

**TOWN OF LUDLOW PLANNING BOARD  
MINUTES OF THE MEETING OF  
February 23, 2017**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Absent)  
Edgar Minnie – Vice Chairman (Present)  
Christopher Coelho (Present)(6:54 p.m.)  
Kathleen Houle (Present)  
Joseph Queiroga - (Present)

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TOWN OF LUDLOW

Meeting began at 6:30 p.m. in the Selectmen's Conference Room

*Mr. Minnie acted as Chairman in Mr. Phoenix's absence.*

*The meeting was not recorded until approximately 6:40 p.m.*

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**RESCHEDULED PUBLIC HEARING – SITE PLAN – Eversource Energy, Attn: William Blanchard – 0 Chapin Street (Assessors' Map 27, Parcel 40)  
(build a 2-megawatt (MW) solar facility)**

**SEE ATTACHED MINUTES**

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**RESCHEDULED PUBLIC HEARING – ZONE CHANGE – John Garcia –  
720 Chapin Street (Assessors' Map 11D, Parcel 102A)  
(Agriculture & Residence A to Business B)  
(Request to continue until February 23, 2017)  
(Mail Item #12 included - Letter from Conservation Commission re: Request for Determination –  
720 Chapin Street to Victor Street)**

**SEE ATTACHED MINUTES**

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**PUBLIC HEARING – SITE PLAN – Ahmad Amin & Nadeem Saeed –  
190-194 East Street (Assessors' Map 14B, Parcel 112)  
(update site plan for convenience store)**

**SEE ATTACHED MINUTES**

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**PUBLIC HEARING – SPECIAL PERMIT/MICRO-BREWERY –  
Vanished Valley Brewery, Inc. – 782 Center Street (Assessors' Map 17, Parcel 120)  
(operation of a micro-brewery in an Agricultural Moderate Density District with no point-  
of-sale operations to the general public)**

**SEE ATTACHED MINUTES**

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**File Mail Item #14 - Petition for Zone Change – 603 Alden Street (Stephen Ecrement) - forwarded from the Board of Selectmen**

*(A public hearing for the Zone Change is scheduled for March 9, 2017 with the Planning Board)*

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**File Mail Item #15 - Petition for Zone Change – 252 West Street (Dominic Torretti) – forwarded from the Board of Selectmen**

*(A public hearing for the Zone Change is scheduled for March 23, 2017 with the Planning Board)*

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**File Mail Item #16 - FY17 District Local Technical Assistance Program - PVPC**

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### *Consent Agenda:*

*The Board approved the Consent Agenda under unanimous consent.*

- ◆ APPROVE/SIGN Minutes of January 26, 2017
  - ◆ FILE Mail Item 17 - Legal Notices from surrounding communities
  - ◆ SIGN Special Permit:
    - Ludlow Sunoco #04056 – 425 Center Street (Drive thru for existing car wash)
  - ◆ APPROVE Change of Occupancies:
    - Westfield Bank (Gerald P. Ciejka, Esq.) – 471-481 Center Street (acquisition of Chicopee Savings Bank)
    - Danyun Huang – 36 East Street (hair & nail salon)
    - David R. Lavoie (Lavoie Properties) – 733 Chapin Street, B1 (adding a company to manage rentals)
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Mr. Coelho inquired as to what the status is on getting funding to do a Housing Production Plan, as what has to be done to get funding at Town Meeting. Mr. Stefancik said that an article would need to be put in for Town Meeting. He also noted that he doesn't think that the Town has that money at the time, but he noted that there is a State grant program that may be available. Mr. Stefancik also explained that the Town has some money from the 40R District that could be used for that, as well. Mr. Stefancik said that he believes the Town received about \$300,000 for the Winn Development Project, with at least \$50,000 left in that budget, and that the Town received a little bit more funding for that project based on incentive funding from the Winn Development Project. Mr. Coelho asked if those funds could be used for a housing production plan, and if the Selectmen could be contacted as to whether \$15,000 of those could be reserved for the housing plan. Mr. Stefancik will contact the Selectmen regarding funding.

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Mr. Minnie mentioned that there has recently been land clearing on the old Grabowski farm property on Lyon Street. He noted that the police were called, and that Conservation, the State Forestry Officer, and the Selectmen are all involved in the situation.

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**PUBLIC HEARING – SPECIAL PERMIT/ESTATE LOT, & ANR – Paula Siok -**  
**– 0 Miller Street (Assessors' Map 30, Parcels 34A & 36D)(Lot K) )**  
*(Mail Item #13 included - Letter from Joyce A. Siok re: Public Hearing for 0 Miller Street (Estate Lot))*

**SEE ATTACHED MINUTES**

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Mr. Minnie: There being no further business before this Board, I will entertain a MOTION to adjourn.

Mr. Coelho: **SO MOVED.**

**SECOND** Ms. Houle.

**4-0 in Favor.**

Meeting adjourned at 8:21 p.m.

APPROVED:

  
\_\_\_\_\_  
Kathleen Houle - Secretary

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



**TOWN OF LUDLOW PLANNING BOARD  
RESCHEDULED PUBLIC HEARING – SITE PLAN  
Eversource Energy, Attn: William Blanchard  
0 Chapin Street (Assessors' Map 27, Parcel 40)  
(build a 2-megawatt (MW) solar facility)  
February 23, 2017**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Absent)  
Edgar Minnie – Vice Chairman (Present)  
Joseph Queiroga (Present)  
Christopher Coelho (Present)(6:54 p.m.)  
Kathleen Houle (Present)

*Hearing began at 6:31 p.m. in the Selectmen's Conference Room.*

*This hearing was originally scheduled for February 9, 2017, and was continued to February 23, 2017, due to inclement weather.*

*Mr. Minnie acted as Chairman in Mr. Phoenix's absence.*

*Recording of the Public Hearing didn't begin until approximately 6:40 p.m.*

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*In attendance: Mike Gagnon – Milone & MacBroom, Amy Voisine-Shea, William Blanchard, attendees*

Mr. Minnie read the legal notice, gave the applicants a copy of the invoice from Turley Publications and a copy of the comments from the Town Departments/Boards, and also reviewed the application. The legal notice included the description of: for the purpose of building a 2-megawatt (MW) solar facility.

Mr. Gagnon: ...for the erosion control blanket or the matting that I spoke of earlier. This actually shows what the panels are gonna look like. These are, this is kind of a section through the racking system. As I had mentioned, you know, there'll be about 12 to 15 feet between rows for the panels to allow for vehicle traffic to go in between. The back of the panels themselves are about, with tilted, about 7 to 8 feet off the ground. As I had mentioned, with that 8 foot high security fence, the tops of the panels will not exceed the top of the fence, so to speak. We also have a detail for that outlet weir wall, that I spoke of earlier, that controls the outflow from the stormwater management basins, and then we got a couple of other paving details as well as a typical equipment pad. And then, finally, just some more details on fencing. This is the bar gate that will be installed out at Chapin Street to control access to the site. In terms of stormwater management, in terms of how we analyze the site, just to kind of go into that really quick like. The panels themselves, recognizing they are impervious, but the principal we use, it's called a disconnected impervious runoff. And it's basically, as opposed to having a long run of, like a parking area or an impervious surface, what the panels do is, they allow water to run off the panels, and to actually infiltrate in between each row, such that what that does is that minimizes

the runoff from the site. And a couple of comments that I'd like to address before I close, and I open it up to questions, we had some comments as a result of review by Town Department staff.

Mr. Minnie: Can we address those when we're at the Board here.

Mr. Gagnon: Ok, so I guess with that, that concludes my presentation.

Mr. Minnie: Ok, perfect. Thank you. It's obvious to me that we're gonna be here another night, 'cause I have a ton of questions. And just my questions, we don't have enough time for the time allotted. So, I'll invite you to take a seat.

Mr. Gagnon: Ok.

Mr. Minnie: How many abutters were in your abutters list? Thirty?

Mr. Gagnon: Something like that, yeah.

Mr. Minnie: Ok. The physical attachment of your solar array to the ground, are you using screws or are you using a floating concrete footer? What is your physical attachment?

Mr. Gagnon: Post.

Ms. Voisine-Shea: Yeah, --- driven, --- driven.

Mr. Blanchard: ---

Ms. Voisine-Shea: ---

Mr. Minnie: So, there's basically, you don't plan to do any grading or excavating to what's currently there? You're gonna work with the exact grades that we have, or are you planning on doing...

Mr. Gagnon: No, it's shown on the grading plan, there is gonna be some amount of grading, basically, as I explained it, to take off the top of that hill site. But, some of that, a lot of that material is gonna be lost down at the base, you know, in the steeper areas. Around the, more or less, the perimeter of the site, we're matching existing grades.

Mr. Minnie: And how many cubic yards of material are you planning on moving?

Mr. Gagnon: That, I have not determined exactly.

Mr. Minnie: We're gonna need that calculation. Are you planning on bringing anything in?

Mr. Gagnon: I don't believe so, no.

Mr. Minnie: I'm for sure gonna want to see something from an engineering standpoint on cubic yards moved, and topo map to show existing and proposed finished grade. Is that in here?

Mr. Gagnon: Yes it is.

Mr. Minnie: I didn't get a chance to review this before tonight. I wasn't aware that this was such a large project. I thought this was a much smaller project. Your stormwater management plan, so it's sheet flow, basically, into a retention pond to the south and to the east.

Mr. Gagnon: Yes.

Mr. Minnie: And what is the configuration curve for your stormwater? Is it 50, 100?

Mr. Gagnon: In terms of storm events?

Mr. Minnie: Yup.

Mr. Gagnon: Analyze the two, the 10, the 25, the 50, and the 100.

Mr. Minnie: And, at what point does your stormwater management go to the overflow and start dumping?

Mr. Gagnon: Hundred year storm.

Mr. Queiroga: Mr. Chairman?

Mr. Minnie: Mr. Queiroga.

