

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

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

APPOINTMENT – Eric Nelson, Westmass – Update

Eric Nelson – Westmass; John Mayberry – Board Chairman of Westmass & President of Mayberry Material Handling; Antonio Dos Santos – Attorney with Crear, Chadwell, Dos Santos & Devlin, P.C.; Steve Roberts –owner & former President of FL Roberts, were present for the appointment.

Mr. Nelson introduced the Board Members of Westmass that were present at the appointment with him. He also gave a brief history of Westmass Development Corp.

Mr. Nelson explained the things that have been accomplished in the past five years after Westmass purchased the Ludlow Mills Property. He noted that there were 43 recognized environmental concerns on site, and with funds from the State and Federal Government, and no cost to the Town, was able to successfully clean up the entire 170 acre site. Mr. Nelson said that they also got a More Jobs Grant, which got State Street and First Avenue completely reconstructed. He mentioned that those utilities were put right to work when HealthSouth relocated to the Mills Site. Mr. Nelson explained that HealthSouth employs 125 health care jobs in it's 28 million dollar facility, and that it's returning a tax income back to the Town of approximately \$380,000 annually.

Mr. Nelson remarked that the upcoming projects at the Ludlow Mills Site include the Winn Development Senior Housing Project in Mill 10. He said that it's slated to come online as early as June. He added that Winn Development has entered into purchase and sale of the Clock Tower, which is slated for a mixed use development with approximately 50 to 60 million dollars of commercial ground floor offices, and residential on the upper floors.

Mr. Nelson said that the next project for Westmass, in partnering with the Town, is that they are going to go for grants including a Federal US Economic Development Administration Grant, matched by a Mass Works Grant from the State, for a total of 7 million dollars, intended for a subdivision road called Riverside Drive. He noted that the road is part of the comprehensive plan that will allow access to the industrial land that's now undeveloped in the far eastern portion of the site. He remarked that there are approximately 68 developable acres out there, with the majority of that which isn't developed, will be given back to the Town as part of the continued Riverwalk. Mr. Nelson stated that Phase II of the Riverwalk will extend Riverside Drive out to First Avenue, and get the sidewalk connection back up to State Street, which wasn't able to be

accomplished with the First Avenue/State Street project. He noted that he is hoping to get the funding for that project by late August of this year, with groundbreaking in 2018.

Mr. Nelson explained that there is over \$120 million in investment in the project in the first 5 ½ years. He remarked that this is a long term 20 year project, \$300 million in total investment, 2,000 jobs, and a projected annual income to the Town in property taxes of \$2 million.

Mr. Coelho questioned the status of the Iron Duke Brewery. Mr. Nelson said that they are continuing to have conversations with them. Mr. Coelho remarked that it would be nice for the small businesses to flourish in Ludlow.

Mr. Minnie questioned the status of the old locomotive house and the old sandblasting building. Mr. Nelson responded that the old locomotive house has a dirt floor, so that it will be a challenge for occupancy. He said that the old sandblasting building a/k/a carpentry shop, does not have any utilities to the building, and that's why it's critical for Riverside Drive to come in. He also noted that the master plan has always identified that building as a restaurant.

Mr. Nelson said that Riverside Drive, along with the Riverwalk, will eventually be given back to the Town, as one conveyance. He also explained that full utilities, including gas and underground power lines, will be run along Riverside Drive.

Mr. Queiroga asked if there was any interest in Building 13. Mr. Nelson said that although it is an eight story building, it is only as high as a five story building, and therefore has very low ceilings. He also noted that the building relies on barbed wire as the reinforcing mesh in the concrete. Mr. Nelson remarked that the building will be a challenge.

Documents included: Westmass Area Development Corporation Ludlow Mills Project Overview Literature

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**PUBLIC HEARING – ZONING BYLAW – Proposed Zoning Bylaw Revisions to include:
Add Section XI. Temporary Moratorium on the Sale and Distribution of Recreational
Marijuana**

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ APPROVE/SIGN Minutes of February 23, 2017 and March 9, 2017
- ◆ FILE Mail Item 23. - Legal Notices from surrounding communities
- ◆ SIGN Special Permits:
 - Paula Siok – 0 Miller Street (Lot K)(Estate Lot)
 - Vanished Valley Brewery, Inc. – 782 Center Street (Micro-brewery)

- ◆ APPROVE Change of Occupancy:
- Psych Care Associates PC (Usman Qayyum MD) – 185 West Avenue
- ◆ APPROVE/SIGN Bills – Turley Publications (legal notice; public hearing - Zoning Bylaw revisions)

**PUBLIC HEARING – SITE PLAN – Carlos R. & Helena Pereira – 575 East Street
(Assessors’ Map 15D, Parcel 142)(updating site plan)**

SEE ATTACHED MINUTES

Mail Item #24 - Payroll Authorization Form – Office of Town Accountant

Mr. Phoenix: So, is there a MOTION to have the payroll authorization form signed off for Ms. Houle to be the ---?

Mr. Minnie: **SO MOVED.**

SECOND Mr. Coelho.

5-0 in Favor.

Mr. Minnie recused himself from the meeting at 8:30 p.m.

**ANR – Wally Lupa / Mike Pietras – 68 Nash Hill Road (Assessors’ Map 9, Parcel 36)
(subdivide house off of property)**

Mike Pietras was present for the appointment.

Mr. Pietras explained that the ANR was submitted to divide the property to give the house its own identity on the parcel. He noted that currently the whole parcel includes the house and the zoo.

Mr. Coelho 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.

Ms. Houle **MOVED** to endorse the ANR for Joan Lupa at 68 Nash Hill Road.
SECOND Mr. Queiroga.
4-0 in Favor.

Documents included: Master application; Subdivision Approval Not Required Plan, Nash Hill Road Ludlow, MA, owned by Joan Lupa (3/20/17)

File Mail Item #22 - Cease & Desist from Dept. of Inspectional Services – Vanished Valley Brewery, Inc. – 782 Center Street

The cease & desist letter noted that operations must immediately cease at Vanished Valley Brewery due to the fact that the brewery is operating without the benefit of a Special Permit from the Planning Board. The letter states that the Special Permit was approved on February 24, 2017, and has not been signed by the Board or recorded with the Registry of Deeds. Mr. Phoenix mentioned that the Special Permit was signed at tonight's meeting. The letter also noted that the Special Permit states that there can be no point of sales to the general public, and according to the Masslive article dated March 21, 2017, they were advertising sales to the general public for the purchase of growlers.

