

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
June 8, 2017**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Edgar Minnie – Chairman (Absent)
Joseph Queiroga – Vice Chairman (Present)
Christopher Coelho (Present)
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 – SITE PLAN – Abilio A. Borges (Borges Construction Inc.) –
165 Carmelinas Circle (Assessors' Map 26, Parcels 7E & 7V)
(addition of a 70' x 10' detached lean-to)**

SEE ATTACHED MINUTES

**PUBLIC HEARING – SITE PLAN - Lisa Grassette - 311 West Street
(Assessors' Map 2C, Parcel 49)(updating site plan)**

SEE ATTACHED MINUTES

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**File Mail Item #54 - Response/photos to Justin Larivee from Speros & Nadine Frangules
re: Cease & Desist letter – Wiffle Ball Tournaments - 41 Meadowlark Circle**

Mr. Coelho **MOVED** to send a copy of this to the Board of Selectmen with a letter from us exhibiting blatant overreach of government, I mean...

Mr. Phoenix: Well, the thing is, if he's seeing things where they're looking for money to be able to play, then that's not just...

Mr. Coelho: It's a wiffle ball tournament in somebody's backyard. I don't care what else it is. It's a waffle ball tournament in somebody's backyard, and this is a waste of everybody's time.

Mr. Phoenix: If they're charging to get in, then it's not just people getting together to play. If you're saying, hey, everybody just chip in some money to for pizza, that's different.

Mr. Stefancik: The Selectmen were copied on the letter.

Mr. Coelho: Well, I want us to send them a letter too, to make sure we realize what's going on here, because this is overreach, plain and simple.

Mr. Phoenix: I tend to disagree. We had to have people go through all the proper channels when they wanted to do the paintball, they had to go through and get the site plan ---.

Mr. Coelho: That was a business.

Mr. Phoenix: If they're charging admission to do this, then it's a business.

Mr. Coelho: It's a wiffle ball tournament in somebody's backyard.

Mr. Phoenix: If they do it for free...

Mr. Coelho: I get a keg of beer in my backyard, I charge five dollars, am I a bar now, to help me pay for the beer?

Mr. Phoenix: If you're charging, then I think that's a different story.

Mr. Queiroga: Ok, so.

Mr. Phoenix: That's the thing.

Mr. Coelho: Overreach, Waste of time.

Mr. Queiroga: Is the, the thing here is ...

Mr. Phoenix: I'm usually one of the first ones to jump on Justin, but I don't really ...

Mr. Coelho: It's disgusting. Ok, that's fine. I put my --- out there.

Mr. Queiroga: Want to put it out for discussion at a future time to?

Mr. Coelho: No. I discussed it all I need.

(Motion failed)

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**PUBLIC HEARING - SITE PLAN – Pauldin, LLC c/o Dinis Baltazar - 0 Holyoke Street
(Assessors' Map 3, Parcel 8C)(utilize the property as a contractor's yard)**

SEE ATTACHED MINUTES

=====

**ANR – Carlos A. Martins, Natercia C. Martins – Lot 25-B, 33 Woodland Circle
(Assessors' Map 33, Parcel 111Y)(subdivide lot)**

Natercia Martins was present for the appointment.

Ms. Martins said that she wants to split the land, and sell Lot 25B as a building lot.

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.

Mr. Phoenix **MOVED** to endorse the ANR using the standard motion.

SECOND Ms. Houle.

4-0 in Favor.

Documents included: Master application; Subdivision Approval Not Required Plan, Woodland Circle Ludlow, MA, owned by Carlos A. & Natercia C. Martins)(May 31, 2017)

=====

Mail Item #55 - Letter from Justin Larivee, Building Commissioner to Planning Board re: violations of Special Permit/Home Occupation, and Violation letters – 2nd & 3rd Notices - re: Parking of equipment & junk at 312 Miller Street

Ms. Houle commented that there have been violations going on at the property since the early 2000's.

Mr. Phoenix **MOVED** that based on the recommendation of the Building Inspector, we publish legal notice and hold the public hearing on the revocation of the special permit at, what was it, 312 Miller Street.

SECOND Mr. Coelho:

4-0 in Favor.

=====
Mail Item #56 - Response letter from Tony Sousa re: complaints - 241 Sewall Street

Mr. Phoenix said that there is not a special permit attached to the property, so Section 7.0.4 of the Bylaw wouldn't apply.

