

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
May 11, 2017**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

Mr. Queiroga acted as Chairman in Mr. Minnie's absence.

**PUBLIC HEARING – SPECIAL PERMIT/ACCESSORY APARTMENT – Kevin Lauer –
38 Andrew Street (adding a 730 sq. ft. accessory apartment)**

SEE ATTACHED MINUTES

**APPOINTMENT – SITE PLAN ADDENDUM - Mike Bertini – Ludlow High School
(Todd H. Gazda)(Assessors' Map 16D, Parcel 67)(addition of parking lot)**

Mike Bertini was present for the appointment.

Mr. Bertini explained that they are going to pave the old hockey rink for 16 additional parking spots, because the staffing has increased within the school. He said that limitation for the parking will be between 6:00 a.m. to 3:00 p.m., and that there will be a gate on it to prevent parking after school hours, per the Conservation Commission requirements (parking on left side only). Mr. Bertini noted that the parking will be for students only.

Mr. Queiroga explained that the Planning Board cannot vote on the site plan waivers because there are only three Board Members present.

Ms. Houle read the Requirements for Site Sketch checklist:

_____ *Area of lot*

_____ *Area & size of buildings*

_____ *Number of parking spaces required for intended use based on Section 6.4*

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

_____ *Maximum area of building to be used for selling, offices, business, industrial or other uses.*

_____ *Maximum number of employees where applicable.*

_____ *Maximum seating capacity where applicable.*

_____ *Maximum sleeping capacity where applicable.*

The site plan approval will be continued as a discussion item at the next meeting on May 25, 2017.

Documents included: Master application; request for waivers; comments from Town Departments / Boards; Plan – Ludlow High School – Garage – Additional parking spaces: 16

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**ANR – Whitetail WREKS/Armand Deslauriers –
Harvest Drive (Lot 37)(Assessors’ Map 30, Parcel 112)(divide off lot as shown on
conceptual plan)
Autumn Ridge Road (Lot 52)(Assessors’ Map 30, Parcel 112)(divide off lot as shown on
conceptual plan)**

Armand Deslauriers was present for the appointment.

Harvest Drive (Lot 37)(Assessors’ Map 30, Parcel 112)

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. Phoenix: I make a **MOTION** in the standard form to endorse the ANR.
SECOND Ms. Houle.
3-0 in Favor.

Autumn Ridge Road (Lot 52)(Assessors' Map 30, Parcel 112)

Mr. Phoenix 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. Phoenix: And again, I'll make another **MOTION** in the standard form to endorse the ANR.
SECOND Ms. Houle.

3-0 in Favor.

Documents included: Master application; Plan of Land, Harvest Drive Ludlow, Mass., owned by Whitetail Wreks, LLC (March 20, 2017); Plan of Land, Autumn Ridge Road Ludlow, Mass., owned by Whitetail Wreks, LLC (May 8, 2017)

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File Mail Item #40 - Legal Notice – Ludlow Conservation Commission – 157 Cady Street
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File Mail Item #41 - Legal Notice – Ludlow Conservation Commission – Center Street Improvement Project
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File Mail Item #42 - Violation letter from Dept. of Inspectional Services re: Parking of equipment & junk at 312 Miller Street
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File Mail Item #43 - Violation letter from Dept. of Inspectional Services re: 562 Holyoke Street – United Rentals
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Mail Item #44 - Memo & letter from Justin Larivee, Building Commissioner & Zoning Enforcement Officer re: complaints - 241 Sewall Street
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Mr. Phoenix **MOVED** to find that at this time, based on the information that we have from the Zoning Enforcement Officer, the Planning Board has no, sees no need to put together a meeting as described by Mr. Sousa in his letter.

SECOND Ms. Houle.

3-0 in Favor.

Mr. Phoenix: I know we said we're gonna do it, but just to put it in there, I would additionally **MOVE** that we send copies of the correspondence from the Zoning Enforcement Officer to Mr. Sousa, so that he's aware of what we're looking at.

SECOND Ms. Houle.

3-0 in Favor.

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APPOINTMENT – Tony Goncalves – Change of Use – 185 Miller St (Turnpike Acres)
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Tony Goncalves was present for the appointment.

Mr. Goncalves remarked that a yoga studio may want to purchase the property at 185 Miller Street, prior to the foreclosure, and has about a week to ten days to act.

Mr. Stefancik noted that this property is the Agricultural Moderate Density zone, and requires special permit and site plan approval. He explained that retail services are allowed in that district, if a yoga studio would fall under that category. Mr. Stefancik also remarked that the current owner was never current with the site plan, and had violations such as trailers.

Mr. Phoenix read the minutes from the December 8, 2016 meeting, which stated that there was a motion to find that any business that goes in there is going to need a site plan, and that anything that is different than what we approved the special permit for, is going to need a new special permit.