Mr. Stefancik mentioned that they (Vanished Valley) has been selling growlers out of Europa, and that the Special Permit states that there was to be no point of sales. He said that the public hearing was advertised that way because the applicant had that wording down on their application. Mr. Stefancik also stated that they could amend the Special Permit to allow point of sales at the location, but that a handicap parking space would need to be added to the building.

Mr. Phoenix remarked that in reference to as far as operating without the benefit of a Special Permit from the Planning Board, if it's already been approved, and it's slotted to be signed on the 23rd at the meeting, then why does a letter go out two days before that saying that there's an issue with it? He added that if it's gonna be signed on the 23rd, and it's on the agenda that's been published and put out, then maybe this is not something to write in a letter on the 21st.

File Mail Item #25 - Memo from Town Clerk – Reorganization after the Town Election

File Mail Item #26 - Letter from Roger P. Cox Jr. re: March 16, 2017 ZBA Meeting (HAP Housing)

Mr. Phoenix read the letter of nonsupport for the HAP 40B project proposed for 188 Fuller Street.

Mr. Queiroga noted that it is the wrong location for the project.

Mr. Phoenix remarked that the Planning Board has no control over this project, but that the approval is up to the Zoning Board of Appeals.

The Board Members agreed that a Housing Production Plan will help in the future with any 40B projects that come into the Town.

Mr. Phoenix: With that said, I see nothing else on the agenda.

Mr. Queiroga **MOVED** to adjourn.

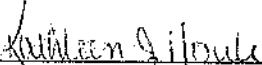
SECOND Ms. Houle.

Mr. Phoenix: Always in order and not debatable. All those in Favor?

4-0 in Favor.

Meeting adjourned at 9:00 p.m.

APPROVED:



Kathleen Houle - Secretary

su

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

**TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING
PROPOSED ZONING BYLAW REVISIONS
Town of Ludlow
Add Section XI. Temporary Moratorium on the Sale and
Distribution of Recreational Marijuana
March 23, 2017**

PLANNING BOARD MEMBERS

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

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

In attendance: Attendees

Mr. Phoenix read the legal notice which included the description of: Add Section XI. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.

Mr. Phoenix: Now I understand we got some feedback already, as far as changing some of the language in this.

Mr. Stefancik: Correct.

Mr. Phoenix: Did you want to explain what's going on with that?

Mr. Stefancik: Sure, this was based off of the West Bridgewater Model Bylaw. And with the West Bridgewater Bylaw, the Attorney General, in their approval letter, had sent a letter approving the bylaw with some exceptions. And in the footnotes, and that's where I had made some changes and highlighted, we just need to change Cannabis Advisory Control Board to State Cannabis Control Commission, and that's like footnote number one. And then footnote number two, was with the ballot initiative, and she recommended, the Attorney General's Office, to remove the portion about the ballot measure. And number two, the reason was given; *although not determinative of our decision on Article 2, we note that this text in Article 2 does not clearly reflect the language of the state ballot question passed on November 8, 2016. First, it is not clear from the state ballot question that a town has the power to issue a "license" for marijuana establishments or marijuana retailers. The state ballot question appears to establish the Cannabis Control Commission as the sole licensing authority. The state ballot question does not indicate that a town may prohibit the operation of one or more types of marijuana establishments in the town, but whether a complete prohibition on such establishments must be made by by-law vote or town ballot note (or both) is not clear from the text of the state ballot question.* And Margaret Hurley from the Attorney General's Office, mentioned that that should come out of the bylaw.

Mr. Phoenix: So basically, from what we had for review, the changes are the title of the board in charge of it, and taking out approximately the last half of the second paragraph under 11.0.1?

Mr. Stefancik: Correct.

Mr. Phoenix: Ok. And everything else is as has been circulated.

Mr. Stefancik: Correct.

Mr. Phoenix: Now, this would be for a moratorium, not for anything long term. Basically, something to give us time to be able to put together a bylaw, something that'll work for the Town, somewhere to the way that we did it with the medical marijuana. So, there's really nothing too shocking, I don't think, with this. That said, is there anything that the Board would like to add or ask before I look for public comment?

Mr. Coelho: I just want to be clear that this is only a temporary moratorium, and that's for sure spelled out in this.

Mr. Stefancik: Yes, it expires on, in June 2018, June 30, 2018.

Mr. Phoenix: Last page, 11.0.3, temporary moratorium. The date is the end of the fourth line there.

Mr. Coelho: Ok.

Mr. Phoenix: Anything else from the Board? Hearing nothing, this is a public hearing, so I will open it up to public comment, question, and concern. I would ask if you do have anything, that you state your name and address for the record, so we can keep all of that straight, and address everything through me as the Chairman, so we don't have any crosstalk, keeps things a lot easier for the minutes and posterity. Is there anyone from the public that has anything at this time? Yes?

Ms. Kelleher: It's Elinor Kelleher, and I'm here for the Board of Health.

Mr. Phoenix: Ok.

Ms. Kelleher: As you know, the Board of Health has voted to support the institution of a temporary moratorium on the sale of marijuana in Town. This does not, of course, effect the legality of use of marijuana in Town, which I believe has been legal since December. So, the Board, the Board of Health is concerned about the health and safety of our residents in Town. And there's several reasons that we think this is advisable. One being, that the law itself, as you know, the ballot question passed, is gonna be pretty different by the time our state legislature is done with it, and currently there are, I think it's 30 different bills, that have been introduced in our state legislature that would amend it. My understanding is that a vote is not gonna occur on these until later in the spring or early summer. The state has a moratorium on the sale of recreational marijuana that's due to expire in June. So, we won't know, you know, it's good to have a little cushion of time so that we can be really informed about what the state laws are. The ballot question that passed is not at all like the law in Colorado that we all know about. The tax rate in Colorado is upward of 30%, and a lot of that money goes to towns, cities, schools, and

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prevention efforts, drug abuse prevention, and that's not the case with the current version of the law. It's only a 12% tax rate, and my understanding is that cities and towns can levy an additional 2%, which is not very much. In addition, that entire 12% goes to enforce the law. So, there really isn't any money for very much, coming to towns and cities, unless we levy that extra 2%. So, to those who are eager to welcome these businesses, you know, I'm not sure that, at least currently, there may not be a lot of tax money revenue coming from them. So, now the second reason that it's a good idea to take our time in this, is, as we all know, the federal government has made it clear that they won't be changing marijuana from a schedule one, which is illegal, it's an illegal drug like heroin, according to the feds, to a schedule two, which is a move that the medical organizations really support so that it can be better studied. So we can find out what the medicinal effects are, and then study it through the FDA channels and approve whatever compounds are helpful. So, it's not clear whether the federal government is going to be cracking down on marijuana sales. So, until the time that marijuana moves out of schedule one, sellers of the substance won't be able to bank normally, and will have to, they'll have large amounts of cash, so that raises security concerns. There are a great deal of safety concerns, which I would let our police address those concerns, but from a public health point of view I have a lot of concerns about marijuana retail in town. So, we are definitely in support of this.