Mr. Stefancik noted that there are not any unregistered vehicles on the property, and that the backhoe that was there is now gone. He also explained that for the last meeting, the Building Commissioner gave the Planning Board a detailed list of what he went through on the entire property, and that all of the issues that Mr. Sousa brought up were either non-issues or something that wasn't enforceable according the Bylaws.

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Mail Item #57 - Response letter to Tony Sousa from Ellie Villano, Town Administrator re: complaints - 241 Sewall Street

This letter also stated that there were not any violations found at the property.

=====
File Mail Item #58 - Cease & Desist - 5th & 6th Notices – No Site Plan Approval - from Dept. of Inspectional Services - 0 Holyoke Street (Assessors' Map 3, Parcel 7A)

Mr. Queiroga said that there was a site visit on the property today.

Mr. Stefancik remarked that they will not be getting fined this week will, because they removed whatever they had to remove at the property. He noted that they need to follow up with Conservation, and the Zoning Board of Appeals.

=====
File Mail Item #59. Cease & Desist – Rescind trench permit - from Dept. of Inspectional Services – 361 Miller Street

File Mail Item #60 - Legal Notice – Ludlow Conservation Commission – 442 Alden Street

File Mail Item #61 - Legal Notice – Ludlow Conservation Commission – Lot K Miller Street

File Mail Item #62 - Legal Notice – Ludlow Conservation Commission – Lot 45 Center Street

File Mail Item #63 - Legal Notice – Ludlow Conservation Commission – Lot 2 Nash Hill Road

File Mail Item #64 - Legal Notice – Ludlow Conservation Commission – Lot 1 Lyon Street

Mail Item #65 - Right of First Refusal – Lot 15 West Street

Mr. Phoenix **MOVED** to notify the appropriate parties that we are not interested in pursuing that property at this time.

SECOND Ms. Houle.

4-0 in Favor.

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ APPROVE/SIGN Minutes of May 11, 2017
 - ◆ FILE Mail Item 66. - Legal Notices from surrounding communities
 - ◆ APPROVE Change of Occupancy:
 - Samantha Parsons – 326 West Avenue (skin care – booth rental)
-

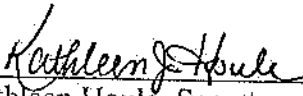
Mr. Phoenix **MOVED** to adjourn.

SECOND Mr. Coelho.

4-0 in Favor.

Meeting adjourned at 8:16 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 – SITE PLAN
165 Carmelinas Circle (Assessors' Map 26, Parcels 7E & 7V)
Abilio A. Borges (Borges Construction Inc.)
(addition of a 70' x 10' detached lean-to)
June 8, 2017

PLANNING BOARD MEMBERS

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

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

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

In attendance: Abilio Borges, Deborah Rice, attendees

Mr. Queiroga read the legal notice, and reviewed the application. The legal notice included the description of: addition of a 70' x 10' detached lean-to.

Mr. Queiroga: So, as I understand, I'm asking for the Planning Board for a waiver of fee also as we paid the full fee for the first submittal in order to receive a denial to go to the Zoning Board of Appeals. Thank you for your consideration, Mr. Borges. So, it's still going in the same place?

Ms. Rice: Yes, same place. It's detached, and according to the...

Mr. Queiroga: Building Inspector?

Ms. Rice: ...Building Inspector, I needed just a five foot from the property line.

Mr. Queiroga: Which you have?

Ms. Rice: Which we will have, yes.

Mr. Queiroga: Ok, and you got a catch basin right there too?

Mr. Rice: Right, we'll put gutters and catch that water off the roof. It's just for storage of the signs and the stuff to be out of the weather.

Mr. Queiroga: Ok, let me, this has already been signed, the waiver request, we'll deal with it in a minute. From the Planning Board, this is a re-submittal; applicant is asking for waivers on 1-5, additional requirements, and a waiver of fee, paid fee for the first submittal. Proposed lean to

only needs to be five feet from the side yard setback according to the Building Inspector. From the Department of Public Works, Mr. Goodreau; no comments. And from the Board of Health; no comments. This is our...

Mr. Coelho: ---

Mr. Queiroga: ... this is the ...

Mr. Coelho: ---

Mr. Queiroga: ... yes. Ok, so, this is basically the same plan you came in...

Ms. Rice: That's correct.

Mr. Queiroga: ... last time, right?

Ms. Rice: That's correct.

Mr. Queiroga: And...

Ms. Houle: And we told them that they had to go to the Board of Appeals.

Ms. Rice: Right, but it's detached.

Ms. Houle: ---

Ms. Rice: It's not attached to the building.