Mr. Queiroga: Just a couple questions. You're gonna have grass underneath this?

Mr. Gagnon: Yes.

Mr. Queiroga: So after you clean out the stumps, etcetera?

Mr. Gagnon: Yes.

Mr. Queiroga: Is that gonna grow, do you expect that to grow up over a period of time that you're gonna have to treat it or?

Mr. Gagnon: No, basically the objective is typically on these projects, we'll use a conservation mix, and the idea being is, you want a mixture that's not gonna grow fast, so that you have to mow it frequently. Typically, according to Eversource, they only like to mow these once or twice a year. So, it's essentially a meadow mix.

Mr. Queiroga: Ok, so it'll be mechanically --- treated?

Mr. Gagnon: Yes.

Ms. Voisine-Shea: ---

Mr. Queiroga: Because I don't know if you know or not, but there has been an agreement between Northeast Utilities and that neighborhood for almost twenty five that they would not spray back there. We wanted to make sure that's honored.

Mr. Gagnon: --- yes.

Mr. Minnie: Are there any permanent building besides the equipment pads for the transformers and breakout boxes? No? So, you're planning on not having any vehicles stored on site?

Mr. Gagnon: No.

Mr. Minnie: Not having any mowers on site?

Mr. Gagnon: No.

Mr. Minnie: You don't plan on plowing for the snow in the winter time I would take it?

Mr. Gagnon: That's correct.

Ms. Voisine-Shea: Not unless there's an emergency and we ---

Mr. Blanchard: As needed, yeah.

Mr. Minnie: Yeah, so these are typically visited, and I know that, I'm sure that the neighborhood, these are typically, once they're constructed, visited two or three times a year. Are you planning on camera monitoring?

Ms. Voisine-Shea: Inspections and mowing. We typically don't have cameras.

Mr. Minnie: You don't have cameras, ok. So you have no in perimeter fence security with anything for...

Ms. Voisine-Shea: Just the fence.

Mr. Minnie: Just the fence. And does your fence make allowable jumps for small wildlife, or is it all the way down to the ground, or what is it?

Ms. Voisine-Shea: I think it's, I think it's all the way down to the ground, isn't it? Because we don't have any species issues.

Mr. Gagnon: There is a little gap.

Ms. Voisine-Shea: We don't have species issues.

Mr. Gagnon: Yeah, I don't think we have species. I want to say it's four inches above grade, which is pretty typical.

Mr. Minnie: For a piece that big.

Mr. Gagnon: I'd have to check on that.

Mr. Minnie: Can you see if you have anything? I'm not expecting a deer to go in there and jump, but...

Mr. Stefancik: I think the fence was eight feet.



Mr. Minnie: It's eight feet.

Ms. Voisine-Shea: It's eight feet.

Mr. Gagnon: ---

Ms. Voisine-Shea: ---

Mr. Minnie: What did we do up on Center Street for, there was accommodation for animals in several spots, if an animal got in, for it to get out? I don't remember what we did.

Mr. Stefancik: I don't remember.

Mr. Minnie: Yeah, we did something. Would you look at that please for us?

Ms. Voisine-Shea: Endangered species? Because I know we have to ---.

Mr. Minnie: No, that's not an area. I'm on ConsCom too.

Ms. Voisine-Shea: Yeah.

Mr. Minnie: So, and this is not jurisdictional for ConsCom?

Ms. Voisine-Shea: No.

Mr. Minnie: Yeah, so, yeah would you just take a look at that?

Mr. Gagnon: I'm sorry, that was for Heritage?

Mr. Minnie: Either for Heritage or, you know, you got 18 acres.

Mr. Gagnon: We did do, as part of our early due diligence, we did contact Natural Heritage Endangered Species. I don't have it with me tonight, but we do have mapping that shows, you know, the other areas around the site, so.

Mr. Minnie: If you could bring that for next time.

Ms. Voisine-Shea: It's not eighteen acres of panels, it's only like nine.

Mr. Gagnon: Yeah, the actual compound...

Mr. Minnie: Yeah, but the perimeter, what's the perimeter?

Ms. Voisine-Shea: Is nine.

Mr. Minnie: It's nine.

Ms. Voisine-Shea: Eighteen is our whole property.

Mr. Minnie: Ok, thank you. I thought it was eighteen, ok.

Ms. Voisine-Shea: No. 'Cause it's less than, it's about two megawatts, so it's about ten acres.

Mr. Minnie: No, well I wasn't sure exactly what it was. That's fine.

Ms. Voisine-Shea: Ok.

Mr. Minnie: And you type of fencing is a chain link? Are you planning on putting a, any texture or anything? So, it's just an open chain link?

Mr. Gagnon: Open chain link.

Mr. Minnie: And the color of the fence is gonna be natural silver or is it gonna be black or green?

Ms. Voisine-Shea: Silver.

Mr. Blanchard: Natural silver.

Mr. Minnie: Silver. And there's gonna be two gates entering the compound?

*(Mr. Coelho joined the meeting)*

Mr. Queiroga: As a follow up to that question, Mr. Chairman? I measured, I looked at your plans and roughly from the neighborhood that's on Americo Street, you're about 150 feet from the end of their properties over there, a little bit slightly less on the other side, based on the scale that you have?

Ms. Voisine-Shea: Once inch is ---,

Mr. Gagnon: Yeah, we left, what we did is we left a wooded buffer...

Ms. Voisine-Shea: Existing.

Mr. Gagnon: ...existing around the perimeter of the site, and then particularly on the east, where the stormwater management basin, there's another, I can tell you exactly, let me go to the full size set. So, from that neighborhood to the east, it's to the edge of the panels, is about 120 feet.

Mr. Queiroga: And on, that's to which side, to the east?

Ms. Voisine-Shea: East ---.

Mr. Queiroga: And to the west it's a little bit more, I believe, 'cause you have the road in there, right?

Mr. Gagnon: We've got the existing right-of-way, I mean to the fence, is about 190 feet.

Mr. Minnie: So, it's been a while since I've walked that property, but I've been all over there as a young man. So, if we're in the backyard to the people on Reynolds or the what's the other street over there...

Mr. Queiroga: Americo.

Mr. Minnie: ...Americo...

Mr. Queiroga: ---

Mr. Minnie: ...so, what are we gonna see? Are we gonna see the fence and nothing behind the fence? Are we gonna see through the fence and see the panels with the reflection off of them. I mean, obviously, this neighborhood could've contemplated additional homes on that acreage at some time, in the past or the future, but certainly they weren't thinking when the people bought in there, a facility like this, nobody was. And so, I'm sort of curious what all the neighbors are going to be seeing.

Ms. Voisine-Shea: The panels face south, so...

Mr. Queiroga: Toward Chapin Street?

Ms. Voisine-Shea: ...yeah, so, so Reynolds Street would see the side, but again, remember the topography is higher...

Mr. Minnie: Right.

Ms. Voisine-Shea: ...and we are leaving the existing, I think, it's 50 feet, 50 foot natural tree buffer that's already there, so it's unlikely, in our visualizations, that you would actually be able to see it. You know, there is a slight chance during treat and leave off that they might see a glimmer here and there, but for the most part, we don't think it's visually because it's up-gradient and there's tree cover.

Mr. Coelho: A glimmer here and there?

(multiple people talking)

Mr. Minnie: We're rapidly running out of time, and I would have preferred that we had an hour and a half for this hearing tonight instead of a half an hour. I'm normally not Chairman, so that wasn't my decision or discretion, but since I'm Chairman tonight, I'm gonna make a few different decisions. We're definitely gonna be continuing. I think I'm gonna go out and visit with some of the neighbors, and walk in some neighbor's backyards, and just to get a concept of what we're gonna see from Reynolds or from Chapin or from Americo.

Ms. ---: Or Hill, Hill Terrace too.

Mr. Minnie: Yup, sure, we'll, I promise you. Like I said, if I realized that the scale of this project, I would have been out there already, and, I promise I will get to you.

Ms. ---: Ok.

Mr. Minnie: Ok, we haven't even gone through the comments from the Town yet. And normally I wouldn't mind running a few minutes late, but there's no way we're gonna take care of this in another half an hour or 40 minutes, I don't believe. And I'd think it'd be more productive, it gives a change for all the Board Members to go out there, maybe go out there with the Town Planner, give us a chance to review comments. What Departments sent comments Doug? Fire...

Mr. Stefancik: Fire, Conservation, DPW.

Mr. Minnie: Ok, so we got a list of comments, and there's a list of waivers in the file I saw. So, I think the best thing we can do is finish up what we can now and find another meeting time in between now and that next meeting time, I'd like to get out there, take a walk around. I'd prefer, to give us some time between the weather, the mush, the snow. Not to try to get out there in a week and be back here in a week. So, I'm gonna prefer to go out a little bit farther than probably the next meeting, but the second meeting. What's the second meeting Sue?

Ms. Urban: March 23<sup>rd</sup>.

Mr. Minnie: And I'm not sure that works for me. And what's the next one after March 23<sup>rd</sup>?

Ms. Urban: April 13<sup>th</sup>.

Mr. Minnie: Ok, so we'll think on those two dates for a minute or two while we're going along. Is there any other questions that you have Mr. Queiroga, right now?

Mr. Queiroga: Yeah, I have. I want to put a question to Eversource's mind. And, for the matter of full disclosure, I live on Americo Street.

Ms. Voisine-Shea: Ok.

Mr. Minnie: You are not an abutter? You're not a listed abutter?

Mr. Queiroga: Yes I am.

Mr. Minnie: You are a listed abutter?

Mr. Queiroga: Yes. So, I'm doing that as a...

Mr. Minnie: Did you sign in with the Town Clerk?

Mr. Queiroga: Yes.

Mr. Minnie: Ok.