Mr. Phoenix: Ok, thank you very much. Is there anyone else?

Mr. Rooney: Mr. Chairman, Bill Rooney, 86 Pinewood Road. Earlier this week, I did have a conversation with Doug. As a result of that, I think both of us probably reached out to Town Counsel. I actually had a very lengthy discussion with Town Counsel, Mike Schneider, today, really, as it relates to what should the Town be doing, or what can the Town be doing relative to ballot questions. And certainly, I think it's clear, and I think Doug stated it correctly, that the letter from the Attorney General's Office to the, I'm, not sure if it was the town administrator or town manager in West Bridgewater, ultimately approved their bylaw change, even with the language that was somewhat troubling to the Attorney General's Office. So, it wasn't as if the Attorney General's Office said, you cannot have that language in there about having ballot questions before any type of recreational marijuana facility would come into that particular town, but it certainly seems clear that it would be cleaner and a smoother process to take that language out. I, while I would like to have some language in there about ballot questions, because I do think ultimately the Town of Ludlow, which disapproved question four last November, should be able to vote on this. That's something, quite honestly, I will be working with my colleagues on the Board of Selectmen to do that. But, I guess one of the things that I would urge this Board to do, is to take a look at adding some language in the proposed article that you folks have, knowing that that language that Doug made reference to earlier is going to come out, but that there be some language in there. Now, I mentioned I had a lengthy discussion with Attorney Schneider. I guess that's what happens when two lawyers get together to try to come up with draft language. But, if I could just take a minute to read what we came up with as something to maybe put into, and it would be probably at the end of 11.3, under temporary moratorium. It probably makes sense, given that where it continues onto the third page, that's a rather lengthy sentence, it may make sense to put what I'm about to suggest, at the end of that paragraph in 11.3, which would read as follows. And by the way, let me be very clear, I'm not speaking for Attorney Schneider. As I said, we talked at length, he certainly would want to take a look at it, but this was something that the two of us came up with, as maybe trying to accomplish what it is we are looking to accomplish. And that would read as follows; if permitted by law and/or regulation, the planning process shall include a study of the effectiveness of a town wide ballot measure prohibiting marijuana establishments in the Town of Ludlow. And really, what we're looking to do, is by placing it where I suggested it might make sense to place it, if you look at

11.3, it talks about what planning process should be in place during this one year moratorium. And it seems to make sense, at least from my perspective, that if there's going to be a planning process in place, there be language in here to talk about the effectiveness of having a town wide ballot question. Because again, I think what you're seeing is, many communities are starting to go down that road. Just, I think, two weeks ago, the Town of Westboro passed by 80%, in a town wide ballot, a restriction, or a ban, on any recreational marijuana facilities in that town. I know Pembroke is having a vote in the next week or two, and I think Peabody is, as well. So, my suggestion, and I'd be glad to write it up. I don't know that anybody can read what I just read to you, but I do think it makes sense that there be some language in there, knowing that that language was troublesome to the Attorney General, be taken out, that we have some language in there that talks about the effectiveness of looking at a town wide ballot.

Mr. Coelho: So that would be putting the state regulation under the scrutiny of the voters twice.

Mr. Rooney: No, not necessarily. I think the voters looked at the question four, and weighed in, and weighed in 52 to 48% that they, that the Town of Ludlow residents or voters did not want recreational marijuana, or did not want the legalization of it.

Mr. Coelho: So --- the opportunity to vote as a dry state if it were to come to alcohol, a dry town if it came to alcohol?

Mr. Rooney: I didn't hear the beginning of ---.

Mr. Coelho: It would be like a dry town if we came to alcohol? That would be a parallel to this?

Mr. Rooney: ---

Mr. Coelho: So, there are dry towns, right?

Mr. Rooney: I think there's one in Massachusetts, if I'm not mistaken. But, I think it, what it does is, it recognizes that the voters in Ludlow spoke last November on question four, saying they did not want the legalization of marijuana. Now, there is a process in place that you folks are shepherding to see whether or not we should be doing recreational marijuana facilities in Town. I think it makes the most sense of all to let the voters in Ludlow decide whether or not they want those facilities. And if they vote to have it, fine. If they vote not to, then that's their, that's their right as voters on a rather controversial issue.

Mr. Queiroga: Mr. Chairman?

Mr. Phoenix: Mr. Queiroga.

Mr. Queiroga: Bill, if I would, when they set up, it looks like from what I've been reading, that when this thing went through at the state level, that there was a lot of definitions that were left to be filled in.

Mr. Rooney: Right.

Mr. Queiroga: And it just seems like they've got a long way to go to get to where they want to go. The other thing is, now, in the original bill that was passed, was there any provision there for

local, for each city, each town, to be able to vote for themselves whether they do or do not want it? Is that something that was left open?

Mr. Rooney: I think it's an open question for sure. Certainly, question four that was on the November ballot, didn't talk about, it's going to be up to individual cities and towns to have town wide or city wide ballot questions in their particular community, but certainly, that process is already started. As I said, Westboro was the first one earlier this month, and there are others that are going to be following suit. So, I don't think there's, I guess, to answer this way Joe, I don't think there's any prohibition based on the language of question four. I don't think there's any prohibition to a city or town putting it up for a town wide referendum.

Mr. Queiroga: I know that when we did the medical, we, part of what they left in the bill was that they required a letter of, what was the terminology, non?

Mr. Rooney: Support or non-opposition.

Mr. Queiroga: Non-opposition...

Mr. Rooney: Right.