The Board agreed that a yoga studio would be less detrimental than the current business of the stove shop.

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Change of Occupancy - Anabela Baltazar Fernandes (Elite Contracting Service Inc. – 135 Carmelinas Circle (small construction company)
(taken out of consent agenda)

David Fernandes was present for the discussion.

Mr. Stefancik explained that a Change of Occupancy had been approved for C & S Auto and Diesel, and that the Board had asked that the owner stripe at least sixteen parking spaces. He said that a letter was sent out, but there has been no response as of yet. Mr. Stefancik questioned if the Change of Occupancy for Anabela Baltazar Fernandes (Elite Contracting Services Inc.) will be sharing the same space.

Mr. Fernandes said that they use half the building, and that he (C & S Auto) uses the other half of the building. He noted that he is using the building to park the trucks and trailers. He also mentioned that he was approved for a home office (special permit) but does not want to keep any of the equipment at his home. Mr. Fernandes said that he is only using the building for the parking of the large trucks, and that his office is located at his home. Mr. Stefancik said that if there are two suites on the property, it (the striping of the parking spaces) is not Mr. Fernandes issue.

The Board agreed that a full site plan should be submitted due to the age of the plan on file (1989), and that there have been changes made to the use at the site.

Mr. Phoenix: So, to go through the motions on this, since it's on the Consent Agenda, I'm gonna formally request that since we've already been discussing it, we pull it off of there, and with this as a separate issue, I'll make a **MOTION** to find that the Change of Occupancy is a suitable instrument for the time being, however, we're going to need a full registered site plan on file within 120 days for review.

SECOND Ms. Houle.

3-0 in Favor.

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ APPROVE/SIGN Minutes of March 30, 2017 & April 13, 2017
- ◆ FILE Mail Item 45. - Legal Notices from surrounding communities
- ◆ APPROVE Change of Occupancies:
 - Joanne Tavano (Ludlow Dentistry & Braces) – 433 Center Street #7 (dental office)
 - Binca Warren, DMD – 77 Winsor Street #102 (new ownership of existing dental office)
 - Anh Giang Tran (Tony Nails) – 263 East Street (nail salon)
 - Brenda Shields-Dean (Rusted Roots Apothecary & Market) – 65 East Street (wellness products)
- ◆ APPROVE/SIGN Bills – D. Stefancik (reimbursement for 2017 MAPD conference)
 - D. Stefancik (reimbursement for 2017 Smart Growth conference)
 - Ludlow Printing & Copy Center (copies)

Meet with DPW re: landscaping setbacks

Mr. Stefancik explained that the DPW felt that some of the subdivisions have had too much clearing, and that they would like a five or ten foot setback on each lot. He noted that the DPW would like to meet with the Planning Board to see if this would be feasible.

Mr. Phoenix **MOVED** to have Doug and Sue set up a meeting, preferably here on a Thursday night, to make it easiest for our membership to be here to talk about changes to Subdivision Rules and Regs. regarding landscaping setbacks and whatnot.

SECOND Ms. Houle.

3-0 in Favor.

Tentative meeting with Board of Selectmen re: Housing Production Plan – June 20, 2017

Mr. Stefancik mentioned that the Planning Board had talked about meeting with the Board of Selectmen after Town Meeting to discuss a Housing Production Plan, and to ask for some Smart Growth money to use towards a plan. He said that Board of Selectmen could meet with the Planning Board on June 20, 2017.

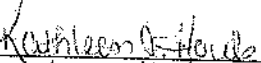
The Board briefly discussed that the Zone Change for the Garcia property on Chapin Street got defeated at the Town Meeting, and what the repercussions could be.

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Mr. Phoenix **MOVED** to adjourn.
SECOND Ms. Houle.
3-0 in Favor.

Meeting adjourned at 8:20 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 – ACCESSORY APARTMENT/SPECIAL PERMIT
38 Andrew Street – Kevin Lauer
(Adding a 730 square foot accessory apartment)
May 11, 2017

PLANNING BOARD MEMBERS

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

Hearing began at 7:02 p.m. in the Selectmen's Conference Room.

Mr. Queiroga acted as Chairman in Mr. Minnie's absence.

In attendance: Kevin Lauer, attendees

Mr. Queiroga explained to Mr. Lauer that due to a lack of quorum, the Planning Board cannot vote on the special permit, and will have to continue the public hearing to the next meeting. He also read the legal notice, gave Mr. Lauer a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: adding a 730 sq. ft. accessory apartment.

Mr. Queiroga: Just as of note, the other Town Boards, Public Works, signed by Mr. Goodreau, Assistant Town Engineer has no comments. The Board of Health made one comment that septic is designed for a three bedroom house.

Mr. Lauer: We have public sewer and water.

Mr. Queiroga: You have public sewer and water, ok. And you highlighted a couple of items here, Doug. You highlighted the...

Mr. Stefancik: Yeah, it's for parents, and then the square footage of the accessory apartment, I believe, is 730 square feet.

Mr. Lauer: That is correct.

Mr. Stefancik: Yup.

Ms. Houle: He has a sewer.

Mr. Queiroga: And the dwelling must be in existence for a period of three years prior, and that goes back to 1977.

Mr. Lauer: ---

Mr. Queiroga: Right? Alright, we cannot, we don't have any problem then, going through the checklist on this?

Mr. Phoenix: No, we can probably do that.

Mr. Queiroga: Ok, and, it's nice when you sit here.

Mr. Phoenix: Want me to go first?

Ms. Houle: You can go first.

Mr. Phoenix read the Accessory Apartment Conditions:

ACCESSORY APARTMENT CONDITIONS:

- The accessory apartment will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
- Only one apartment will be created within a single family home.
- The owner(s) of the residence in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises.
- The additional unit shall be occupied only by a family member. For purposes of this article, family member shall be defined as one of the relatives of the home owner or spouse as follows: mother, father, sister, brother, son, daughter, uncle, aunt, grandmother, grandfather and/or their spouses.
- The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. In general, any new entrances shall be on the side or rear of the building. Any exterior changes made must conform with the single family character of the neighborhood.
- The accessory apartment shall be clearly a subordinate part of the single family dwelling. It shall be no greater than eight hundred (800) square feet nor have more than (1) bedroom.
- There shall be provided at least two (2) off-street parking spaces for the principal dwelling unit, and at least one (1) off-street parking space for the accessory apartment. Parking spaces shall be located to the side or rear of the structure, and behind the front yard setback required for the zoning district.
- For dwellings to be served by on-site septic system, the owner must obtain a letter from the Board of Health that the existing sewage disposal system is adequate for the proposed accessory apartment, before a special permit can be obtained.
- Dwellings must be in existence, and not substantially altered for a period of three (3) years prior to the filing of the conversion permit.
- There shall be no lodgers in either the original dwelling unit or the accessory apartment.
- The construction of any accessory apartment shall require a building permit.
- The temporary special permit for an accessory apartment in an owner-occupied, single-family dwelling shall terminate upon the sale of the property or transfer of the title of the dwelling, or removal from the dwelling by reason of health or death of the occupant of the accessory unit.
- The owner(s) of the altered dwelling will dismantle the cooking facilities for the accessory apartment and restore the dwelling to a single-family residence upon sale or transfer of title of the dwelling, or removal from the dwelling by reason of health or death of the occupant of the accessory unit, unless a new special permit is obtained within three (3) months after the happening of any of the above events.

- The new owner(s) must apply for re-approval of a special permit for an accessory apartment in an owner-occupied, single-family dwelling and shall submit a notarized letter of application stating that he/they will occupy one of the dwelling units and the additional unit will be occupied by a family member as defined in Section 6.6.3 d. The notarized letter shall state that the original conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing from the Planning Board.
- Upon receiving a special permit, the new owner(s) must file on the subject property, a Declaration of Covenant at the Hampden County Registry of Deeds. A time-stamped copy of the recorded Declaration of Covenant shall be provided to the Planning Board and the Building Department.

Ms. Houle 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. Queiroga: Ok, Kevin do you have any questions on any of those?

Mr. Lauer: Nope, nope ---.

Mr. Queiroga: Before we ---.

Mr. Lauer: Oh, I understand all the requirements.

Mr. Queiroga: Ok, before we open it up to the public, are there questions from any members of the Board?

Mr. Phoenix: No, I think everything looks pretty straight forward.

Mr. Queiroga: And because when this Bylaw was set up, it required four people, and this is kind of rare to have only three people. We hate to make you wait, but it shouldn't be a problem.

Mr. Stefancik: On this, do you think we could just close the public hearing and then we could act on the special permit at the next meeting, and then Mr. Lauer doesn't have to come back for the next meeting, or?

Mr. Phoenix: I think we could probably leave it open...

Mr. Stefancik: Ok.

Mr. Phoenix: ...and if he comes back, I think that's great. But if we look for public comments and questions with nothing coming in, I don't know that I would think we need to compel him to come back in again. I think if he's answered all of our questions, and the questions of anybody that's come in tonight, we can take it from there, but it leaves it open in case anybody coming into it has anything they want to go over. I think it's probably the safest bet.

Mr. Queiroga: I don't have any problems, is, in any case it'll get, either way, it's gonna get what you want done, and it doesn't look like any of your neighbors are here to have any, to complain or object.

Mr. Lauer: No, no, as far as I know there is none, but to, I guess my question is, why wouldn't we close the public hearing now because of, I mean, there is nobody complaining, why extend it for another week or two?

Mr. Phoenix: Well, if we close it, and then another, one of the other Board Members comes in and they do have any questions or anything that they want to go over, we can't have any discussion about anything without publishing and having a new public hearing started. So if, I don't know what timeline we're gonna look out coming out of tonight, but let's look at it shortest term we possibly could. If we were to have this scheduled for two weeks from tonight, Board Member shows up, have something that they want to address that wasn't already talked about, then we're gonna have to publish for another two weeks in the paper. It's gonna push us at least another four weeks out before we'd be able to have that discussion. So, if we leave it open, that should give us the ability to conclude anything we need to once the people are here.

Mr. Lauer: Ok.

Mr. Phoenix: Kind of saves you a little bit of...

Mr. Lauer: Yeah, it's gonna, unfortunately if we don't do this within the next few weeks, it's gonna affect my building, 'cause I do have a building permit to proceed with my addition, not counting the accessory apartment. So, I'm hoping to get in, obviously, by the next meeting so we can get this approved and start processing 'cause it will end up hampering my builder eventually, if it doesn't, so. But, you know, I tried to provide you everything. I understand the

circumstances, and it's beyond all of our control right now, but if we could move forward to getting it processed at the very next meeting, that'd be great.

Mr. Phoenix: 'Cause I think you might of heard us talking a little bit beforehand. I know at our next meeting in two weeks, I won't be able to be here. There's something came up that I have to attend. I just found about it, I think it was, two days ago I sent the email. And Kathy's kind of a question mark. But, even if there's an issue with the two of us, we do have our other two regular Board Members that would be able to, hopefully, be here that night, and we do have our associate member who ...

Ms. Houle: Should be back.

Mr. Phoenix: ...is normally able to be here. It's kind of, he's usually pretty easy to get in. It's kind of odd that he's not in town for something. So, I think there's a solid shot at concluding it in two weeks.

Mr. Lauer: Ok.

Mr. Phoenix: I think that would be a pretty safe bet. I can't give you guarantees, but.

Mr. Queiroga: You already have the permit?

Mr. Lauer: I already have the addition permit, yes, and Justin's already given me that permit, and we already started a foundation for my addition. And that's already in process, that's already ...

Mr. Queiroga: So, that's not being held up by this?

Mr. Lauer: No, but eventually, the, my builder wants to order the wood for everything, not for part of it. So, that's why we did this proceedings early enough to, this date was supposed to be, you know, obviously, we'd get approval then he could proceed and release all the wood, or place the order for the wood, and cabinetry, and so on and so forth. It takes while. My parents are, unfortunately my father has a sickness and an illness, and they live in a colonial, and him climbing stairs is not a good thing, so the longer it, you know, delays, unfortunately, again, I know it's not your issue, but it's an issue for my father and myself. The sooner I can get him to a one level floor, that's the whole purpose of doing this.

Mr. Queiroga: I understand. Even at my age, I would like to be on one floor.

Mr. Lauer: Right.

Mr. Queiroga: But, we'll endeavor to get you all fixed up within two weeks. And, as you can see, he won't be here, so somebody else will have to be read in, and get familiar with this, so. And maybe you won't.

Ms. Houle: I'm hoping that I'm gonna be here ---.

Mr. Queiroga: Ok, you want to just want to send them a ...

Mr. Lauer: I'll leave the check with you. I'll take care of that, so that way that can ...

Ms. Houle: Make a motion?

Mr. Phoenix: For the time being, I don't know if you want to just formally check with the public, and then can ask Sue for a time for our next meeting.

Mr. Queiroga: Ok, let's open up the public meeting. Is anybody here, would like to comment on the application of Mr. Lauer, at 38 Andrew Street for accessory apartment? They're not popping up.

Mr. Phoenix: Somehow I didn't foresee a whole lot of action.

Mr. Queiroga: So, I'll need a motion to continue the meeting to, what time on the 25th?

Mr. Stefancik: Could we do 6:55, 'cause we have Eversource coming in, and that may take on a whole, all the neighbors are gonna file in here, and I don't want him to wait till 7:45.

Mr. Phoenix: Yeah, I can't foresee the other members having anything they want to ask anyways, so I think that should...

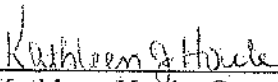
Mr. Queiroga: 6:55 on the 25th?

Mr. Stefancik: Yes.

Mr. Phoenix: So, I'll make a **MOTION** to continue the matter to 6:55 on the 25th.
SECOND Ms. Houle,
3-0 in Favor.

Hearing is continued until May 25, 2017 at 6:55 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; abutters list; Comments from Town Boards/Departments; Floor Plan – 38 Andrew Street; *Plan of Land in the Town of Ludlow, Massachusetts, Hampden County – Prepared for Kevin E. Lauer (04/04/2017)*

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