Mr. Queiroga: And the question I want to ask is that if Eversource would consider, if you go out there now, of course, you can look through the whole thing ---. And if are, if you were there during the summer ---, there's a lot of holes because a lot of trees went down during the storm back five, six years ago. Would Eversource consider putting a, some sort of a natural trees, arborvitaes or something to block off, it would only be on the west and east side. Because most of these people, that's their biggest investment in life, and if they ever want to sell they have a

feeling that that, right behind their homes, and you're in the kitchen and you can look out. Would they consider using some sort of a natural type of cover unless you were going to put some sort of slats or something on the fence.

Mr. Minnie: Mr. Queiroga, I'm gonna interrupt you because our time is running long, and, I mean, we haven't even gotten to the other Board Members. I still have a bunch more questions. So, I would like to see this postponed to the April 13<sup>th</sup> meeting. I'm gonna informally pull the audience, if everybody in the audience likes April 13<sup>th</sup>.

Mr. Queiroga: Does that present problems for?

Ms. Voisine-Shea: It does, you know, we have a construction schedule we're trying ---.

Mr. Minnie: I understand, but with 30 or 35 abutters, and this number of people in the room.

Ms. Voisine-Shea: I agree, and honestly, when we came to the Town, it's not really something you can see, so we thought it was gonna be a slam, you know, easy to get through.

Mr. Minnie: I understand.

Ms. Voisine-Shea: We're willing to meet with the abutters separately to help move things along, we can do some visualizations.

Mr. Minnie: And I would love to be there when you meet with the abutters ...

Ms. Voisine-Shea: We can work on that.

Mr. Minnie: ...and we'll pick a date and time. I was gonna suggest that we also, we'll come up with a time where, if we can all go out there and walk. Maybe, and we'll figure that out. The abutters can call in. So, with that being said, excuse me one second, yes ma'am ---.

Ms. Anselmo: ---

Mr. Minnie: I need your name and address please.

Ms. Anselmo: Oh sorry, Angela Anselmo, 207 Reynolds Street. Are we gonna be able to ask any questions?

Mr. Minnie: Well, you're going to be able to ask as many questions to your hearts content, I promise you that, and that's why we're gonna extend. And before we extend, I'm, gonna certainly go out there and spend an hour hanging around, because I haven't been out there in a while, so. There's a lot of people in here I know. There's people in here that's been in the Town, I can see, 30, 40, 50, 60, 70 years. I know many of them. And with an industrial use, which this is a very quiet industrial use, and you can make the argument sometimes this may be better than houses there. You could make that argument. And I think, if I lived over there, I might rather have this than houses, but I want to understand what everybody is gonna see or not see.

Ms. Anselmo: But you can't build back there.

Mr. Minnie: Well, I understand.

Ms. Anselmo: 'Cause you got abutting...

Mr. Minnie: You can build anywhere now. Nothing's safe anymore, but with that, if we can have the Town Planner, sometime, like after say March 20<sup>th</sup>, come up with a little meeting we can have with the neighbors and go out there with the Board, and we don't have to decide that tonight. But, the people can call in and ask when we're gonna do it, if we can all get together. We can do that after the meeting or on the phone tomorrow or something, and take a walk over there. Chris do you have a desire to go take a walk out there?

Mr. Coelho: --- I know what it is, and this is very big.

Mr. Minnie: So, alright.

Mr. Queiroga: Leave the date open ---.

Mr. Minnie: So what we're gonna do is, we're gonna try to get a time where as many of us can be there, and might be of, probably be either in the late afternoon or, I don't mind doing it on a Saturday or Sunday, if it's a Saturday or Sunday I don't know if Doug will want to go or not. That's up to him, but we can manage. We'll have a little meeting out there and we'll probably meet at the corner of Reynolds and what's the other street?

Ms. Houle: Hill Terrace.

Mr. Minnie: Hill Terrace. So the plan will be to meet at the corner of Reynolds and Hill Terrace at a certain time and date. I'll bring my boots and a machete if I need to, so I can take a walk around. If I don't, it'll be great. And we'll do it that way. If you want to show up at this meeting also, I mean.

Mr. Blanchard: What is the intent of this meeting? I just need to get clarified on that.

Mr. Minnie: The intent of this meeting is, I want to understand before we put in a nine acre industrial use abutting substantial residential single family homes, I want to understand what we're approving. I want to understand the stormwater, because you're up, your both above two different streets. I have past experience with stormwater failures on certain projects in this Town that damaged property. And if there was only one or two houses over there I wouldn't be concerned. With the number of houses that are over there, I want to understand to the full extent, and I've been here twenty years, and I understand storm water, I want to understand exactly. That's why I was asking you for your methods, attachment and sheet flow, how it works, and the overflow from the hundred year storm. And I understand it's probably a zero net effect. I get it. But, I know the people here don't understand that, and that'll give us time to go out there and just understand it, so.

Mr. Blanchard: Do you have a rough time frame for this meeting?

Mr. Minnie: I'm saying, let me look at my calendar.

Mr. Queiroga: It's not too bad out there ---.

Mr. Minnie: I'd like to do it on the 24<sup>th</sup> of March, which is a Friday, at 3:00 in the afternoon.

Mr. Blanchard: Ok, can I respectfully ask...

Mr. Minnie: Sure, absolutely.

Mr. Blanchard: ...that we have this meeting sometime in maybe the first or second week in March, and then maybe have a meeting with the abutters after the second week of March, and then we can come back on the 23<sup>rd</sup> of March?

Mr. Minnie: That doesn't work for me.

Mr. Blanchard: Doesn't work for you?

Mr. Minnie: No. Just to be quite honest with you, it doesn't work for me.

Mr. Blanchard: Is there a possibility of a special Planning Board meeting...

Mr. Minnie: Sure, absolutely.

Mr. Blanchard: ... just for this, sometime before.

Mr. Minnie: I'm happy to do that ---.

Mr. Blanchard: --- 23<sup>rd</sup> is really kind of late for us in terms of...

Mr. Minnie: Ok, I understand. Our job here as elected officials is to protect all these home owners.

Mr. Blanchard: I understand totally, and that's why I'm asking for...

Ms. ---: ---

Mr. Minnie: Give me just one second. I'm doing the absolute best I can for you, trust me. And I would also like to make reasonable accommodations for the applicants. So...

Mr. Blanchard: And I just want to make clear that we want to hear everybody's concerns as well, but our time frame is tight, no doubt about that.

Mr. Minnie: And I just want to reiterate, and I don't want to insult you, but your time line is no concern to me, not with this many people, and not with this many houses. If there was one or two houses, I'd accommodate you seventeen ways till Sunday. With this many abutters, it's gonna be what it's gonna be, and it'll build when it gets built.

Mr. Blanchard: Ok.

Mr. Minnie: And I don't want to be difficult for you. In the seventeen years...

Mr. Blanchard: I understand, I just need to ask, that's all.

Mr. Minnie: ... have you ever heard me this concerned on a project Douglas?

Mr. Stefancik: Yes.

Mr. Minnie: There's a lot of abutters and I want to be fair to these people.

Mr. Blanchard: And we do to, I just want to be sure, we do too ---.

Mr. Minnie: And my expectation is, when we're all done here folks, we're gonna have a zero impact on your neighborhood is what we're shooting for, and we're gonna try and have it as quiet and un-obstructive, and not flagrantly abusive to you or anybody. We're gonna do our best to do all that, and that means we're gonna take a little time doing this, you know. So I would like to still to do it on the 24<sup>th</sup>. I'm happy to do a special Planning Board meeting the week of the 27<sup>th</sup> or 31<sup>st</sup>.

Ms. Houle: The 30<sup>th</sup> would be a Thursday, special meeting that day?

Mr. Minnie: Yeah, I'm fine.

Ms. Houle: --- for them?

Ms. Voisine-Shea: ---

Mr. Minnie: So that, I would rather do that meeting at 7:00 p.m. Is that what you would like to do to too? Our regular...

Ms. Houle: ---

Mr. Minnie: Did the Board Members sort of like that? We're already running late, so ok. So can we have a motion on a meeting in the neighborhood, we're gonna have to post that meeting in the neighborhood, Doug, because we're gonna have a quorum. So, you'll take care of that?

Mr. Stefancik: Yup.

Mr. Minnie: Ok, so can we have a motion please?

Ms. Houle: I make a **MOTION**, we need a motion to continue this hearing...

Mr. Minnie: Yup.

Ms. Houle: ...to the 30<sup>th</sup>, with a walk thru the neighborhood on Eversource, the property, that Eversource is planning to put the solar panels on, on the 24<sup>th</sup> of March at 3:00 p.m.

Mr. Minnie: Is there a second?

Mr. Coelho: **SECOND**.

Mr. Minnie: Discussion. And before I call the vote, so everybody in the audience understands, we're gonna be coming out on the 24<sup>th</sup> at 3:00 p.m. at the corner of Reynolds and Hillside Terrace. If you're in the neighborhood, it would be really great if you can walk so we don't have  
Public Hearing – Eversource  
February 23, 2017



that many vehicles in the neighborhood, because we're gonna be parking in your neighborhood. I'll probably be out there sooner than that. And I drive a big white Chevy dually truck that's huge. So, you'll be seeing me driving up and down your street and hopefully nobody will start screaming at me if I sort of walk through a yard. But, I'll try to go up the power lines.

Mr. Blanchard: That's fine.

Mr. Minnie: So, I'm gonna try to be educated before I get there. I don't know if the other Board Members will choose to do that or not. Mr. Queiroga lives there, so he knows the neighborhood. So, we're gonna do our best for everybody. We're gonna be back here again. I promise every single question you have we'll get you answered. And I think, I'll be right with you in one second, and we'll probably be able to, when we do the walk through, answer a lot of questions when we're there, too. Yes, sir, I need your name and address please.

Mr. Oliveras: Angel Oliveras, 175 Reynolds Street.

Mr. Minnie: Yes.

Mr. Oliveras: You're posting all these meetings on the Town Website?

Mr. Minnie: Yes.

Ms. Houle: --- have to.