Mr. Queiroga: ...on the part of the Board of Selectmen. Is there any such mechanism in this particular law?

Mr. Rooney: Well, let me say, not that I'm aware of, but I'm getting whispered by my wife, I don't think I'm right. I hear that a lot. So, certainly, she may have more information about it than I do.

Ms. Rooney: And I don't know if you're aware of, my name's Laura Rooney from 86 Pinewood. I work at an organization that's speaks to employers, and one of the things we talk about is substance abuse, and drug testing, and pre-employment testing, and all kinds of education for employers. So, my understanding, and I also could be wrong, which is how we have our conversations, is that it is built into the bill that towns can have a ballot question brought forward, and towns can vote whether or not they want to legalize the recreational sale in their own towns, both in terms of, just the way alcohol is consumed. But alcohol, being a, you know, a schedule one drug, which was reaffirmed by the DEA, just August 2016, so that is not gonna be reviewed anytime soon, I don't think, under this new government, federal administration.

Mr. Minnie: Alcohol or marijuana?

Ms. Rooney: Marijuana is a schedule one.

Mr. Minnie: Yeah, you said alcohol.

Ms. Rooney: I'm sorry. The DEA confirmed that in 2016. So, what that does, is it --- studies on the effects of marijuana, but they did broaden that to some degree in August of 2016. So, there can be more information on it. I think that's one of the things that's the hardest thing about marijuana is the information that's out there. But, my understanding, and what we've been talking about with different towns, is that there is an opportunity for a ballot question. Now the timing of that, and I don't know if you have any information, because it certainly seems to be going around, these ballot questions. So, you know, I think there might be provision, but I think

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that, you know, the moratorium, hopefully, will give us time and information, and knowledge, you know, to do some research and some figuring of this out 'cause I think there's a lot of things are not clearly understood.

Mr. Queiroga: I...

Mr. Coelho: I think we're all in favor of the moratorium at this point to some degrees or others.

Mr. Phoenix: I was actually just gonna ask a question.

Mr. Coelho: I'm sorry Ray ---.

Mr. Phoenix: No, if people have things to say, I'd rather be able to keep my mouth shut for a little while.

Mr. Coelho: Where does adding this verbage into this moratorium, how's this beneficial at the end of the day when it comes to the actual regulations that come out to the state?

Mr. Rooney: Well, I think that's an unanswered question, because we don't know what the regulations will be from the, I think it's called the Cannabis Control Commission. So, we don't know. All the language does is recognize that as part of the study process that you folks are really going to ---, as you did with the medical marijuana during the moratorium, is that it should also include some looking at the effectiveness of having a town wide ballot question. That's really what it's looking at.

Mr. Phoenix: What I was actually gonna ask is, since we're kind of, we're at two different questions going on at the moment, I think. The first one is the moratorium itself. The second one is the additional language. Is there anyone that has anything that they would like to bring up as far as the moratorium itself, aside from that additional language? Ok, so there's nobody with anything to say on that, so it sounds like everyone is in favor of the moratorium itself. Is there anyone else that would like to speak as far as the additional language?

Mr. Queiroga: Mr. Chairman, not hearing anything, I do want to just lay it out that I do agree with Mrs. Kelleher that the percentages here are way off. That I notice even, that the sheriff's office has a, have they filed a bill at this point?

Mr. Rooney: I'm not sure they filed it, but they're certainly advocating.

Mr. Queiroga: Yeah, that the certain percentage has to be added to the bill in order so that they could use it for rehab and other purposes, as a result of the potential ---. So, I'm, you know, it's just I've never seen a bill that's passed that's left so many questions unanswered. You got more questions now than before.

Mr. Minnie: I've sort of studied the whole thing an awful lot, probably more than most people in the room, because of what it was doing to the industry of alcohol, and so, since I'm in the alcohol business, we've had the benefits of people coming in from both Oregon, Washington, and Colorado giving a lot of positive and negative reviews of different things. Personally, as long as marijuana's still a schedule one drug, I'll never vote in favor of any site plan in the Town of Ludlow for it, because it's an illegal item, it's a federally prohibited item, and you're asking me, someone's asking me to approve something that is illegal, which I have a moral issue with. So,

whether or not recreational marijuana or medical marijuana is or isn't a good issue to myself, if we --- people laws and rules, then, you know, that's like saying, ok, the speed limit on the turnpike's 60mph, but we're gonna go 100 and we're just gonna ignore the law, so. I mean, the federal government needs to either needs to deal with this issue up front, and say yes or no, whatever it's gonna be, it's gonna be, I'll live with it, it's not gonna kill me, but this thing just really needs to be addressed at the national level, and I don't know if we're gonna see that in the next 4 years either.

Mr. Phoenix: Well, what I would say to that without trying to open a much, much bigger can of worms than we need to be dealing with at a Planning Board Meeting, since it doesn't have anything to do with interstate commerce or the protection of the country, and there's nothing that specifically gives the federal government the authority to have that as an illegal drug if the state doesn't wish it to be, I have some serious reservations as to whether or not that's constitutional. That said, the reality is, right now it's been passed, we need to come with some kind of a bylaw that deals with it. And we just need to figure out, are we going to, I guess, put in language that includes a provision that we're going to have a, another run at the voters as far as how this goes.

Mr. Minnie: Can we do, can that be done by petition?

Mr. Rooney: Can what be done by petition?

Mr. Minnie: The town wide ballot question. Can that be done by petition?

Mr. Rooney: I don't know.

Ms. Rooney: There's some rules around this, around this, there's some rules around how it can be done. And I think, I think again, information is really the key. And so, you know, by the Planning Board allowing the consideration of that to put that in this, in this article, I think, you know, it allows for the openness to hear what the voters want to do with it, and it allows, you know, there's time. So, you'll get the regs., will come out, supposedly in September, and then we can go from there. I think that opinions on marijuana, one way or the other, you know, that is what it is. If somebody wants to be a DOT driver, or work in some businesses, businesses are still testing for marijuana. So, they won't get jobs.

Mr. Minnie: Like possession of a firearm?

Ms. Rooney: So, you know, I think we want to think, sort of, big picture about the message and where we are. But, you know, it's all debatable. Is alcohol or marijuana worse? Like you said, let's not get into that, you know, we don't know, because it's not been studied. So, but the opportunity to put the ballot, the question back on the ballot if Ludlow really wants it, then voters will come out and say, yeah, you know, this is something we want, we want it have it be the same. And if they say something else, then they say something else. I mean, I just, I think, because they did vote against it, we gotta really consider that this is the people that voted in this town didn't want it. So, and that's what other towns are doing.

