would anyone care to make a motion on that one for town meeting?

Mr. Carpenter: Mr. Chairman, I **MOVE** to recommend approval to town meeting for the proposed bylaw change.
SECOND Mr. Queiroga.
4-1 in Favor. (Mr. Coelho)

Mr. Phoenix: Then the next one. Did you want me to go back? Did you have something to discuss on it? I don't want you to feel like.

Mr. Coelho: No. If I want to talk, I talk.

Mr. Phoenix: I figure you do, but I just want to make sure. I'm explicitly inviting you.

Mr. Coelho: Well, I appreciate that Mr. Chairman.

Mr. Phoenix: I don't want anybody saying I shortchanged you later on.

Mr. Coelho: No.

Mr. Phoenix: *(read the article)*

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:41
TOWN OF LUDLOW

ARTICLE: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION VI: Special Land Use Regulations. Section 6.4 Parking Requirements Section 6.4.2 Parking Guidelines, by adding the following:**

Self-Service Storage Facility: 1 parking space for each 2,000 square feet of gross-floor area.

Reasoning: Parking requirements for self-storage units need to be stated in the zoning bylaw.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

Mr. Phoenix: Anything on this one?

Mr. Carpenter: I just think we should go like you said with the last article, and call it self service storage units.

Mr. Phoenix: And I realized I'm also doing a disservice because I'm making a terrible assumption. Does anyone in the room have anything to add or ask on either of these?

Mr. Carpenter: Mr. Chairman?

Mr. Phoenix: Mr. Carpenter.

Mr. Carpenter: Hearing nothing, I **MOVE** to recommend approval to town meeting for the proposed bylaw change.
SECOND Mr. Queiroga.
4-1 in Favor. (Mr. Coelho)

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

Mr. Phoenix: And on the last one:

ARTICLE: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION X: DEFINITIONS by adding SELF-SERVICE STORAGE FACILITIES: 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.**

Reasoning: Currently there is no definition for Self-Service Storage Facilities and there should be with the Land Use Classification.

Pass any vote or take any action relative thereto. Submitted by the Planning Board.

Mr. Phoenix: Anything from the Board on that one? Anything from the public on that one?

Mr. Carpenter: Mr. Chairman, I **MOVE** to recommend approval to town meeting of the proposed bylaw change.
SECOND Mr. Coelho.
4-1 in Favor. (Mr. Coelho)

Mr. Phoenix: Is there a motion to close the public hearing?

Mr. Carpenter: **MOTION** to close the public hearing.
SECOND Mr. Queiroga.
5-0 in Favor.

The public hearing ended at 8:08 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:41
TOWN OF LUDLOW

Documents: Draft Zoning Bylaw Changes May 2023 Town Meeting

(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 / ESTATE LOT
415 Holyoke Street – Robert D. Bourdeau II
(2 estate lots)
April 13, 2023

PLANNING BOARD MEMBERS

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

The hearing began at 8:12 p.m. in the Selectmen's Conference Room.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

In attendance: Robert Bourdeau, attendees

Mr. Phoenix read the legal notice, advised the public that the cameras are recording, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: 2 estate lots.

Mr. Phoenix: So, I did pass around a couple copies of the plan. We do also have that up on the big screen over there for people that can't see that. Just to run through what I've received for comments. First off, there's a copy for you. From our own office, Doug took a look and I have in red highlighted in yellow, site plan meets all the requirements for two estate lots. I think the next step is putting in italics and bolding it too so I really can't miss it. Fire Department, we have *(no comments – see file)*. From the Assessors we have n/a. From the Department of Public Works, no comments. And from ConsCom, any buildings on the lots will require filing with Conservation Commission. Not sure if you were already aware of that, but that tends to happen when you got a whole bunch of water running through the back of the property. And I think that's about it for what I have on this side. If you would, just explain for us what you're looking to do.

Mr. Bourdeau: I'm looking to split off the parcel into three, maintain the house, and sell, I'm gonna end up selling off the two lots in the rear. I'm not building on them myself.

Mr. Phoenix: This looks like this is still the ANR in front of me. Do we have different ones?

Mr. Silva: ---

Mr. Phoenix: Ok, just checking. Ok, so that's what we're looking to do, just a couple estate lots. As we mentioned, we were just looking at the ANR a couple minutes ago. You do have the setback lines and all those things shown on the plan as submitted. Any comments or questions from the Board?

Mr. Coelho: I just have a question as to what the process is. Why do we have to do this as a special permit? Is that…

Mr. Phoenix: 'Cause it's an estate lot.

Mr. Coelho: And that's the only reason?

Mr. Phoenix: Estate lots, flag lots, whatever we want to call them, they require a special permit 'cause they don't have their frontage at the roadway and at the setback line.

Mr. Coelho: Ok. That being said, are we gonna need to open that up to the public?

Mr. Phoenix: Yeah.

Mr. Coelho: Ok. I have no questions. I just didn't understand the redundancy, but it's government.

Mr. Phoenix: That's what we do. So, with that, anything from the public at this time? If you do have something, please state your name and address for the record so we can keep the records straight in the minutes. Hearing a deafening nothing, is there a motion on the matter?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to approve the special permit for Mr. Robert Bourdeau II of 415 Holyoke Street under 7.0.4 a-m with the condition that the special permit will run with the property and not with the applicant.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Carpenter: Mr. Chairman, **MOTION** to close the public hearing.
SECOND Mr. Coelho.
5-0 in Favor.

The public hearing ended at 8:17 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:41
TOWN OF LUDLOW

Documents: Master application; Comments from Town Boards/Departments; Plan of Division of Land – Ludlow, MA – Owned by Robert Bourdeau (February 28, 2023)

(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
198 Stivens Terrace – Joaquim & Ana Borges
(office for landscaping & construction business)
April 13, 2023

PLANNING BOARD MEMBERS

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

The hearing began at 8:19 p.m. in the Selectmen's Conference Room.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

In attendance: Joaquim Borges, Ana Borges, attendees

Mr. Phoenix read the legal notice, advised the public that the cameras are recording and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: office for landscaping & construction business.

Mr. Phoenix: I don't believe we have anything from other boards or committees, but I do have the sheet here for home occupation. I think that's just --- first. I'm gonna just ask you to initial my little arrow that I put in there because the two lines are total area of the home and the area to be used, looks like those are just put on opposite lines. Can you just initial next that little arrow for me please? Thank you. So, we have the total area of the home and other buildings used is 2,448, and the area that they are using is 40. Zero non-resident employees. As far as signage, customers at the house, deliveries unlike a normal residence or changes that make it look less residential, none of that. No commercial vehicle. And we do have the waiver request signed. So, the first thing that I would like to ask is if we could just do the finding and handle the waiver and then we can go into comments, questions, etcetera, etcetera, etcetera.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

Mr. Coelho: I **MOVE** to find that the home office for, I'm sorry, to find that the home office as described by Mr. & Mrs. Borges is a suitable home occupation under the bylaw and further move to waive the full site plan in favor of a sketch.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: So that brings us to the part that's pretty straight forward I think, just asking you what you're looking to do at the property.

Mr. Borges: Basically, not nothing, just running an office through there, basically for billing processes that's all.

Mr. Phoenix: Ok.

Mr. Coelho: There'll be no more heavy equipment parked there?

Mr. Borges: The only time there was the heavy equipment was when I bought it brand new and basically, I didn't have it registered yet, and I couldn't take it anywhere else, so I had it at my neighbors. But then, now that's already resolved, it's already out of the way. It's not even ---.

Mr. Phoenix: Anything else from the Board? Anything from the public at this time? If you do have something, please state your name and address for the record so we can keep all that straight. Hearing nothing from the public.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the special permit in the standard form and to further close the public hearing.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

The public hearing ended at 8:23 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:41
TOWN OF LUDLOW

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
26 Coolidge Avenue – Brian Foster
(office for painting business)
April 13, 2023

PLANNING BOARD MEMBERS

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

The hearing began at 8:25 p.m. in the Selectmen's Conference Room.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:46
TOWN OF LUDLOW

In attendance: Brian Foster, attendees

Mr. Phoenix read the legal notice, advised the public that the cameras are recording, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: office for painting business.

Mr. Phoenix: Much like the other ones, there's not really anything for any other boards or committees. We do have the description of the proposal, business change of address from Ludlow old address 58 Chapin Circle, new address 26 Coolidge Ave, painting business. And we have the home occupation sheet.

Mr. Carpenter: Looks like they reversed that again.

Mr. Phoenix: I don't know. I'm gonna ask you to try and amend something in a moment, we'll go through the other points on here. Number of non-resident employees, this one does have one, which we do allow up to two non-resident employees so that's still within our boundaries, but it is not the zero that we've had up until now this evening. However, the other questions about planned signage, customers at the house, deliveries unlike those of a normal residence, or changes to the site that would make it look less residential, those are all no, as all of the other ones tonight have been. As far as the commercial vehicle, there's a Honda Odyssey, Ford F150, 6,000 and 8,000 respectively. Are those personal or just in connection with the business?

Mr. Foster: I own three vehicles through the business. The Honda Odyssey, F150 pickup truck and then, F350 twelve-foot box truck. And in the picture, I included a picture of the box truck, but that's driven by my foreman, the one employee that I have full time, and then the Honda Odyssey and pickup truck are personal vehicles that I use through the business. The pickup truck mainly hauling ladders, mostly the bigger ladders. That's all it's really used for.

Mr. Phoenix: So the box truck, is the box truck normally kept on site or…

Mr. Foster: Yup.

Mr. Phoenix: Ok. So that's just, you provided the picture just for informational purposes?

Mr. Foster: Just for informational purposes. It's a mobile business. Again, like the other applicants, all I'm really doing is running a small home office in the basement. I have a PO Box downtown at the post office for mailing, so it's just, I've had the business for ten years. I enclosed a copy of the certificate. I just got divorced last year and moved over.

Mr. Phoenix: Condolences or congratulations.

Mr. Foster: Congratulations. It's been a nice treat to get my own place and focus on myself for a while, so. Just cleaning up the business stuff is kind of what I was trying to do. I didn't realize I had to start over through the whole process again, but it makes sense because of the signage and parking etcetera, but nothing changed with the business itself.

Mr. Phoenix: Ok. The one thing that I did notice that kind of made me stumble towards the beginning of this sheet, you've got the area to be used is 187 square feet, but the total area of the home and other buildings housing this occupation you got 1 as opposed to having like the number of square feet for…

Mr. Foster: Square feet for the…

Mr. Phoenix: Do you happen to know that, or it might be…

Mr. Foster: The square footage is just under 1,600 square footage of the house, and the room itself, that's what the square footage dimensions of the room, but my desk is only in one corner. A couple of the applicants had 40 and 50, that's more accurate. I just put the room size, that's all. And the room is in the basement. I have three kids and three bedrooms, so I just put the desk in the basement.

Mr. Phoenix: They have, it's probably on here but there's so many numbers and I'm not used to looking at these sheets. So, unless anybody has an objection, can we just take around 1,600 as the square feet on this one gentlemen?

RECEIVED
TOWN CLERK'S OFFICE
LUDLOW, MA
2023 APR 12 P 2:40

Mr. Queiroga: Yup.

Mr. Phoenix: And if you can just initial next to that for me, I'd appreciate that. While he's doing that.

Mr. Stefancik: 1,512 is the square footage of the house.

Mr. Foster: 1,512?

Mr. Phoenix: Around 1,600. Precision is good but, what is it, close enough for government work?

Mr. Foster: Sorry about that.

Mr. Coelho: Good enough.

Mr. Phoenix: So, with that, I suppose the first thing I'd like to do, and we've already heard kind of a description of what he's doing there, is there a motion on the finding and or the waiver?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I'd like to make a **MOTION** to find that the office for the painting business as proposed by Mr. Foster of 26 Coolidge Avenue is a suitable home occupation under the bylaw and I would like to include that to MOVE to waive the full site plan in favor of the sketch and photos provided by the applicant since this is in relation to the home occupation and doing so is consistent with the purpose and intent of the zoning bylaw.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: Just to go through the steps here, we have somebody still in the audience, and even if we didn't, we kind of pretend that we do. Does anyone have anything that they would like to add or ask at this time? Hearing nothing, is there a motion on the application as submitted?

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the special permit in the standard form.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: Is there a motion to close the public hearing?

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
5-0 in Favor.

The public hearing ended at 8:32 p.m.

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

APPROVED:

Joseph Queiroga

Joseph Queiroga, Secretary

sm

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
59 Lehigh Street – Dillon Price
(office for content writing services (consultant))
April 13, 2023

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

The hearing began at 8:33 p.m. in the Selectmen's Conference Room.

In attendance: Dillon Price

Mr. Phoenix read the legal notice, advised the public that the cameras are recording, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: office for content writing services (consultant).

Mr. Phoenix: From the application description, I would like to register my service as a sole proprietor. I offer content writing services to businesses and organizations and will be working out of my home, consultant business. We have the certification all squared away, a couple sheets of that. On the home occupation supplement, total is 1,900 square feet, looking to use 7 x 6 for the business. No to pretty much everything else; no non-resident employees, no planned signage, no customers at the house, no deliveries unlike a normal residence, no changes that would make it look less residential, no commercial vehicle used. And we do also have the signed waiver request. Want to just describe for us a little more about what you're looking to do?

Mr. Price: So, set up is already in place, that's been my workstation since the start of the pandemic, so I'm just looking to keep it the way it is.

Mr. Phoenix: Ok, so just kind of formalize everything and have that all squared away?

Mr. Price: Yeah.

Mr. Phoenix: Any comments or questions from the Board or can I get a motion on the finding and the waiver?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the home office for content writing as presented by Mr. Dillon Price of 59 Lehigh Street is a suitable home occupation under the bylaw and to add to that, I'd MOVE to waive the full site plan in favor of a sketch and photos as prepared by the applicant since this is in relation to a home occupation and doing so is consistent with the purpose and intent of the zoning bylaw.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: Like I said, even when there's nobody in the audience, we like to pretend that there is just to make sure that we have given everyone the chance to speak. So, if there's anyone who would like to add or ask anything from the public at this time, I'd invite you to do so just state your name and address for the record so we can keep that all straight.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

Mr. Carpenter: Hearing nothing, I **MOVE** to approve the special permit in the standard form and to further close the public hearing.
SECOND Mr. Queiroga.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

The public hearing ended at 8:37 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

RECEIVED
TOWN CLERK'S OFFICE
2023 MAY 12 P 2:40
TOWN OF LUDLOW

Documents: Master application

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