Mr. Minnie: Yes, and it's unusual for us to have a meeting in a quorum on site, for what we got here, that's what we're gonna do, ok? With that being said, I'm gonna call the motion. All those in favor?

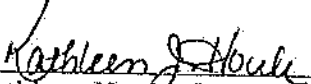
**4-0 in Favor.**

**Roll call vote: Mr. Queiroga – yes; Mr. Coelho - yes; Ms. Houle – yes; Mr. Minnie – yes.**

*A site visit has been scheduled for Friday, March 24, 2017 at 3:00 p.m.*

*The public hearing is continued until Thursday, March 30, 2017 at 7:00 p.m.*

APPROVED:

  
Kathleen Houle, Secretary

su

Documents: Master application; abutters list; request for waivers; comments from Town Departments/Boards; Response to Town Comments from Michael Gagnon (Milone & MacBroom, Inc.)(2/23/17); Stormwater Management and Erosion Control Plan, Eversource Solar – Site 72, Chapin Street Ludlow, Massachusetts (January 11, 2017); Site Plan – Eversource Solar Site 72 – Ludlow, MA, Chapin Street Ludlow, Massachusetts, Permit Drawings MMI Project No.- 5615-12 (January 20, 2017)

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



**TOWN OF LUDLOW PLANNING BOARD  
RESCHEDULED PUBLIC HEARING – ZONE CHANGE  
720 Chapin Street (Assessors' Map 11D, Parcel 102A)  
John Garcia  
(Agriculture & Residence A to Business B)  
February 23, 2017**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Absent)  
Edgar Minnie - Vice Chairman (Present)  
Joseph Queiroga (Present)  
Christopher Coelho (Present)  
Kathleen Houle (Present)

*Hearing began at 7:14 p.m. in the Selectmen's Conference Room.*

*This hearing was originally scheduled for February 9, 2017, and was continued to February 23, 2017, per the applicant's request.*

*Mr. Minnie acted as Chairman in Mr. Phoenix's absence.*

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*In attendance: John Garcia*

Mr. Minnie gave Mr. Garcia a copy of the invoice from Tutley Publications, and read the legal notice which included the description of: Zone change requested from Agriculture and Residence A to Business B. Reason for Requested Change: Change split zone to Business B.

Mr. Minnie: So you're here requesting a zone change on that property, which is how many acres?

Mr. Garcia: Over two, two and a quarter.

Mr. Minnie: Two and a quarter, and it's currently zoned in the front partially...

Mr. Garcia: Res A and Agricultural.

Mr. Minnie: Ok, can we move them down the...

Ms. Houle: Want to ask them to go downstairs?

Mr. Minnie: Sorry about that.

Mr. Garcia: That's alright.

Mr. Minnie: And so, currently there is a split zone and there is Agricultural building in the back right hand corner, and there's frontage on Chapin Street and...

Mr. Garcia: Victor.

Mr. Minnie: ... Victor Street. Ok. And this is kind of a long standing piece of property that we've been trying to get sorted out and straightened out that's had several different things going on.

Mr. Garcia: Correct.

Mr. Minnie: Yup, ok. So, I'm gonna read some comments from ConsCom. *The Ludlow Conservation Commission and the Department of Environmental Protection representative viewed the property that extends from 720 Chapin Street to Victor Street. The area has been cleared for an access to the property. Due to the proximity of the wetland The Ludlow Conservation Commission is requiring that you file a Request for Determination for any work that will be done in that area. Thank you in advance.* So, obviously, if you do any construction you'll have to visit Conservation Commission.

Mr. Garcia: Correct.

Mr. Minnie: I'm just going through the file. Again, apologies with everything running late.

Mr. Garcia: That's ok.

Mr. Minnie: Checklist. So, currently you have a split zoned parcel that could be subdivided and be partially used for residential, and partially used for business.

Mr. Garcia: Correct.

Mr. Minnie: Ok, and currently we're here because of the moderate density agricultural setback. The building is off by five feet, and you would have to go to ZBA to use that building.

Mr. Garcia: Correct.

Mr. Minnie: If you get your zone change, you wouldn't have to go to ZBA and the building would be conforming.

Mr. Garcia: Correct.

Mr. Minnie: Ok, and currently, and I'm assuming some of the people are here tonight for this meeting, we'll find out. Is anybody here tonight for this meeting specifically, for the zone change? Ok, great. So, that makes things easier. Right now, with the current split zoning, you would have access to a house through Chapin Street, and you would have access for a business from Victor Street down...

Mr. Garcia: Correct.

Mr. Minnie: ...from Victor Street, which is pretty heavily residential. It was sort of suggested the best compromise with the HUD Project coming in the neighborhood, and what's going on, that it would probably be to the advantage of the Town and the neighborhood, to a certain extent, that if we did this zone change with site plan management, we could erect fences, control foot traffic through the back and along the wetland and the brook, and that way there, the people on

Victor Street wouldn't have to be disturbed by vehicles coming down Victor Street, because if you got your zone change, your access would basically be off of Chapin Street.

Mr. Garcia: Correct.

Mr. Minnie: And I think the access on Victor Street, if you got your zone change, would probably be left there as an emergency access, or something along that line. But I don't, if you got your zone change, I don't envision that the Town would want to put a lot of traffic down Victor Street. Have you had talks or discussions with your neighbors?

Mr. Garcia: I've had several discussions, --- several notifications ---.

Mr. Minnie: Ok, obviously the neighborhood knows what's going on. There's nobody here tonight, which is unusual, because especially with the other events going on in that neighborhood, we've had very large turnouts for what's going in that neighborhood, and I think it's probably understood that this is probably the best solution for the neighborhood, for you, and for what's going on over there. So that being said, does any of the Board Members have any questions about the application for the zone change in front of us tonight?

Mr. Queiroga: Mr. Chairman?

Mr. Minnie: Mr. Queiroga.

Mr. Queiroga: I just want to agree and kind of piggy back off of what you said, because Mr. Garcia's had a heavy investment there that he has not been able to use for practically anything, and we do have commercial across the street. So, ---, it's not unusual.

Mr. Minnie: Yeah, the nature of the neighborhood's changing, which is unfortunate, but it's the reality of what's changing, and I agree. And this probably gives the best control for that portion of the neighborhood for piece and quiet. Obviously you understand if you get your zone change to go to that zone, it's site plan approval. It's majorly big time.

Mr. Garcia: Oh yeah.

Mr. Minnie: You're not coming in with a sketch, so that (*airplane overhead*), although, this will afford you some opportunity ---. Mr. Coelho, do you have anything?

Mr. Coelho: No, I have kinda gone over this ---.

Mr. Minnie: Kathleen?

Ms. Houle: No, fine.

Mr. Minnie: Ok, that being said, do we have a motion?

Mr. Queiroga: Mr. Chairman?

Mr. Minnie: Mr. Queiroga.

Mr. Queiroga: I **MOVE** to recommend approval to the Town Meeting of the zone change for Mr. Garcia, because it is in the best interest of the Town and consistent with any Master Plan of the Town, and it's not, in my mind, an issue of spot zoning.

Mr. Minnie: Is there a second?

Mr. Coelho: **SECOND** for discussion. That's at 720 Chapin Street, Assessors' Map 11D, Parcel 102A?

Mr. Queiroga: Yes.

Mr. Minnie: Yes. OK, any further discussion? On the motion, all in favor?  
**4-0 in Favor.**

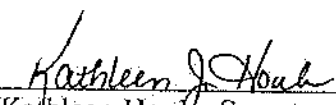
**Roll call vote: Mr. Queiroga – yes; Mr. Coelho - yes; Ms. Houle – yes; Mr. Minnie – yes.**

Mr. Minnie: MOTION to close the public hearing?

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

*Hearing ended at 7:22 p.m.*

APPROVED:

  
\_\_\_\_\_  
Kathleen Houle, Secretary

su.

Documents: Master application; abutters list; Mail Item #8 – Receipt of petition for Zone Change – 720 Chapin Street – from Ludlow Board of Selectmen, Ellie Villano, Town Administrator; Mail Item #12 - Letter from Conservation Commission re: Request for Determination – 720 Chapin Street to Victor Street; Assessors' Map 11D (January 2014).

*(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 – SITE PLAN**  
**Ahmad Amin & Nadeem Saeed**  
**190-194 East Street (Assessors' Map 14B, Parcel 112)**  
**(Update site plan for convenience store)**  
**February 23, 2017**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Absent)  
Edgar Minnie - Vice Chairman (Present)  
Joseph Queiroga (Present)  
Christopher Coelho (Present)  
Kathleen Houle (Present)

*Hearing began at 7:24 p.m. in the Selectmen's Conference Room.*

*Mr. Minnie acted as Chairman in Mr. Phoenix's absence.*

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*In attendance: Ahmad Amin, Nadeem Saeed, Michael Smith – Smith Associates Surveyors, attendees*

Mr. Minnie read the legal notice, gave the applicants a copy of the invoice from Turley Publications and a copy of the comments from the Town Departments/Boards, and also reviewed the application. The legal notice included the description of: for the purpose of updating site plan for convenience store.

Mr. Minnie: And we have some waivers. I'm gonna read the waivers right now, but we're not gonna act on them. The waiver request for lighting plan with luminaire schedule prepared by an engineer; for elevations for front, rear, and sides of the building; for signage design with dimensions and location; and the traffic study. And if somebody could sign that for me please. And the comments from Department of Public Works; *We have reviewed the plan for 190-194 East Street, Smith Surveyors, dated January 11, 2017, and have the following comments.* And just for our own clarity, which building is 190-194 East Street.

Ms. Houle: Jimmy Casagrande built that building years ago.

Mr. Minnie: Oh, ok, where the Subway was years, where the Subway was years ago?

Mr. Queiroga: ---

Ms. Houle: Yup.

Mr. Minnie: Ok, so it's a triple tier, it's a triple tier down below and there are apartments up above?

Mr. Amin: Yes.

Mr. Minnie: Ok, I used to live right next door.