Mr. Phoenix: But, I think with a margin that's as slim as that one was, there's certainly the potential that anything could happen if it goes in front of the voters again...

Ms. Rooney: Sure.

Mr. Phoenix: ... 'cause it could drive more people on the losing side to go to the polls. Who knows what goes through the minds of people on voting day. But can you, what was the language that you had again Bill?

Mr. Rooney: If permitted by law and or regulation, the Planning process shall include a study of the effectiveness of a town wide ballot measure, prohibiting marijuana establishments in the Town of Ludlow. Now, if I could add to that, Mr. Chairman, my suggestion would be, given what I've talked about in terms of my conversation with Attorney Schneider, if your board is so inclined to go for an article at Town Meeting, that is including this language, it may make sense, either in your motion, or sometime afterwards, to actually speak to Attorney Schneider to actually get the exact language. I mean, you know, I called him, obviously he was in the middle of other things, it wasn't as if this was foremost on his mind, but this is what we came up with after a lengthy conversation. But I would imagine he would appreciate the opportunity to, either take this language and kind of tweak it, or give it his blessing.

Mr. Queiroga: I assume we have time for the, before the meeting coming up in May?

Mr. Phoenix: We have some time, yeah ---.

Mr. Queiroga: Ok.

Mr. Coelho: Sure.

Mr. Kelleher: Mike Kelleher, 108 Wedgewood Drive. The language that Mr. Rooney, or something close to that, I think, gives you some flexibility. I think that it can't hurt to have that language --- like it's binding you to putting this back before the voters again.

Mr. Phoenix: Well, it says shall in there, so it...

Mr. Kelleher: Well, it says shall look at, it doesn't say shall put it to a vote. I think having some flexibility to be able to do that if it be, you know, 'cause we're still waiting for all the dust to settle on all the regulations, and if that is something that ends up in the final version of this bill that comes out, I think it would be handy to have that there, and then you can avail yourself without having to come back and revisit this whole business again in front of Town Meeting. So, just to have that in there to give you some options, makes an awful lot of sense.

Mr. Coelho: So, if this verbiage isn't in this moratorium, and the state does say we can have a local ballot question about it, what does it matter that we put this in here or not? I'm not trying to be argumentative, I'm just wondering why we're going through. I mean, the Attorney General's Office obviously said that this wording was kind of suspects, recommended that we remove it. If we're allowed to by state law, when they ultimately, when the dust ultimately settles on these regulations, what does it matter if it's in there or not?

Mr. Rooney: I think I would answer it this way, Chris, it's a great question, and I think, because of the, because everything is up in the air with the State, and the way that there are so many unanswered questions, the reason that I had this discussion with Attorney Schneider, was to say, well, if there's going to be a study process, which you folks are going to drive as part of that temporary moratorium, that it seems to make sense that even though we don't have any direction yet from the Cannabis Control Commission, we should take a look at, as part of that study process, should we be looking at putting the ballot question in front of the voters.

Mr. Coelho: I get it.

Mr. Minnie: I mean, even if this all goes through, I can't imagine someone coming in to try to do a site plan without a lot of people in the neighborhood not being happy no matter where you put it. That's a whole other can of fish.

Mr. Phoenix: So, for right now, I'm not super comfortable with having a motion tonight that's contingent on what we hear back from Town Counsel. I think if we're gonna close the public hearing, we need to have all the facts in hand. And I don't want to try and make a complex motion that goes one way if Town Counsel says something else, goes another way if we like the language, another way if we don't. 'Cause nothing says that what Town Counsel says is gonna ring true for us either. I had some questions, but...

Mr. Minnie: Well, maybe Mr. Rooney and Doug can get together and run some stuff by the Attorney General's Office, and we can just continue the public hearing.

Mr. Coelho: Attorney General's Office is gonna see it when we pass it anyways, we just gotta run it through our attorney.

Mr. Queiroga: Can we --- continue the public hearing for a date and time?

Mr. Phoenix: That's what I was gonna suggest.

Mr. Minnie: Can we have a date and time for?

Mr. Queiroga: Give us time to get more input for ---.

Mr. Stefancik: Your meeting next week with Eversource, or do you want to go to April 13th, I think is our next meeting?

Mr. Minnie: It's getting too close, let's do it while we're meeting with Eversource next week.

Ms. Houle: That would make more sense.

Mr. Minnie: Just...

Mr. Rooney: ---, excuse me, you also have to be concerned with when the warrant's closing.

Mr. Minnie: Right.

Mr. Rooney: And as I sit here, I don't know, I can't remember the date of when that's closing, so.

Mr. Minnie: Well, if we have a week, we can...

Mr. Phoenix: Well, even regardless of that, we can always change things on Town Meeting floor too, as need be.

Mr. Minnie: Is there a special, too?

Mr. Rooney: There is.

Mr. Phoenix: There is, but that's already closed too, I think. That was a lightening fast. What's our pleasure? Do we want to just do a straight continue for a week? What's, what is the, do we have the actual date for?

Ms. Houle: ---

Mr. Stefancik: Closing the warrant?

Mr. Phoenix: When it's closed, yeah.

Mr. Stefancik: I think they closed it for the...

Ms. Houle: Special.

Mr. Stefancik: ...the special, yeah.

Mr. Phoenix: Right, but for the regular.

Mr. Stefancik: The regular? I think the regular was, it was already closed.

Mr. Phoenix: Ok.

Mr. Stefancik: Yeah, I mean, this is in draft form. We can make changes to it. This, I can make changes as long as it hasn't gone to the printer.

Mr. Phoenix: Well, for the moment, why don't I do this. To clear up a couple of the question marks on it, does anyone have any issue with changing the name of the overseeing organization to State Cannabis Control Commission, and deleting the text starting with the word further, through the end of the second paragraph, under 11.0.1 purpose. On those changes, is there any opposition?

Mr. Queiroga: **SO MOVED.**

Mr. Phoenix: So there's a motion to make those changes at a minimum, is there a second?

SECOND Mr. Minnie.

5-0 in Favor.

Mr. Phoenix: So, the one remaining question we have open is the additional language. What time are we thinking? 'Cause Eversource, they've got to be down for what, 7:00 on there?