Mr. Queiroga: Did we miss that part of it, or is that, you agree with his finding?

Mr. Stefancik: When they came back to reapply, I said well let's go to the Building Commissioner, 'cause she brought up the detached issue, so while he was here, I went down there and met with him and them, and Justin said it only had to be five feet because it was detached.

Mr. Queiroga: Ok.

Mr. Coelho: So you can build it closer to your property line if it's not attached to your house, or to your building?

Mr. Stefancik: Building, yes. That's what he said.

Mr. Queiroga: On industrial zone. Ok, so, that's, they're gonna need, first of all, is the waiver on the, well let's, questions from the Board at this time?

Mr. Phoenix: Nothing.

Mr. Coelho: Was there anything that happened related to building this before getting a permit or anything? The Building Inspector, was there any?

Ms. Rice: Yes, they started putting in the soni-tubes, and the Building Inspector came down and and said to stop until a permit was pulled.

Ms. Houle: So it's just the Sonotubes ---?

Mr. Coelho: And that's what spurred all this? Ok, alright.

Mr. Queiroga: Ok, Ray, any comments?

Mr. Phoenix: Nope.

Mr. Queiroga: You're alright with them?

Mr. Phoenix: Yeah.

Mr. Queiroga: Who wants to fight me for the ---?

Ms. Houle: Do you want to act on the waivers first, or at least the waiver on the fee?

Mr. Queiroga: Let me have a, I'd like to have a proposal on waiver of fee?

Ms. Houle: I would **MOVE** to waive the fee, they paid the fee initially, and had, at our direction were going to be going to the Board of Appeals. I think we, I thought we had discussed that at that time as well. Ray, do you remember off hand?

Mr. Phoenix: No, I believe we did. I mean, they paid it already.
SECOND Mr. Coelho.

Mr. Phoenix: It's not like they're looking for something different than when they came in.

Mr. Queiroga: All those in Favor?
4-0 in Favor.

Mr. Queiroga: Ok, that takes care of one. The waiver of...

Ms. Houle: It's on that, on the...

Mr. Queiroga: ---

Ms. Houle: ---, Mr. Borges requested a waiver for 7.1.5o 1, 2, 3, 4 & 5. I make a **MOTION** that we waive that, those five elements, under 7.1.5 Section o.

SECOND Mr. Phoenix.
4-0 in Favor.

Mr. Queiroga: Ok, now we've taken care of some the homework. Who wants to fight me for the?

Ms. Houle: I can read. The long one.

Mr. Coelho: ---.

Ms. Houle read the Required Site Plan Contents Checklist:

7.1.5 Required Site Plan Contents

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

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

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

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

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

(2) Number of plants (if appropriate)

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

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

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

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

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

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

- g. Existing natural features and vegetation to be retained shall be so indicated. Due regard shall be shown for all existing vegetation and natural features which, if preserved, will add attractiveness and value to the development.*
- h. The location and type of monumentation at all property corners shall be shown and maintained.*
- i. Existing and proposed elevations and contours. The contour interval shall be two (2) feet or any interval which adequately depicts the grading.*
- j. All existing and proposed utilities, and to include utilities with easements.*
- k. All site plans required herein shall display names of all abutters.*
- l. All existing and proposed sidewalks and curbing.*
- m. Landscaping Requirements.*
- (1) Required landscaping shall be provided as set forth in Table 3.*
- (2) Buffer strips required by Table 3 shall be reserved exclusively for plantings, pedestrian facilities such as benches and walkways, required fences, necessary traffic control signs and those free standing signs which conform to the requirements of Section 6.5.2e of this bylaw.*
- n. The plan shall also include a chart showing the following information:*
- (1) Area of lot.*
- (2) Area and size of building.*
- (3) Maximum area of building to be used for selling, offices, business, industrial, or other uses, if applicable.*
- (4) Maximum number of employees, where applicable.*
- (5) Maximum seating capacity, where applicable.*
- (6) Maximum sleeping capacity, where applicable.*
- (7) Number of parking spaces required for the intended use, based on Section 6.4.*
- (8) Number of parking spaces existing at the site (including street parking adjacent to site).*
- (9) Number of trees and/or shrubs.*
- (10) Number of trees and/or shrubs shown on plan.*
- o. Additional Requirements: All site plans need to have the following information unless waived by the Planning Board:*

Ms. Houle: Those were waived. Those included the ...