Mr. Amin: ---

Ms. Houle: The dance place was there just recently.

Mr. Minnie: Ok, so comments from the DPW: *192 is listed as vacant. Once the unit is occupied will there be enough parking spaces to meet the total spaces required for site. Total unit area in chart shows 3720 sq. ft. On the plan the total building area is handwritten as 3976 sq. ft. total, please explain. Required Site Plan Contents subsection O. Some of the additional requirements need to be submitted if not waived by the Planning Board. If you have any questions.* Ok, so I think everybody here is familiar with your property. And is there existing site plan on file Doug?

Mr. Stefancik: There is, but it was dated, and then they had to update it for a used car lot.

Mr. Minnie: And so ...

Mr. Queiroga: --- insurance company is in one of those ...

Mr. Amin: One of the units is ...

Mr. Queiroga: The other two are vacant at this time.

Mr. Amin: The other two are vacant, yes.

Mr. Minnie: And your interest is using the two vacant spots?

Ms. Houle: One.

Mr. Amin: Just one.

Mr. Minnie: Just one? Ok.

Mr. Amin: Yeah.

Mr. Minnie: And which one?

Mr. Amin: It's the one ---

Mr. Minnie: On the far end.

Mr. Amin: On the far end, yup.

Mr. Minnie: --- ok. And is the upstairs currently occupied?

Mr. Amin: Yes.

Mr. Minnie: And is there one or two, I don't know what's up there. Is there one unit, two units?



Mr. Amin: --- unit.

Mr. Saeed: One unit.

Mr. Amin: One unit.

Mr. Minnie: And how many bedrooms are upstairs?

Mr. Saeed: Two bedrooms.

Mr. Minnie: Two bedrooms? And how many people live in the upstairs?

Mr. Amin: One lady ---.

Mr. Minnie: Ok, and do you know how many employees the insurance company has?

(multiple people talking)

Mr. Smith: It's on the chart on there.

Mr. Amin: Two ---.

Ms. Houle: It's at the bottom, on the table Ed.

Mr. Minnie: Ok, and you intend to rent the middle section?

Mr. Amin: Not for the ---. We'll see what happens, and how we do, and...

Mr. Minnie: Ok. Understood, we're just trying to get a...

Mr. Amin: As for the future ---.

Mr. Minnie: I will get to you sir. We're gonna open up to public comment...

Mr. Taylor: Alright, thank you.

Mr. Minnie: ...I promise you, yup. So, you're not planning any changes to what's currently there? You're not adding on to the building? You're not changing anything?

Mr. Amin: No ---.

Mr. Minnie: You'll change the sign face but you're not putting up a new sign?

Mr. Amin: No.

Mr. Minnie: Right, ok. And so we currently have how many parking spaces, ten, twelve?

Ms. Houle: Twelve.

Mr. Minnie: Twelve, ok.

Mr. Coelho: Are you gonna put blinking Christmas lights in the window?

Mr. Amin: Why not? We do that at our other place.

Mr. Minnie: Ok. So basically, we're just updating an existing site plan of a preexisting conforming piece of property, correct Doug?

Mr. Stefancik: Yes, yes.

Mr. Minnie: Ok. And I'm just looking at the chart. I'll be right with you. Ten, so we're getting close to the parking capacity of the property.

Mr. Queiroga: Ten, just make it.

Mr. Minnie: Right.

Mr. Stefancik: In the East Street Overlay you can waive up to five, so just to point that out.

Mr. Minnie: I understand. I was just gonna have that conversation. So, if you end up using the middle section for your business, it's really not gonna be a problem, but if you decided to put a hair salon in there that's got five ladies working in it, we're all of a sudden gonna start bumping into the...

Mr. Amin: The parking issue.

Mr. Minnie: Right, so did you go over the checklist on this already Doug?

Mr. Stefancik: Yes. I had comments too. I don't know if you went through all the comments yet.

Mr. Minnie: --- Ok, applicant needs to ask for waivers on o. additional requirements.

Mr. Stefancik: Correct, yeah.

Mr. Minnie: Do you have any other comments Doug?

Mr. Stefancik: No, I actually had worked with the engineer, working through anything to make sure it was correct.

Mr. Minnie: Good. We have a good planner. He's easy to work with.

Mr. Amin: ---

Mr. Minnie: Wasn't too painful? Just writing the check, right?

Mr. Minnie: Ok. And where's the checklist?

Mr. Stefancik: I think just one thing, a handicapped space. That was the only thing that wasn't addressed on the site plan.

Mr. Minnie: Is it addressed now, or no?

Mr. Stefancik: It was in the past. I don't think it is now, is it?

Mr. Smith: Yeah, I don't know if we assigned one, but ---.

Mr. Stefancik: I think they only need one van accessible, one.

Mr. Smith: Ok, one in the front next to the...

Mr. Minnie: And you're gonna have to work that out, so we won't be voting on this tonight because there's no handicapped accessible parking, is that correct?

Ms. Houle: We could vote, if it met everything else, we could vote.

Mr. Minnie: I don't know if I'm comfortable with that, because the problem now is the ADA parking spaces. You may dump two spaces.

Mr. Queiroga: --- just one ---.

Mr. Stefancik: It's just one.

Mr. Minnie: Yeah, but is it one? But, what's the size of it?

Mr. Stefancik: It has to be van accessible, which they have to have the striping on the side.

Mr. Minnie: That's what I'm saying.

Mr. Queiroga: --- the middle one?

Mr. Smith: They have the striping on the side.

Mr. Minnie: Oh, you do? It's a preexisting, yeah.

Mr. Minnie: Oh. Ok, it's just not marked.

(multiple people talking)

Ms. Houle: It's not marked, That's why. That's the impression I had that it was on here.

(multiple people talking)

Mr. Minnie: Ok, I didn't have the impression it was on here. Ok, so, is your impression it's gonna be number four or number three?

Mr. Stefancik: I think it's like in the middle of the building.

Mr. Minnie: Yeah ---

Mr. Stefancik: That's on the old site plan.

Ms. Houle: Probably right here, because you got that space in between.

Mr. Minnie: Ok, now we got something we can work with. We're not trying to be difficult, but we're just trying to make sure we get all the i's dotted and the t's crossed. Ok, who wants to do the checklist?

*Ms. Houle read the Required Site Plan Contents Checklist:*

### **7.1.5 Required Site Plan Contents**

*All site plans shall be prepared by a person or persons registered under the Massachusetts General Laws of the Commonwealth of Massachusetts to practice architecture and/or engineering, and land surveying and shall show the seals of the architect and/or engineer, and land surveyor. All site plans shall be on standard 24" X 36" sheets at a scale of 1 inch equals 40 feet, with additional narrative as necessary: (Amended 1/25/99)*

*All site plans shall also include the property owner's names, date of plan, and scale of plan; and a space for endorsement by the Planning Board (3" X 5") (Added 10/2/06)*

*a. Provision for adequate drainage of surface water from paved areas. Use of landscaped areas to provide such drainage in order to relieve storm drainage systems is encouraged. The piping for the storm water drainage systems shall be designed using the ten (10) year storm curve for parking area drains and the twenty-five (25) year storm curve for culverts over existing natural waterways and retention areas.*

*b. Existing and proposed vegetation. Such vegetation shall be indicated by:*

*(1) Type and location (whether woods, brush, shrubs, etc.)*

*(2) Number of plants (if appropriate)*

*c. Existing natural features such as wetlands, rock outcroppings, slopes, hills, etc.*

*d. Pedestrian facilities, if any, including walks, plazas, benches, etc.*

*e.1. Parking spaces and circulation area for automobiles as well as the location of landscaped areas within them. Existing and proposed curb cuts shall be indicated together with approval for such cuts from the appropriate town or state agency. The number of spaces shall be in accordance with Section 6.4.2 of the bylaw.*

*e.2. All parking areas shall be paved and noted on the site plan as "to be paved," with the type of pavement to be used.*

*e.3. Area where deliveries will be made on site.*

*f. Existing and proposed fencing to be used to buffer abutting residential dwellings and/or districts from the intended development (if appropriate). Section 3.0.4 of this bylaw.*

*g. Existing natural features and vegetation to be retained shall be so indicated. Due regard shall be shown for all existing vegetation and natural features which, if preserved, will add attractiveness and value to the development.*

*h. The location and type of monumentation at all property corners shall be shown and maintained.*

*i. Existing and proposed elevations and contours. The contour interval shall be two (2) feet or any interval which adequately depicts the grading.*

*j. All existing and proposed utilities, and to include utilities with easements.*

*k. All site plans required herein shall display names of all abutters.*

*l. All existing and proposed sidewalks and curbing.*

*m. Landscaping Requirements*

*(1) Required landscaping shall be provided as set forth in Table 3.*

*(2) Buffer strips required by Table 3 shall be reserved exclusively for plantings, pedestrian facilities such as benches and walkways, required fences, necessary traffic control signs and those free standing signs which conform to the requirements of Section 6.5.2e of this bylaw.*

*n. The plan shall also include a chart showing the following information:*

*(1) Area of lot.*

*(2) Area and size of building.*

*(3) Maximum area of building to be used for selling, offices, business, industrial, or other uses, if applicable.*

*(4) Maximum number of employees, where applicable.*

*(5) Maximum seating capacity, where applicable.*

*(6) Maximum sleeping capacity, where applicable.*

*(7) Number of parking spaces required for the intended use, based on Section 6.4.*

*(8) Number of parking spaces existing at the site (including street parking adjacent to site).*

*(9) Number of trees and/or shrubs.*

*(10) Number of trees and/or shrubs shown on plan.*

*o. Additional Requirements: All site plans need to have the following information unless waived by the Planning Board:*

*(1.) Lighting Plan with Luminaire Schedule, prepared by an engineer. (2.) Elevations showing the front, rear, and sides of the building design. (3.) Signage design with dimensions and locations. (4.) Area where snow will be stored. (5.) Traffic Study.*

Mr. Minnie: Ok, so that's good. So we have some waiver requests by the applicant, and I would like to act on the waiver.

Ms. Houle: Does this gentleman have any questions?

Mr. Minnie: Sure.

Ms. Houle: Do you have any questions?

Mr. Minnie: I was gonna open it up ---.

Ms. Houle: Before we do the waivers?

Mr. Minnie: Ok.

Mr. Taylor: ---

Mr. Minnie: Can you please stand and state your name and address?

Mr. Taylor: My name is James Taylor. My address is 184 East Street, Ludlow Massachusetts.

Mr. Minnie: Mr. Taylor, we won't ask you to sing for us tonight.

Mr. Taylor: Thank you. I have questions about the hours, and what plans to be sold out of that convenience store. I mean, we have four convenience stores, with this one, within a quarter of a mile. And where's the snow supposed to be stored? And that's a good question, I'd like to know that myself.

Mr. Minnie: Sure, yup. Ok, we'll address that. What are you planning for hours?

Mr. Amin: That would be 6:00 to 10:00, 6:00 a.m. to 10:00 p.m.

Mr. Minnie: Ok.

Mr. Amin: And for the excessive snow is concerned, we have it removed ---.

Mr. Minnie: ---

Mr. Amin: --- so there's no cooking at all in there. There's no kitchen. Snacks, tobacco products, and milk, bread.

Mr. Minnie: --- And the only question I ever, I have besides the handicapped parking, is if you would please paint your parking lot stripes once a year. That seems to get lost in the wash on a lot of our properties, so that's kind of ---.

Mr. Amin: Sure ---

Mr. Minnie: It's real easy to do, you can buy your own paint now. You don't even have to pay somebody a fortune like you used to. But, so, to maintain the signage and that, I mean, the property over there, you own it, currently?

Mr. Amin: We are in the process, once we....

Mr. Minnie: It's always been a clean piece of property to my knowledge, because I lived two doors over. It hasn't been a problem, it, you know. I don't really anticipate much changing, you know.

Mr. Taylor: The traffic is the issue as far as...

Mr. Minnie: It's East Street, it's zoned correctly, and it's, he's not expanding the footprint of the building.

Mr. Taylor: Right.

Mr. Minnie: You know. I mean, right now he's leaving the middle section empty.

Mr. Taylor: Well, that's what I mean, right now.

Mr. Minnie: But, whatever he does, he's gonna have to comply to the zoning.

Mr. Taylor: Ok.

Mr. Minnie: So, you know, he's not gonna come in and put something in that's gonna have a restaurant with 18 or 20 seats, because there's just gonna be no parking for that there.

Mr. Taylor: So the signage is gonna stay the same, he's gonna just take down what is there? There's not gonna be additional lighting or anything like that on the sign?

Mr. Minnie: That's exactly, so this is a preexisting plan showing what's there, with no changes, except for changing the painting on the ground for the handicapped parking spot that we talked about.

Mr. Taylor: Ok, so right now they have one single door, just like a, just like that door, to get in and out of that, and that's...

Mr. Minnie: That would be a Building Department issue. That's not a Planning Board issue, but I wouldn't expect that to be changed because that's way more expensive to change than you think.

Mr. Taylor: Yeah, I imagine it is.

Mr. Minnie: And as soon as you change that door, you start changing your ADA rules and requirements, and lighting, and ramps, and...

Mr. Taylor: Yeah, I don't know that a wheelchair could get in there.

Mr. Minnie: Right, and so, to move that door would probably cost \$30,000.

Mr. Taylor: ---

Mr. Minnie: Because I just did that on my property somewhere else in town. It was \$30,000 to put a door four feet over. So, you can pretty much bet what's there is gonna be what's there in our lifetime.

Mr. Taylor: Ok.

Mr. Minnie: Because it's so expensive to change. Ok, any other questions? Hearing nothing, on the waivers.

Ms. Houle: Mr. Chairman, I **MOVE** to waive under 7.1.5.o 1, 2, 3, & 5, --- existing property.

Mr. Minnie: All in Favor? Oh sorry, second please.

**SECOND** Mr. Queiroga.

**4-0 in Favor.**

Mr. Minnie: So you're gonna take care of the handicapped parking to the satisfaction of the Building Inspector and the ADA in Town?

Mr. Amin: Sure.

Mr. Minnie: Or whatever it is. That'll be his ball, his hot potato now. And I'm sure they'll come visit you.

Mr. Amin: We're gonna conform to the ---.

Mr. Minnie: Right, yeah, it's, fortunately for you, it's pretty much trivial. All you gotta do is painting, maybe put up a new sign, so that's gonna be easy. Anything else from any of the Board Members?

Mr. Coelho: I --- see blinking Christmas lights.

Mr. Stefancik: They can't have blinking lights, it's against the zoning. You can't have ---.

Mr. Minnie: Maybe some icicle lights.

Mr. Coelho: This is my personal preference.

(multiple people talking)

Mr. Coelho: I drive down East Street now, I think I'm driving down Vegas.

(multiple people talking)

Mr. Minnie: With that, Mr. Queiroga.



Mr. Queiroga: Yes, I make a **MOTION** for a site plan approval for Mr. Amin and Mr. Saeed at 190-194 East Street.

**SECOND** Mr. Coelho.

Mr. Minnie: And would you amend that please to include properly marking the handicapped space as required by the Building Inspector and ADA?

Mr. Queiroga: **SO MOVED.**

Mr. Minnie: Is there a second on that?

**SECOND** Mr. Coelho.

**4-0 in Favor.**

**Roll call vote: Mr. Queiroga – yes; Mr. Coelho - yes; Ms. Houle – yes; Mr. Minnie – yes.**

Mr. Minnie: **MOTION** to close the public hearing?

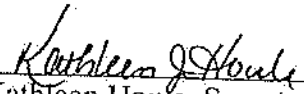
Mr. Coelho: **SO MOVED.**

**SECOND** Ms. Houle.

**4-0 in Favor.**

*Hearing ended at 7:40 p.m.*

APPROVED:

  
\_\_\_\_\_  
Kathleen Houle, Secretary

su

Documents: Master application; abutters list; request for waivers; comments from Town Departments/Boards; Site Plan – Existing Conditions Site Plan, 190-194 East Street Ludlow, MA, owned by Englewood Properties, LLC. prepared for Basics Plus, LLC. (January 11, 2017)

*(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 – MICRO-BREWERY  
782 CENTER STREET  
(Assessors' Map 17, Parcel 120)  
Vanished Valley Brewery, Inc.  
February 23, 2017**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Absent)  
Edgar Minnie - Vice Chairman (Present)  
Joseph Queiroga (Present)  
Christopher Coelho (Present)  
Kathleen Houle (Present)

*Hearing began at 7:41 p.m. in the Selectmen's Conference Room.*

*Mr. Minnie acted as Chairman in Mr. Phoenix's absence.*

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*In attendance: Michael Pietras – ELS, Inc.*

Mr. Minnie gave Mr. Pietras a copy of the invoice from Turley Publications, and read the legal notice which included the description of: for the purpose of the operation of a micro-brewery in an Agricultural Moderate Density District with no point-of-sale operations to the general public.

Mr. Minnie: Is there anybody here tonight for this public hearing? Ok. Memo from Town Planner, that's never good. Special Permit Vanished Valley Brewery, 782 Center Street, zoning is appropriate. Wow. You feeling alright? We definitely have to alter the application for when breweries come in that they bring samples. We can't approve a brewery that makes lousy beer. I mean, we do have a responsibility for the public. Ok, so go ahead Michael.

Mr. Pietras: Ok, when we last met on this property, it was almost a year ago. It was in April, and we discussed, yeah, flew by.

Mr. Minnie: Yup.

Mr. Pietras: But, the rear outbuilding to the north, or, excuse me, southeast of the property was rehabbed, and that's where the brewery is gonna be housed.

Mr. Minnie: Yup.

Mr. Pietras: It's approximately, I think it was, 550 square feet, if that, 520. It seemed at that time the consensus was pretty positive, it's just we had no home to put it, zoning wise. And through the long process of getting it approved and formulating bylaws, now we have a home to place it. They have their Federal License, they have their State License, all they need is the Town License to proceed forward. As originally relayed to you guys, they don't intend on any point-of-sale out of the brewery. It would be out of the restaurant. There's nothing they're

looking to do other than brew in this building. So the traffic pattern should not change on this site.

Mr. Minnie: Ok. My only request would be that they hold and maintain monumentation for parking on the lot for the striping. I know it's a big lot, but certainly to their best ability, towards the front third, anyways ...

Mr. Pietras: Sure.

Mr. Minnie: You know, in the back it's a little more, you know, it's just big vast parking, so it's not as critical, but certainly towards the front third if they can keep and maintain the striping, and you know, attend to it once a year.

Mr. Pietras: Sure, no, we'll bring that to them.

Mr. Minnie: That's a new pet peeve of mine.

Mr. Pietras: Sure.

Mr. Minnie: I've actually visited the facility. I didn't get to drink any beer, but I did take a walk through the building and the backyard. Everything seems fine. It's very clean, and if everybody kept their backyard of their business like this one is, and having it look like this one is, we'd be fortunate because the backyard there not only has a lot of money spent on it, there's a lot of money spent beautifying, cleaning, and straightening out the back. It's, the property's better than it ever has been. It's also busier than it has been. They're doing well, which I'm happy for them.

Mr. Pietras: For sure. How did you like the figurines out of wood?

Mr. Minnie: Yeah, it was very nice.

Mr. Pietras: I don't know if anyone else has seen them. They have wood carvings of eagles ---.

Mr. Minnie: They took some tree carvings like you see at the Big E.

Mr. Pietras: Yeah, it's very nice.

Mr. Queiroga: In the front of the property?

Mr. Minnie: In the back. So if you drive around to the brew house, there's beautiful, it's not just a chainsaw carved thing that looks like I did it, it looks like they brought in somebody and spent three weeks doing a beautiful carving that you would see on the mall at Washington DC or something. It's above average. It's worth going in the back of the yard to look at the ...

Mr. Pietras: Sure.

Mr. Queiroga: Is the barn still in use?

Mr. Minnie: It's not there.

Mr. Pietras: The barn's actually gone, yup. The foundation sits there, but nothing else.

Mr. Minnie: Any questions from the Board Members? Special Permit Criteria, Mr. Queiroga.

*Mr. Queiroga read the Special Permit Criteria Checklist:*

### SPECIAL PERMIT CRITERIA

- a. The proposal is suitably located in the neighborhood in which it is proposed and/or the total town, as deemed appropriate by the Special Permit Granting Authority;
- b. The proposal is compatible with existing uses and other uses permitted by right in the same district;
- c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;
- d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;
- e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;
- f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6.5)
- h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;
- i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;
- j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;
- k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;
- l. The proposal is in general harmony with the general purpose and intent of this bylaw;
- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

Mr. Minnie: Ok, and one more, is there anybody here from the public that has questions or comments on the brewery? Nothing. Ok, so this is a special permit application, and it needs four out of five, and since there's only four of us here, it needs a unanimous decision or it will fail.

Ms. Houle: Need a motion?

Mr. Minnie: Yes.

Ms. Houle: I **MOVE** to approve the special permit for Vanished Valley Brewery Inc. at 782 Center Street, under 7.0.4 a-m, with the condition that the special permit will run with the applicant and not with the property.

Mr. Minnie: Second.

Mr. Queiroga: All those in favor. Oh, **SECOND**.

Mr. Minnie: Who's running this show?

Mr. Queiroga: I thought you second. I said, what are you doing?

Mr. Minnie: No I said, I'm saying is there a second. Motion's made and seconded. All in favor?

**4-0 in Favor.**

**Roll call vote: Mr. Queiroga – yes; Mr. Coelho - yes; Ms. Houle – yes; Mr. Minnie – yes.**

Mr. Minnie: MOTION to close the public hearing.

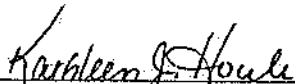
Ms. Houle: **SO MOVED**.

**SECOND** Mr. Coelho.

**4-0 in Favor.**

*Hearing ended at 7:49 p.m.*

APPROVED:

  
\_\_\_\_\_  
Kathleen Houle, Secretary

su

*Documents included: Master Application; Plot Plan w/Existing & Proposed Conditions, 782 Center Street Ludlow, MA 01056 for Vital Inc LLC (2/10/2016)*

(Documents pertaining to this hearing are available for viewing in the Planning Board Office located in the Town Hall)

**TOWN OF LUDLOW PLANNING BOARD**  
**PUBLIC HEARING – ESTATE LOT/SPECIAL PERMIT & ANR**  
**0 Miller Street (Assessors' Map 30, Parcels 34A & 36D)(Lot K)**  
**Paula Siok**  
**February 23, 2017**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Absent)  
Edgar Minnie - Vice Chairman (Present)  
Joseph Queiroga (Present)  
Christopher Coelho (Present)  
Kathleen Houle (Present)

*Hearing began at 8:00 p.m. in the Selectmen's Conference Room.*

*Mr. Minnie acted as Chairman in Mr. Phoenix's absence.*

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*In attendance: Paula Siok, Paul Smith, attendees*

Mr. Minnie read the legal notice, gave Ms. Siok the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Estate Lot (Lot K).

Mr. Minnie: And if you want to introduce yourself and tell us why you're here tonight.

Mr. Smith: My name is Paul Smith, I'm the land surveyor, and this Paula Siok, the land owner. What we're proposing is an estate lot off of Miller Street. We have the Siok Farm which is about 33 acres of land roughly, and we've cut off of the corner four acres and attached another acre that the Siok's also own to make a five acre estate lot with a 50 foot access strip running into a building lot, maintaining a natural buffer along the side and rear and front yards, as required by the Bylaw. We realize there is a wetland crossing to be made, and that filing will be done as soon as this plan has gone to next step. That filing is dependent upon this next step. The remaining farm, which by the way, has no structures on it at all, all the structures are on a separate parcel with the Siok's house.

Mr. Minnie: Ok.

Mr. Smith: The remaining farm is left with 181 feet of frontage, and that your setback line has an excess of 157 feet to ensure that the remaining farm is still considered a...

Mr. Minnie: Conforming lot?

Mr. Smith: ...conforming building lot, exactly.

Mr. Minnie: And it also could be a subdivision. Ok, I'm gonna take a look at notes from the other departments. *Mr. Minnie read mail item #13 from Joyce Siok addressing water runoff and*

*allergy concerns.* And from Town Planner, Doug Stefancik; *Site plan meets the requirements for an estate lot.* Ok, so the purpose we're here tonight is for a special permit for an estate lot, and an ANR. And we have a lot of people in the audience tonight, so, I'm gonna first ask the Planning Board Members if they have any questions of the applicant or for the surveyor. And hearing nothing, I will ask for comments from the people in the room tonight. If you have comments tonight, could you please, when you ask a question, stand, be recognized by the Chair, that's myself, give your name and address, and direct all your questions or comments to me. If you have a direct question for one of the applicants, I will then either re-ask it or re-direct it. So hearing that, is there anybody that has a question on tonight's special permit and ANR for a building lot on Miller Street? Yes ma'am, please stand and state your name.

Ms. Gaumont: Maureen Gaumont, 54 Circuit. What I wanted to ask was is there just more than one house?

Mr. Minnie: No, this is a request for a special permit for a single house on 5 acres of land, and a 50 foot driveway going in towards the back, that's going in, I'm trying to figure out how many feet, about 400 feet. So, there's gonna be a 50 foot access strip of land, going in about 400 feet, and then...

Ms. Gaumont: From?

Mr. Minnie: ...from Miller Street, and there will be a house set back kind of far from the street. You may not even see it. I'm not sure about what's there for trees and shrubs and plantings. But, it's substantially set back from the street.

Ms. Houle: --- look at it?

Mr. Minnie: And you're welcome to look at the plan here ma'am, if you'd like. If you'd like to come up, or.

Ms. Gaumont: Not yet.

Mr. Minnie: Ok.

Ms. Gaumont: Thank you.

Mr. Minnie: Is there any other questions on the application in front of the Board tonight?

Ms. Hosking: I'd like to look at the plan ---

Mr. Minnie: Sure ma'am. There's a lot of people here, so I'm gonna give them a minute or two to chew on the plans.

Ms. Hosking: --- can you point out Circuit Ave ---?

Mr. Smith: Oh my God, it's way, way in the back. --- I don't even have a map that goes out that far, with me, to tell you the truth. This is the last house, if I may, on Susan Drive...

Ms. Hosking: Ok.



Mr. Smith: ...so, that's the house that's set back in the woods on Susan Drive. So that's Mrs. Gaumont who just spoke, I believe.

Ms. Hosking: ---

Mr. Smith: Yes, that's vacant, I don't, and this is all wooded, you don't ---.

Mr. Minnie: I haven't been in there in 35 or 40 years.

Ms. Hosking: We walk our dog back here all the time.

Mr. Minnie: Sure.

Ms. Hosking: So, I was just, and we live on 57, which is probably right here. So, I just didn't know if this was going to abut my property, or no?

Mr. Minnie: So, the general purpose of this was to, instead of having a whole bunch of new streets come in, where we get roads, and public utilities, and a whole bunch of people in the school system and that, it allows land owners who have a fair amount of land, to sell three or four pieces, get a return on their investment, the Town doesn't have to plow, we don't get 50 new houses, we get maybe one or two or three, depending on what they have. There's something similar going on that's very near to me on the far end of Lyon Street, where there's about 300 acres. And they were gonna try to come in with about 45 houses, and then they decided to do, with this, which is relatively new for the Town of Ludlow, so instead of 45 houses and a half a mile of streets, we get seven or eight houses, and houses on 22 acres, where they clear a circle in the middle, and the animals can still run around, the deer still run through, etcetera, etcetera.

Ms. Hosking: Ok, so this is not part of it?

Mr. Minnie: That is not part of it. All we're looking at is five acres, and there's a remaining...

Mr. Smith: Twenty-nine.

Mr. Minnie: ...twenty-nine acres of land that is not the subject of tonight's hearing. And however they proceed to do with that or not do that in the future is their prerogative whenever they want to come in and file again.

Ms. Hosking: Ok, great. Thank you so much.

Mr. Minnie: Sure. Yes, sir.

Mr. Nally: Steve Nally, 66 Salli Circle. I just want to come look at this.

Mr. Minnie: Come on up, yup, absolutely. If anybody else would like to come up and look, please do. Take your time. We can get you another copy of the plan. Here you go folks.

(multiple people talking amongst themselves looking at plans)

Mr. Minnie: I'm gonna ask that conversation in the room be kept to a minimum. We're having a public hearing.

(multiple people talking amongst themselves)

Mr. Minnie: These are big pieces of property, and huge distances.

Mr. Smith: Yeah, here's the...

Ms. ---: --- Salli Circle, so it's all woods behind us, and we have a retaining wall, same thing with water, so just want to know how.

Mr. Minnie: Nobody's within miles of you.

Ms. ---: Ok. That's what we wanted to know. Ok. ---.

Mr. Minnie: I'm not saying that ---. The neighbors can cut trees or do as they please, but it's their land, but whatever they do over there has nothing to do with this, which is...

Ms. ---: So how far can?

Mr. Minnie: Basically what this is doing, is it's reducing the opportunity for a lot of houses near you, so they're gonna bring in that. And if there was a normal street going in there, there'd be room for five houses ---.

Ms. ---: --- her lot and has a straight-a-way. We bought that straight-a-way.

Mr. Minnie: I understand.

Ms. ---: Yeah, so that's why we were just curious why.

Mr. Minnie: Your property's so far away, it's not even on the map.

Ms. ---: Ok, good.

Mr. Minnie: Yup, trees make good neighbors. Alright, hearing nothing more.

Ms. Houle: It's fifty feet wide, but it's like a twelve foot wide driveway, 'cause there's buffers on each side of that driveway, even if they do.

Mr. Minnie: I will ask the room to try and keep a quorum, and to try and keep conversation to a minimum till the public hearing's finished.

Mr. Smith: If I'd had known you'd notified the abutters so far, I would have brought a larger out-map. I didn't realize you went to the abutters in the entire.

Mr. Minnie: No, no, don't worry about it.

Mr. Smith: I could have...

Mr. Minnie: Ok, hearing nothing, the checklist please.

*Mr. Coelho read the Special Permit Criteria Checklist:*

### **SPECIAL PERMIT CRITERIA**

- a. The proposal is suitably located in the neighborhood in which it is proposed and/or the total town, as deemed appropriate by the Special Permit Granting Authority;
- b. The proposal is compatible with existing uses and other uses permitted by right in the same district;
- c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;
- d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;
- e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;
- f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6.5)
- h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;
- i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;
- j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;
- k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;
- l. The proposal is in general harmony with the general purpose and intent of this bylaw;
- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

*Mr. Coelho read the Estate Lots Criteria Checklist:*

### **SINGLE FAMILY DWELLINGS ON ESTATE LOTS CRITERIA CHECKLIST**

The purpose of this regulation is to allow for the creation of lots for single-family dwelling units only, with less than the required frontage, in exchange for increased square footage, for the purpose of preservation of open space and decreasing density in given areas.

Single-family dwellings on estate lots shall be permitted in the Agriculture and Residential A districts only upon the issuance of a Special Permit from the Planning Board as specified in Section 7.0 of this bylaw, and in accordance with the additional requirement specified herein, unless waived by the Planning Board.

1. No more than two consecutive estate lots shall be located on a public way.
2. The estate lot(s) shall have a minimum street frontage of not less than 50 feet and access width of not less than 50 feet from the front lot line to the principal structure. The front lot shall meet all the zoning dimensional requirements normally required in the district.
3. An estate lot(s) shall be double the minimum lot area normally required for that district inclusive of the access strip.

4. An access strip that is accessible having a maximum length not exceeding four hundred (400) feet.
5. The width of the lot where the principal building is to be constructed shall be equal to or exceed the distance normally required for street frontage in the district.
6. Front, rear and side yards must equal or exceed those normally required in the district.
7. The Planning Board may require that there be maintained or kept a naturally occurring or a planted vegetated buffer strip between estate lot(s) and adjacent lots to provide effective visual screening between the buildings at grade level.
8. The estate lot entrance/driveway shall be clearly designated with a house number sign. Mailboxes shall not suffice.
9. The driveway is to be located, constructed, and maintained a distance of no closer than ten (10) feet to any abutting property line.
10. Plan submitted shall include the statement, "Lot (fill in the Lot #) is an Estate Lot; building is permitted only in accordance with the Special Permit Estate Lot provisions of the Ludlow Zoning Bylaw."
11. Permit shall run with the property and not with the applicant.

Ms. Houle: Got your ANR stuff?

Mr. Minnie: Yup, hold on a second. So we have mail item #13 letter with photos, and I just want to address it. And it was comments mostly on the type of construction of the type of driveway which is gonna be more on Conservation's purview, and the owner's purview. There was concern of flooding, and it looks like it was sheet flow. You know, sheet flow is sheet flow. Obviously, whenever new construction's going on, there gonna have to meet and perform to the criteria required, which will be keeping all the rain on the property, etcetera, etcetera, etcetera.

Mr. Smith: --- over an acre, so you'll be doing the stormwater management report as well as the Conservation filings, so it's gonna ---

Mr. Minnie: Yeah, there is a crossing.

Mr. Smith: There's a double check there ---.

Mr. Minnie: ---. So, but I just wanted to address that. So, apparently there is some sheet flow. It's a big open area. I don't think it's changed in my lifetime. It looks pretty much the way it has, I think, for forty years. I probably haven't been over there for thirty five years, back there in the Boy Scouts or something, the Cub Scouts. That's pretty open expanse. Where the house proposed construction, is that open field, or is that wooded?

Mr. Smith: That's the wooded side.

Mr. Minnie: ---

Mr. Smith: There's a shrub line, probably through here is about the tree line.

Mr. Minnie: Ok, ok.

Mr. Smith: At least ---, probably roughly through here is the edge of the field. So with the brook here, there'll be a massive buffer to this property, and quite honestly, the only house you can see is right over here, and we'll obviously keep a nice hardwood buffer through there, it's hardwoods.

Mr. Minnie: Yeah, I'm sure the people back there aren't gonna want to see anybody if they don't have to. Ok, so I just wanted to address that mail item before we did the ANR. And I think it adequately addresses it. Does anybody have any other concerns or comments on mail item #13?

Mr. Coelho: Just to note, the pictures that were shown are from 2006. We did have some very unusual flooding in 2006. It was a bad, bad year, so. That's almost worst case scenario.

Mr. Minnie: Ok.

Mr. Coelho: I looked it up.

Mr. Minnie: Yes ma'am. Please state your name and your address again please.

Ms. Gaumond: Maureen Gaumond. That water that's gonna flood, is that gonna flood down where we are?

Mr. Minnie: No. The law requires now, that's different than the old days, any water that's falling on their property has to remain on their property, and this will all be addressed under the Conservation. So this is just to make a piece of property tonight. The construction of a driveway, the crossing of the brook, and all that, are gonna be addressed at additional hearings that will be posted in the ---.

Ms. Gaumond: It's dry as a bone right now.

Mr. Minnie: Ok, I understand.

Ms. Gaumond: When we bought it was dry as a bone, and stayed that way for a little while.

Mr. Minnie: Well, there's no doubt that the hydrology of the Town is changing. I have a pond on my property, it was much larger the last twenty years than it is the last year, I can tell you that. And you know, things, waters, do change, move, increase, decrease. But, there is more protections now for the neighbors than there ever has been, and anything that's there will be required to stay there. And I would expect zero change.

Ms. Gaumond: That should be fine then.

Mr. Minnie: Yes.

Ms. Gaumond: Ok, thank you.

Mr. Minnie: Thank you. Ok, ANR checklist?

Ms. Houle read the ANR Checklist:

1. Property owner's name, date of plan, and scale of plan.
2. A space for endorsement by the Planning Board.
3. The names of all abutters.
4. The lines of existing streets, ways, property lines, and easements. Indicate whether streets and ways are public or private.
5. The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.
6. Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.
7. The location of all property corner monuments and whether they were found or set.
8. The location, frontage, and area of the land remaining in the original parcel after establishing the new parcel.
9. The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.
10. The location of all existing buildings and the distance from the existing buildings to the new property lines.
11. If a building lot is intended, the frontage requirement at the setback line must be shown.

SUBMISSION: Two (2) Mylar's plus four (4) sets of prints (dark line on white background) shall be submitted to the Board for endorsement.

Mr. Minnie: And I would also make note that the plan is properly --- as required for an estate lot.

Mr. Coelho: Mr. Chairman?

Mr. Minnie: Mr. Coelho.

Mr. Coelho: I **MOVE** to endorse the ANR for Paula Siok at 0 Miller Street, Assessors' Map 30, Parcels 34A and 36D, Lot K.

Mr. Minnie: Is there a second?

**SECOND** Ms. Houle.

**4-0 in Favor.**

**Roll call vote: Mr. Queiroga - yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Minnie – yes.**

Mr. Minnie: Motion to close the public hearing?

Public Hearing – Siok

February 23, 2017

Mr. Coelho: Whoa, whoa, whoa, whoa.

Ms. Houle: We have to approve the estate lot.

Mr. Minnie: ---

Mr. Coelho: Horses, cart.

Mr. Minnie: I can't hear you. I didn't hear what you said.

Mr. Coelho: Special permit.

Ms. Houle: We have to approve the special permit.

Mr. Minnie: Oh, you didn't do the special permit. I'm sorry, you didn't...

Mr. Coelho: I figured I'd start with the ANR because ...

Mr. Minnie: Oh, I'm sorry, I thought it was included with the ANR and ...

Mr. Coelho: No.

Mr. Minnie: Ok.

Mr. Coelho: I'll let somebody else take the reins.

Mr. Minnie: Double duty, ok.

Mr. Coelho: Not double duty. I like to be thorough.

Mr. Minnie: Hey, I'm perfectly fine with thoroughness in ---.

Ms. Houle: Mr. Chairman?

Mr. Minnie: Yes ma'am.

Ms. Houle: I **MOVE** to approve the Special Permit for Paula Siok, at 0 Miller Street, Assessor's Map 30, Parcels 34A and 36D, Lot K, under 7.0.4 a-m, with the condition that the special permit run with the property and not with the applicant.

**SECOND** Mr. Coelho,

Mr. Minnie: And discussion. Is the special permit for a ...

Ms. Houle: For estate lot.

Mr. Minnie: Thank you. And is that ok with everybody?

Mr. Coelho: Yes.

Mr. Minnie: And hearing no objections, all those in favor?

**4-0 in Favor.**

Roll call vote: Mr. Queiroga - yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Minnie – yes

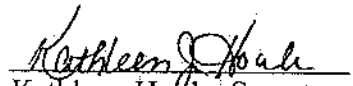
Ms. Houle **MOVED** to close the public hearing.

**SECOND** Mr. Coelho.

**4-0 in Favor.**

*Hearing ended 8:21 p.m.*

APPROVED:

  
Kathleen Houle, Secretary

su

Documents: Master application; Subdivision Approval Not Required Plan and Estate Lot Plan, Miller Street Ludlow, MA owned by Alan J. & Paula A. Siok (February 2, 2017); Comments from Town Boards/Departments; Mail item #13 – Letter and photos from Joyce A. Siok re: Public Hearing for 0 Miller Street (Estate Lot)

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