Mr. Stefancik: 7:00, yeah.

Mr. Minnie: 7:45? Actually no, depends on what goes on Eversource. Maybe we ought to make it short, and they can just deal with it when the Eversource is done. So if you make it at 7:15, it'll just get pushed, because there's gonna be nothing else on the schedule. 'Cause if we put it for a set time...

Mr. Coelho: Then we gotta wait.

Mr. Minnie: ...then we gotta wait. So why don't we put it for 7:15 for next week.

Mr. Phoenix: Is that agreeable to everyone?

Ms. Houle: Yup.

Mr. Phoenix: Ok, so that is that a...

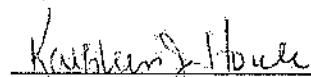
Mr. Minnie: **MOTION** to continue the public hearing 'till March 30, 2017, 7:15 p.m.

SECOND Ms. Houle.

5-0 in Favor.

The public hearing is continued until Thursday, March 30, 2017 at 7:15 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; Draft Warrant Article XI. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana; Letter from Office of the Attorney General re: West Bridgewater Special Town Meeting of December 14, 2106 – Case #8242, Warrant Article #2 (Zoning)(January 18, 2017); Mail Item #20 – Letter of support of proposed moratorium on the sale of marijuana for recreational purposes in the Town of Ludlow from the Ludlow Board of Health

(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
Carlos R. & Helena Pereira
575 East Street (Assessors' Map 15D, Parcel 142)
(updating site plan)
March 23, 2017

PLANNING BOARD MEMBERS

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

Hearing began at 8:05 p.m. in the Selectmen's Conference Room.

In attendance: Helena Pereira, Hilario Pereira, attendees

Mr. Phoenix 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.

Mr. Phoenix: And this is actually one thing that I noticed when I was going through this at home, we have a waiver request form with several items circled, but it's not signed. If that's, if those are waivers that you're looking for, if you could sign the form for us, that'd be fantastic. And we have for correspondence: Public Works, no comments; from our own office, everything is nice and pretty in black ink with the exception of 1, 2, 3 and 5 of o, which is what the waiver is requesting. And that's all that I have in front of me. Did you want to explain what's going on?

Mr. Coelho: I think this is a post mortem situation.

Ms. Pereira: I know, I feel like I've been in front of you guys quite a bit regarding the same situation. My understanding is this is just a presentation of, hopefully, the final plans for the site, since there's been a couple of changes that have been previously approved by you guys, so.

Mr. Minnie: This the first time that I've seen this.

Ms. Pereira: Ok.

Mr. Minnie: I just have one or two minor concerns. The chart calls out East Street Auto Body, and under business use it says auto repair. That really should not say auto repair, it should say body, because there's a definition, we have definitions of auto repair and body shop. So, that really should, because auto repair specifically prohibits fenders, paint, framework, and all that. So, that really should say, under auto repair, it should say auto body.

Ms. Houle: Two separate buildings, two separate businesses.

Mr. Minnie: I understand one building, but they're showing two call outs and a different square footage, and it's a preexisting nonconforming zoning.

Mr. Pereira: That's like that for --- years.

Mr. Minnie: No, no, I'm not, no you have a right to do ---, I just think that's a mistake to call it out that way.

Mr. Phoenix: Right, it's just the way it's called out in the table, the businesses are auto repair, auto body. So, under the table it should be auto repair, auto body...

Mr. Minnie: Yeah.

Mr. Phoenix: ...to match as far as what's going on.

Mr. Minnie: That could cause a problem in the future. The only other comment I have is currently this is all showing as grass and bushes, and in the past there's stuff parked back there, so you won't be able to park anything...

Ms. Pereira: No.

Mr. Minnie: ...in that area. So you understand that.

Mr. Pereira: Yeah.

Ms. Pereira: No ---.

Mr. Minnie: I'm fine with it, I just, it's not...

Ms. Pereira: Yeah, we just needed a little bit more space...

Mr. Minnie: Sure.

Ms. Pereira: ...I mean, with all the snow a couple years ago...

Mr. Minnie: Right, right.

Ms. Pereira: ...there was no where to go. We changed, there's lots that are not the same anymore, so we just, you know, kind of.

Mr. Stefancik: They had two 5,000 square foot lots behind the auto body...

Mr. Minnie: ---

Mr. Stefancik: ...they took one and divided it, and gave half to the property with the house they built on. The took the other half and gave it to the front parcel.

Mr. Minnie: Ok,

Mr. Stefancik: So, they're updating the site plan to ...

Mr. Minnie: So, they're bigger, they're less nonconforming.

Mr. Stefancik: Exactly.

Mr. Minnie: The only other question I had was, parking spaces 15 thru 20 aren't twenty feet long. Is that part of the waiver?

Mr. Phoenix: No, the waiver request is the 7.1.5o, the 1-5 that we typically get the requests on for lighting, and traffic studies and such.

Mr. Minnie: Do we have to do it for, if the parking's not, what's it supposed to be, 12 x 20?

Ms. Houle: This has been there.

Ms. Pereira: I mean, there's no identified.

Mr. Stefancik: Usually 9 x 18.

(multiple people talking)

Mr. Minnie: Ok, and it's preexisting, ok. Those were my only comments. I just didn't want to see us stamp something that's an issue. I don't even know if they want to change auto repair to auto body or not, that's up to them. I mean the use is really established, but it's just a technical, it's incorrect, technically, but I don't have a problem with it.

Mr. Phoenix: Anything else from the Board?

Mr. Queiroga: So both uses are in that property, correct?

Mr. Minnie: Yes.

Mr. Queiroga: In various parts of the building? Ok, I don't...

Ms. Pereira: There's two separate businesses, they, and they're doing separate things.

Mr. Minnie: Yeah, yeah, there's no doubt. You have a right. It's fine. There's no issue. It's just how it's written down is not.

Ms. Pereira: I think it may just be like the historical piece of it, from, you know, from where it has always previously been that way.

Mr. Minnie: Ok.

Mr. Phoenix: Anything else from the Board? Since it is a public hearing, I will open this up for public comment, question, concern at this time. If there's anybody that has anything that they would like to add or ask, I would request that you state your name and address for the record.

and address everything through myself as Chairman. Is there anyone that has anything at this time?

Mr. Barros: Yes, my name is Fernando Barros, 25 Joy Street ---. I am one of the --- auto body. We call it auto repair 'cause auto repair is auto repair --- auto mechanics.

Mr. Minnie: No, it's not.

Mr. Barros: ---

Mr. Minnie: Excuse me, excuse me. No you can not. Auto body is auto body.

Mr. Barros: ---

Mr. Minnie: No you can not. Auto body is auto body. And I've know you a long time.

Mr. Barros: ---

Mr. Minnie: Auto repair is auto repair. I was just...

Mr. Barros: ---

Mr. Minnie: I was just concerned for his case, that it's called out incorrectly, that's all.

Mr. Barros: How you justify that?

Mr. Minnie: Bylaw.

Mr. Phoenix: We have...

Mr. Barros: Auto body's auto body, auto mechanic's auto mechanic. It's auto repair.

Mr. Minnie: No, no it's not. Read the Town Bylaw.

Mr. Phoenix: Doug, can you?

Mr. Coelho: We have definitions in the Town that define them.

Mr. Barros: Ok, alright.

Mr. Minnie: I just don't want to see him...

Mr. Barros: ---

Mr. Minnie: I don't want to see him tripped up, because once you record this, ok, even though it says auto body on that little square portion of the building, and that's what's going on there, it say auto repair down here, and we do have definitions of what it means, and I just didn't want him in the future to go sell the property and all of a sudden say hey, even though there is an auto body, and it's been there for a thousand years, it says auto repair on the plan, because this is gonna be recorded.

Mr. Phoenix: And, ultimately, it's a site plan that's being submitted under the zoning bylaw, and it's under the definitions of the zoning bylaw, not of whatever someone thinks --- is.

Mr. Minnie: Yeah, it may sound crazy to you, but it says auto body there, and auto repair there, and someone wants to make an argument.

Mr. Stefancik: The definitions I have on auto body shop - a structure where motor vehicle, bodies, and frames are repaired; auto repair garage - a structure or part thereof where repairs other than to body and frame are made.

Mr. Minnie: There you go. Like I said, I just didn't want it to have a conflict. There's no conflict now.

Mr. Barros: No, I'm just saying.

Mr. Minnie: Twenty-five years from now, we're all dead, and they're gonna go well, that was a body shop but it says auto repair, and it's registered, and it's done under town rules. I just wanted to make them aware of it.

Mr. Barros: ---

Mr. Stefancik: Body shops are no longer allowed in Business A, Business B...

Mr. Minnie: Right.

Mr. Stefancik: ...that whatever that is that's grandfathered, only in Industrial A and Industrial C Zone.

(multiple people talking)

Mr. Barros: --- gonna have to say auto body or say auto collision?

Mr. Minnie: It doesn't matter if it says collision.

Mr. Phoenix: Doesn't matter if it says collision, doesn't matter what the business name is or anything like that. What matters is, it's a site plan under the Zoning Bylaw. You just heard what the definitions are. On the plan right here, we have business use, and for both sections it says auto repair, which would mean that if we're going by what this plan says...

Mr. Barros: There would only be one.

Mr. Phoenix: No, it would mean that there could be no body work done at all ---.

Mr. Minnie: That's the way, that's the way I read it.

Mr. Phoenix: That's the way this plan says it.

Mr. Minnie: And that's why I brought...

Mr. Phoenix: So, it's a matter of...

Mr. Minnie: That's why I brought it up.

Mr. Barros: ---

Mr. Phoenix: And that's why Mr. Minnie brought up that it might be something that should be corrected before it gets ...

Mr. Pereira: Yeah.

Mr. Minnie: Yeah, 'cause if this were my piece of property, I would not record this. So, I'm just trying to be nice to these people. I don't know them. I never met them.

Mr. Pereira: Thank you.

Mr. Minnie: My concern is...

Mr. Pereira: ---

Mr. Minnie: Two years from now, I know the whole place, it just, it looks great after it burned, and thank God it was able to come back, and there's people making a living there, and I'm fine with it all. It's just my concern is, it says body shop here, but it says auto mechanics here. And if one of the neighbors gets upset at him, and they come in and say, you have a registered site plan that says auto repair, and it doesn't say auto body, it doesn't matter that it says auto body on that portion of the building. It's saying, in this 1,626 square feet, you intend to do auto repair, not auto body. That's what it's saying.

Mr. Phoenix: The part on the building, basically, is tying in a label to this bottom part here, East Street Auto Service, East Street Auto Body. So, it's just, and it seems like they're agreeable to getting that straightened out.

Mr. Barros: ---

Mr. Minnie: I would rather see it corrected.

(multiple people talking)

Mr. Queiroga: Mr. Pereira: It's a small ---

Mr. Phoenix: Hang on Joe.

Ms. Pereira: So, just a question because I'm not familiar so much, my dad is the one who's familiar with this, but, with the reconstruction of the garage, or what have you, with what we're discussing, in terms of the tenant moving in, are we bound to always have those two spaces of auto repairs, or because of what is said in the site plan, or if a new tenant comes along and they're doing something a little different and it goes with whatever businesses are allowed in that space?

Mr. Minnie: I'd be happy to answer that for you. As of right now, because auto body's considered a more offensive use than auto repair, if you could never expand the auto body bigger. Now the whole building could be all auto repair, since auto body's more offensive use, then you could make the whole thing just auto repair and never do body work there again.

Ms. Pereira: Ok.

Mr. Minnie: You know, but, what I'm trying to be nice and let you understand.

Ms. Pereira: But, if it's something other than, like ...

Mr. Minnie: You could put a convenience store in there.

Ms. Pereira: Right, exactly.

Mr. Minnie: There's a lot of different things.

Mr. Phoenix: But that would need to come back to get the site plan changed.

Mr. Minnie: Right ---.

Ms. Pereira: So, we would not need a new site plan for every tenant that goes in there.

Mr. Phoenix: No.

Mr. Minnie: No.

Mr. Coelho: You can do addendums.

Mr. Minnie: If there's major changes.

Mr. Phoenix: There's different procedures depending on what kind of business would be going in compared to what's there on the plan. If it's gonna be something that's like a one for one swap, or very close to that, we have a process that's a Change of Occupancy that we do, where it's a \$50 fee, and a very brief application, comes in, you don't even need to come in to represent it, and we sign off on it. Just saying that basically there's a, the same business going on, but with different people running it.

Ms. Pereira: Right.

Mr. Phoenix: If it's gonna be a different type of business, then we'd be looking to get a change on the site plan. Right now, our standard is that within 20 years we allow people to make two changes as amendments to the plan before they have to go through and do a whole new plan. So, you'd be allowed to come in and change the chart, or something else that's a smaller change ...

Ms. Pereira: Yup.

Mr. Phoenix: ...twice over the life of the plan, unless we start changing those numbers in allowing more of those.

Mr. Minnie: My guess is...

Mr. Coelho: If you're changing tenants in an auto body, tenants gonna come, Freddie doesn't want to do it anymore, somebody else wants to do auto body, it's a simple process ---.

Ms. Houle: Mr. Chairman, just a question, what Ed is trying to explain, in order to protect the auto body part, which would not be allowed in the district like that, all he wants you to do is change this down here from auto repair to auto body, because that's what's existing, and it protects you ---.

Ms. Pereira: No, I understand that, I guess what I'm asking is that because of that ---, this discussion, if we have a change of it, because we, in the beginning, with the building of the garage, we didn't even know what it was going to be, actually, in this space, you know, because...

Mr. Minnie: Let me help you out a little bit. It's probably always going to be more valuable as a repair garage and body shop than it would be a convenience store or something else. So, and you can always change it in the future, you know what I'm saying? So, because the Town, because auto body's such a...

Ms. Pereira: ---

Mr. Coelho: ---

Mr. Minnie: It seems complicated, but it's not.

Ms. Pereira: I feel like I've been here five times.

Mr. Minnie: It gets way worse than this, so. By doing it the way I'm suggesting, changing that word, you have the most protection. You have everything in your, much in your favor.

Ms. Pereira: No it's fine, we can go back to our surveyor --- edit it.

Mr. Pereira: ---

Ms. Pereira: Do we have to, like, do this again?

Mr. Phoenix: No.

Ms. Houle: No.

Ms. Pereira: Thank you.

Mr. Phoenix: --- well let me ...

Mr. Barros: ---

Mr. Phoenix: Well, let me ask a question, as far as the use that you're doing, are you doing only work that falls under the definition that Doug read for auto body?

Mr. Barros: Yes.

Mr. Phoenix: Or are you doing any other automotive work that would fall under the auto service?

Mr. Barros: --- auto body ---. But, I think what she's trying to get to is if they ever change from auto body, will they be able to get it back?

Mr. Phoenix: No.

Mr. Minnie: No.

Ms. Houle: No.

Mr. Barros: That's what she's trying to get at.

Mr. Minnie: If it becomes not an auto body in that section...

Mr. Barros: You lose the right.

Mr. Minnie: ...after two years.

Ms. Pereira: Right, so I should change that because in two years if I've...

Mr. Barros: Yes --- auto body, yes.

Ms. Houle: As long as he stayed, there'd be no problem ---.

Mr. Pereira: I want it to stay the way it is, that's it. I go to the surveyor, change it, and that's it.

Mr. Minnie: --- he's gonna change it on the computer...

Mr. Pereira: ---. That's simple.

Mr. Minnie: ...print it out, and it's gonna be done, and everything's fine.

Mr. Queiroga: Mr. Chairman? Can we...

Mr. Minnie: Yes. Sorry about that. I won't hit you because I don't want to go to jail for abusing the elderly.

Mr. Queiroga: Can we go through the mechanics here, and have it, and rather than have him, have Kathy sign it, if in fact it gets passed, have Kathy sign it, give him whatever time he needs to get Smith to change that, come back, we'll sign it.

Mr. Phoenix: I think if we go through and that's the only thing that's outstanding, I don't know that we'd be making a motion to sign it, and then sign something different when it comes in. I think it would be that we approve it contingent on getting in that change.

Mr. Queiroga: Correct, yeah.

Mr. Stefancik: We need a Mylar anyways, so Mr. Smith needs to bring us that, so.

Mr. Minnie: Ok.

Mr. Queiroga: You need...

Mr. Phoenix: So, to run the checklist Eddie.

Mr. Minnie 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)

Mr. Minnie: Are those yeses?

Mr. Coelho: Yes.

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.

Mr. Minnie: Is there a yes?

Mr. Queiroga: Yes.

(2) Area and size of building.

Mr. Queiroga: Yup.

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

Mr. Queiroga: Mmmhmm.

(4) Maximum number of employees, where applicable.

Mr. Queiroga: Yup.

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

Mr. Queiroga: Yup.

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

Mr. Queiroga: Yup.

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

Mr. Queiroga: Yup.

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

Mr. Queiroga: Yup.

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

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

Mr. Coelho: Yup.

Mr. Queiroga: Yes.

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.*

Mr. Phoenix: Requested to be waived.

(2.) *Elevations showing the front, rear, and sides of the building design.*

Mr. Phoenix: Same.

(3.) *Signage design with dimensions and locations.*

Mr. Phoenix: Same.

(4.) *Area where snow will be stored.*

Mr. Phoenix: Yup.

(5.) *Traffic Study.*

Mr. Phoenix: Same.

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I make a **MOTION** to waive Requirement 7.1.5.o 1 – 5.

Mr. Phoenix: 1, 2, 3 and 5?

Mr. Coelho: 1, 2, 3 and 5.

SECOND Mr. Minnie.

5-0 in Favor.

Mr. Phoenix: Unless there's anything else from the Board at this time, I'm going to entertain a **MOTION** to, number one, find that the plan meets all of the requirements of the Planning Board at this time, and to condition our motion on the receipt of the changed plans to satisfy the needs of the applicant.

Mr. Minnie: Of the chart?

Mr. Phoenix: So, the approval would be contingent on getting in a plan that changes auto repair to auto body on the auto body portion of the chart.

Mr. Minnie: **SO MOVED.**

SECOND Mr. Coelho,

5-0 in Favor.

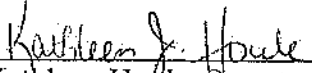
Mr. Minnie: **MOTION** to close the public hearing.

SECOND Mr. Coelho.

5-0 in Favor.

Hearing ended at 8:25 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; abutters list; request for waivers; comments from Town Departments/Boards; Site Plan – 575 East Street, Amherst Street Ludlow, MA, owned by Carlos R. & Helena Rosa Pereira (update 2-27-17)

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