(1.) *Lighting Plan with Luminaires Schedule, prepared by an engineer.*

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

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

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

(5.) *Traffic Study.*

Mr. Queiroga: Before we go on to any business, I'd like to open up the meeting to comments from the public. Is there anybody out there that would like to comment on this application? That's always nice. Ok, I'd be looking for ...

Mr. Phoenix: I just have one quick question.

Mr. Queiroga: Shoot.

Mr. Phoenix: It doesn't affect whether it's approvable or not, because they have much more parking than is required for them, but, the total in the chart is twenty-two, and I'm seeing six, plus the handicap is seven, the two here is nine, and these eleven is twenty. I'm just curious where I'm missing the other two. You know where the other two spaces would be on here?

Mr. Abilio: I got two lots.

Ms. Rice: --- I don't think he's counted those two, right by the building. Did you count ---,

Mr. Phoenix: The two right up by the building, yeah.

Ms. Rice: Yeah.

Mr. Coelho: Seven, eight, nine...

Mr. Stefancik: There's two right by the building.

Mr. Phoenix: Right. There's the block of six, there's the block of eleven, there's the two next to the building, and the one handicapped in front, which that comes up to twenty. Like I said, it's not something that changes whether it's approvable, I'm just curious where those other two spaces are that I'm not spotting.

Mr. Coelho: Unless the engineer's has trouble counting --- twenty and twenty-two.

Mr. Phoenix: Maybe they're just trying to count the on street parking? I don't know. I was just curious.

Mr. Queiroga: If they did, they didn't call it out.

Mr. Phoenix: No, that's, they got twice what they need, anyway.

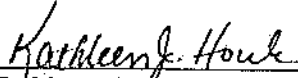
Mr. Queiroga: Ok, I'd be looking for a motion at this time.

Mr. Phoenix: I'll make a **MOTION** in the standard form to approve the site plan.
SECOND Mr. Coelho.
4-0 in Favor.

Mr. Phoenix: I **MOVE** to close the public hearing.
SECOND Ms. Houle.
4-0 in Favor.

Hearing ended 7:14 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; abutters list; request for waivers; comments from Town Depts./Boards; Proposed Site Plan, Plan of Land in the Town of Ludlow, Massachusetts, Hampden County – Prepared for Borges Construction, Inc. (03/03/17)

(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
311 West Street (Assessors' Map 2C, Parcel 49)
Lisa Grassette
(updating site plan)
June 8, 2017**

PLANNING BOARD MEMBERS

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

Hearing began at 7:15 p.m. in the Selectmen's Conference Room.

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

In attendance: Lisa Grassette, attendees

Mr. Queiroga read the legal notice, and reviewed the application. The legal notice included the description of: updating site plan.

Mr. Queiroga: Ok, Lisa, let me read you some of the comments, but why don't you tell us what this is all about, and what you're planning to do.

Ms. Grassette: This is our second hearing. We had come in for application for occupancy that was granted, and a formal site plan was requested, so we are now filing for the family, the formal site plan for your review.

Mr. Queiroga: Ok, the comments from other Boards, Ludlow Planning Board comments, the only item that is red lined is, applicant needs to ask for waivers on 1.3 and & 5 Additional Requirements, which, if you'd like to do that, please sign that. Ok, the Department of Public Works...

Mr. Phoenix: I think those comments predate this version of the plan though, don't they?

Mr. Queiroga: No?

Ms. Stefancik: No, this is the first version.

Mr. Queiroga: This is June 8th comments. We have reviewed the site plans for 311 West Street, prepared by Smith Associates dated 4/21/17, and have the following comments; show parking spaces and circulation for automobiles. Is that there?

Mr. Phoenix: Yup.

Ms. Houle: ---

Mr. Queiroga: All parking spaces shall be paved, and noted on the site plan as either paved or to be paved with the type of pavement to be used.

Ms. Grassette: I believe we were waived, 'cause the small parking area, only four employees, based off our last meeting.

Mr. Stefancik: Are those DPW's comments?

Mr. Queiroga: Yeah.

Mr. Stefancik: Yeah, actually, I'm sorry, this is the second version, and Mike Smith corrected the site plan today.

Mr. Phoenix: That's what I was saying 'cause like the monumentation ...

Mr. Stefancik: The DPW didn't see the second version ...

Ms. Houle: Yeah, because it was updated the 8th.

Mr. Stefancik: ...because they piggy backed on my comments.

Mr. Queiroga: Ok, so never mind? ---

Mr. Phoenix: Well, we might as well read it in ---.

Mr. