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

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present) (7:15 p.m.)
Joseph Queiroga (Present)
Joshua Carpenter (Present)
Joel Silva (Absent)
Kathleen Houle, Associate Member (Absent)

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

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Due to a lack of quorum, the public hearing for Heather Chateauneuf at 89 Grimard Street was postponed until later in the meeting until Mr. Coelho arrived.

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 54. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of September 14, 2023 & September 28, 2023
- SIGN Special Permits:
  - Marcelo Sousa – 38 Cypress Street (home office for house painting business)
  - Joshua Block – 45 Hunter Road (home-based communications consulting)

Cancel meetings of November 23, 2023 & December 28, 2023

Mr. Carpenter: I make a **MOTION** to cancel the meetings on November 23rd and December 28th.
SECOND Mr. Queiroga.
3-0 in Favor.

Mail Item #55 – Letter from Sheila Dias re: hemlock trees on property boundary at 1359 Center Street

Mr. Phoenix: I suppose what I would ask is if the Board would indulge me and make a motion to refer this over to the zoning enforcement officer for any and all appropriate action.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Queiroga.
3-0 in Favor.

File Mail Item #56 – Response letter to Sheila Dias from Ludlow Conservation Commission

Executive Session – November 9, 2023 @ 6:30(?)

Mr. Carpenter: I'll make a **MOTION** that we enter executive session on November 9th at 6:30 to discuss pending litigation and strategy.
SECOND Mr. Queiroga.
3-0 in Favor.

PUBLIC HEARING – Site Plan – Jeremy Valentin – 346-348 West Avenue (Assessors' Map 12C, Parcel 158) (update site plan for change in business use)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – Heather Chateauneuf – 89 Grimard Street (Assessors' Map 1C, Parcel 134) (mental health counseling via telehealth)

SEE ATTACHED MINUTES

ANR – Candida Goncalves / Ana Serrazina – 21-23 & 29 Lockland Street (Assessors' Map 15A, Parcels 272, 272A, 271) (revise property lines between existing houses)

Jose Goncalves was present for the appointment.

Mr. Goncalves explained that there is a vacant lot in between two properties that he owns that he wants to divide and give half to each of the neighboring properties on either side.

Mr. Coelho: I'd like to make a **MOTION** to endorse the ANR for Candida Goncalves and Ana Serrazina at 21-23 and 29 Lockland Street.
SECOND Mr. Carpenter.
4-0 in Favor.

Documents included: Master application; "Approval Not Required" Plan of Land – Lockland Street Ludlow, MA owned by Ana G. Serrazina & Jose A. Goncalves and the 2010 Sadie and Nora Realty Trust (October 3, 2023)

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Site Sketch – Cleide dos Santos – 4-8 White Street (Assessors' Map 15B, Parcel 39) (update site plan for new occupancy of meat market)

Attorney Neil Phillips, Ali Bulut, and Cleide dos Santos were present for the appointment.

Mr. Phoenix read the waiver request for the full registered site plan in favor of a site sketch, and a waiver of the public hearing. He also read the comments from the various town departments (*see file*).

Mr. Phoenix reviewed the plan and explained that all of the information needs to be in the chart and not next to it. The board members questioned the number of parking spaces and the overlapping of the business hours for the two proposed tenants (social club and meat market). Attorney Phillips said that the hours of the social club could be adjusted to a later time.

Mr. Phoenix: So, I'll entertain a MOTION to start with, to waive the full registered site plan in favor of a sketch as an addendum to the existing site plan given that the site plan on file is less than 20 years old, hasn't had any amendments to it yet, and further to waive the associated public hearing, and further I would also entertain a MOTION to approve the site sketch subject to the chart being revised into a more standard format and indicating that the hours of operation for the social club will start at 8:00 p.m. instead of 5:00.
Mr. Carpenter: **SO MOVED**.
SECOND Mr. Queiroga.
4-0 in Favor.

Documents included: Master application; Waiver request; Comments from town depts/boards; Existing Conditions Site Plan – 4-8 White Street Ludlow, MA – owned by Ali Bulut (10/13/2023)

Center Street Overlay District

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Mr. Phoenix commented that Center Street is getting to be too much and without having the ability to have special permit control over things it's getting too difficult to maintain any kind of standard of quality of life in that corridor. He said that he asked the town administrator, the building inspector, and the town planner to see if they have any input. Mr. Phoenix commented that he thinks that an overlay corridor that covers the biggest part of Center Street where most of that traffic is, needs to be created. Also, he noted that anything that's going on in there for a business use would need to require a special permit so that traffic control, number of curb cuts, hours of operation, and intensity of use can be looked at. He remarked that if a certain business is not maintaining a certain level of safety in the neighborhood, that the special permit can be revoked.

The Board discussed the possible area of the corridor which could start from where Center Street meets up with East Street near the bridge at Walgreens. They also questioned whether it should include just the properties that front on Center Street or if it should include properties that have some portion of their property touching within 100 feet of Center Street. They talked about where the corridor should end, whether it be at Chapin Street or right past where Randalls is located.

Mr. Phoenix requested a couple of different map renderings including only the properties touching Center Street, properties that have any portion of them within 100 feet, and anything else that the town planner can come up with. He also mentioned that public hearings would be required, and asked if a meeting can be scheduled including an invitation to the town administrator, the building commissioner, and possibly town counsel, to go over any details. Mr. Coelho said that he would rather review maps and figure out the geographical extent of it before having additional parties at the meeting.

Mr. Stefancik will contact Tighe & Bond to create some map variations for review.

Mr. Phoenix: So, I'll entertain a MOTION to request that Doug engage with Tighe & Bond to have a minimum of three scenarios put together for the Center Street corridor showing all of the properties that front on Center Street, all the properties that front on Center Street or adjacent to a property that fronts on Center Street, and all of the properties that have any portion of them within 100 feet of Center Street, and to have those drawn so that we can see what that would look like starting at the beginning of Center Street at the bridge and running up through.

Mr. Carpenter: I'd like to see past Randalls, at least.

Mr. Coelho: Alegria, right? Running up to that point, I think that furthest business use. That's still.

Mr. Phoenix: So Alegria on that side, and the dentist office on the other side?

Mr. Coelho: Yeah.

Mr. Carpenter: Yup.

Mr. Phoenix: Is there a motion for that?

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

Mr. Phoenix mentioned that an email was received today from Marc Strange, Town Administrator, in reference to battery storage. He also said that he is curious as to where the use would fit under the Table of Principal Uses.

Mr. Phoenix: With that said, I don't see anything else on the agenda. I will entertain a MOTION to adjourn.
Mr. Carpenter: **SO MOVED.**
Mr. Phoenix: Always in order and not debatable but I need a second.
SECOND Mr. Queiroga.
4-0 in Favor.

Meeting adjourned at 8:20 p.m.

APPROVED:

Joseph Queiroga, 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 PLAN
346-348 West Avenue (Assessors' Map 12C, Parcel 158)
Jeremy Valentin
(update site plan for change in business use)
October 26, 2023

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present) (7:15 p.m.)
Joseph Queiroga (Present)
Joshua Carpenter (Present)
Joel Silva (Absent)
Kathleen Houle, Associate Member (Absent)

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

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In attendance: Jeremy Valentin, TuongVi Vo, 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: update site plan for change in business use.

Mr. Phoenix: Just to kind of run through the comments here, from Board of Health: tobacco permits required for, I'm not sure what that word is. From Safety Committee: Safety has no concerns unless something changes with parking out front. From Fire Safety: Ludlow Fire has no comments for 346-348 West Ave. From our own office with Doug running through the checklist, the only thing that he points out is additional requirements 1, 2, 3, and 5, and that the applicant did sign a waiver request on those items. Department of Public Works: no comments. ConsCom: no wetlands. So that is a copy of those comments for you. With that said, if you want to just kind of go over what you're looking to do.

Mr. Valentin: Ok, so on my side, on 348, it's pretty much like a novelty shop. We sell clothes, shoes, a little bit of everything, it's almost like a Spencer's, if you've ever been to Spencer's before. It's just a bunch of stuff in there. Then the 346 side they are opening a nail salon, right? It's pretty much a nail salon.

Ms. Vo: Yes, a small nail salon.

Mr. Phoenix: Here's the waiver request as mentioned in Doug's comments, we have 1, 2, 3, and 5 that are circled, which are the lighting plan with luminaire schedule prepared by an engineer. Are you changing any of the existing lighting at the property? Elevations showing the front, rear, and sides of the building design. Are you changing anything with the structure as far as the way that's configured?

Mr. Valentin: No.

Mr. Phoenix: Signage design with dimensions and locations. Are you adding any additional signage or moving any signage around?

Mr. Valentin: Nope.

Mr. Phoenix: And the traffic study. 346-348, I'm having a hard time off the top of my head. What's that one?

Mr. Valentin: It used to be Artistic Interiors, right around the corner from the Shell.

Mr. Phoenix: So, the traffic study, I can certainly understand asking for it to be waived. I think that might be a conversation for us to have. Welcome Mr. Coelho.

Mr. Coelho: Sorry about that.

Mr. Phoenix: Things happen. Just to catch you up, because we do have a waiver request on this one, so it'd be good to have your input on that. This is the public hearing for the site plan, 346-348 West Ave. The comments. I'll give you those so you can kind of thumb through those along with the waiver request.

Mr. Coelho: Thank you.

Mr. Phoenix: So, with that, while he's taking a look at the comments and everything, does anybody have any questions, comments, or concerns from the Board?

Mr. Carpenter: Doug was this brought to us a couple months ago for a Change of Occ that triggered like something with ADA from Leslie?

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Mr. Stefancik: Yes, yeah.

Mr. Carpenter: Do we know if that's been resolved?

Mr. Stefancik: Well, they have to apply for a building permit. The use changed, so it was a, I believe, a home building contractor location. They'd have to apply for building for a building permit for a code review.

Mr. Coelho: Yeah, so if it's an ADA situation, she's just gonna tell them to fix it or you can't do it.

Mr. Stefancik: I think those, they're kind of flush, so there really shouldn't be an issue for anyone getting into the building.

Mr. Coelho: That's not, that's her job anyways. Is anything changing with the building at all?

Mr. Valentin: No.

Mr. Phoenix: And we didn't get anything back from Leslie?

Mr. Stefancik: No, I went over this with her today, so they had to do a new site plan. That was part of her condition. She wasn't signing off on the Change of Occupancy.

Mr. Phoenix: Ok. And did she raise any concerns when she was looking at the site plan with you?

Mr. Stefancik: No, I told her that, you know, there's handicapped accessible parking, the uses what they were. We had an updated site plan as per her.

Mr. Coelho: What kind of novelties are you selling? Did you go through this already? Did they already ask you these questions or are we repeating this?

Mr. Valentin: No, they didn't. Oh, well he did ask me what we were doing there.

Mr. Phoenix: We touched on it.

Mr. Valentin: It's like Spencer's. We have a little bit of everything in there from like wallets to toys, everything. There's tons of stuff in there.

Mr. Coelho: What was there before?

Mr. Valentin: Artistic interiors. It was like a cabinet making ---.

Mr. Coelho: And you're doing a nail salon?

Ms. Vo: Yes.

Mr. Phoenix: So, I think, well before I say anything, Josh, you got anything else?

Mr. Carpenter: No, I'm good.

Mr. Phoenix: Joe? Chris?

Mr. Coelho: No, I'm just gonna Google Earth this to make sure I know exactly what I'm talking about. Other than that…

Mr. Phoenix: My only concern would be on the traffic study because we're not really going like for like. I don't know what that's gonna turn up or what it wouldn't turn up, but the applicants have asked for a waiver. I just have some concerns with the overall safety for that area. Now that I kinda placed where this is, traffic isn't always at its best behavior around there, I think is putting it as kindly as I can, but it's a preexisting site.

Mr. Coelho: Safety had no comments either. Usually they're pretty, if there's one thing they do comment on is traffic.

Mr. Phoenix: Generally.

Mr. Valentin: They drive by fast. I can tell you that.

Mr. Phoenix: That's what I'm saying and then having the parking lot be right up against the street line with the traffic doing that makes me nervous. But, like I said, it's a preexisting site. You're not really, it's not really like you're starting off from scratch in designing where you're

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gonna put the building or something like that, so. That's my main concern with this one. Does anybody from the public have anything they would like to add or ask at this time? Since this is a public hearing, you do have that right. I would just ask that you state your name and address for the record and address whatever you do have through myself as Chairman, I'll do my best to get you any answers you need. Hearing nothing. What does the Board think about the waiver request? We've got three things that they're not really changing and then there's the traffic study.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

Mr. Carpenter: I'll make a **MOTION** to waive 1, 2, and 3 and have further discussion on 5.
SECOND Mr. Queiroga.
4-0 in Favor.

Mr. Phoenix: So, we've taken care of most of the waiver. What are your thoughts on 5?

Mr. Carpenter: I agree with you. I don't like the parking lot being right up against the street because you are backing out or pulling in right at that street on a busy curve.

Ms. Vo: If it makes you feel better, like, we have clients from our old place. We're by appointments only so it's only one or two people at a time. And they know what they're doing. It's not like busy for us, like you know, five people at a salon. It's just one or two person in there at a time.

Mr. Coelho: Let me ask you this, are any of your businesses affiliated with a larger organization, like are you a franchise or?

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Ms. Vo: Small business.

Mr. Coelho: Just small.

Ms. Vo: Like just a…

Mr. Valentin: And we keep, so there's four spaces that are more in. The ones at the front of the building we park at, and we save the ones that are more in for customers, so as they back out they don't back into the street, they sort of like back into our thing and then they can turn around and drive out.

Ms. Vo: So, we keep our cars like parking, the clients are easier to get out, that's for them.

Mr. Phoenix: I think for me the way traffic studies tend to go, somebody goes out there, takes a look, they'll do some counts, and they take a look at some charts, tell us what they expect the change in overall traffic to the neighborhood is gonna be which gives us a good idea about neighborhood traffic, but it doesn't really do a whole lot about this site. I think the concern that we have is more about the safety of traffic exiting and entering the site and I don't know that there's really much that I can come up with that can be done to improve that because you can't even put like barriers there to protect the parking lot from the street because then you can't use the parking lot.

Mr. Valentin: There's like a hazard thing there too, like a white line.

Mr. Phoenix: Yeah.

Mr. Valentin: In front of it.

Mr. Phoenix: So, I don't, I mean if, I think if we were…

Mr. Valentin: It's like another five feet or something.

Mr. Phoenix: 'Cause I don't think this is a does the street have enough capacity question, because I think it does for adding what they're looking to for these businesses onto what's already a street that carries a fair amount of traffic. So, I don't know that a traffic study is gonna really relieve that, but.

Mr. Coelho: Additionally, I mean, their hours are after the morning rush, so they have the afternoon rush to worry about over there.

Mr. Phoenix: Well, that's what their hours are now, and they can tell us that. But it's not a special permit so we can't make that a, we can't necessarily compel that.

Mr. Coelho: Well, we have it right on the site plan.

Mr. Phoenix: That's true.

Mr. Coelho: You know? I think they're self-compelled to it.

Mr. Valentin: --- hours. I ain't changing my hours.

Mr. Coelho: I mean, I think, you know, putting it that specifically on the site plan maybe doesn't even require us to have a special permit. It's on the plan.

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Mr. Phoenix: Fair.

Mr. Coelho: You know, in my opinion.

Mr. Phoenix: I think that makes sense, so.

Mr. Coelho: This is, you know it is what it is at this point. We can't let a building like this go vacant because people can't drive.

Mr. Phoenix: No, and that's realistically the fact that that's not the best, how can I put this, people don't drive the safest there is not on these business owners to control. Their extent of control really kind of ends at their property and then it's kind of on the town to take care of the rest. And you pointed out too, Safety Committee didn't set up any flags ---. So, I guess I would entertain a motion to waive 7.1.5o 5 given that the traffic study would not be likely to yield anything in this particular case that would be useful to design or remediation of the site.
Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.

4-0 in Favor.

Mr. Phoenix: I'm gonna ask one last time for comments from the Board. One last time from the public. Hearing nothing, I'll ask for a motion.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** that, I **MOVE** to approve and sign the site plan for Jeremy Valentin at 346-348 West Avenue.
Mr. Phoenix: In the standard form?
Mr. Coelho: In the standard form.
SECOND Mr. Carpenter.
4-0 in Favor.

Mr. Phoenix: I'll entertain a MOTION to close the public hearing.

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

The public hearing closed at 7:26 p.m.

APPROVED:

Joseph Queiroga, Secretary

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Documents: Master application; Waiver request; Comments from Town Departments/Boards; Existing Conditions Site Plan – 346-348 West Avenue Ludlow, Mass. – owned by Miguel Goncalves (Sept. 29, 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
89 Grimard Street – Heather Chateauneuf
(mental health counseling via telehealth)
October 26, 2023

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present) (7:15 p.m.)
Joseph Queiroga (Present)
Joshua Carpenter (Present)
Joel Silva (Absent)
Kathleen Houle, Associate Member (Absent)

The hearing began at 7:29 p.m. in the Selectmen's Conference Room.

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In attendance: Heather Chateauneuf, Nick Gagne, 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: mental health counseling via telehealth.

Mr. Phoenix: So, this is for a special permit home occupation. The application supplement that we have here, the total square footage is 1,184, you're looking to use 110. No nonresident employees, no signage planned for the business, no customers at the house, no deliveries unlike a normal residence, no changes to the site that would make it look less residential, no commercial vehicle of any weight, and you're looking for a waiver of a full site plan in favor of a sketch and photos as you have already prepared for us. I think that's pretty much what I have here. Before we act on any of that, if you wouldn't mind just explaining what you're looking to do at the property.

Ms. Chateauneuf: Sure, just conducting mental health counseling services via telehealth. So, I'm just using my laptop, so there'll be no clients coming and going from the home, just me and my office.

Mr. Phoenix: Ok. From the board, do we have any comments, questions, or concerns? And we used to run through the checklist, but I believe now we present copies of that to you ahead of time and you sign off on those. So, there's two thirteen-point checklists that kind of restrict what can happen at the property, very much along the lines of some of those things that I already read off. Basically, the idea is it shouldn't show up to the neighbors like hey they're running a gigantic business next door and getting three dozen tractor trailers a day over there or anything. I'm gonna ask for any comments, questions, or concerns from the public, and if you do have anything please state your name and address for the record and address whatever it is through myself as chair, and I'll do my best to get you any information you need. Does anyone have anything on this matter at this time? Hearing nothing, the first thing I would like to ask for is a motion to find that the home occupation as described is a suitable one under the bylaw and

further to waive the full plan in favor of a sketch and photos as has been prepared by the applicant.

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

Mr. Phoenix: So, basically, we've already found that what you're doing falls under the right category and that you don't have to do the full site plan. Beyond that, unless anybody from the Board has anything else they'd like to add or ask, I would ask for a motion on the matter.

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the special permit under 7.o.4 a-m and the home occupation under Section 6.21-6.2.13. for, oh God, I'm gonna butcher this one, Heather…

Mr. Gagne: Sound it out.

Ms. Chateauneuf: You can do it.

Mr. Carpenter: …Chateauneuf…

Ms. Chateauneuf: Yeah, that's pretty good.

Mr. Carpenter: …at 89 Grimard Street and that the, with the restriction that the permit run with the applicant and not with the property.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

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Mr. Carpenter: **MOTION** to close the public hearing.
SECOND Mr. Coelho.
4-0 in Favor.

The public hearing ended at 7:33 p.m.

APPROVED:

Joseph Queiroga, Secretary

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Documents: Master application

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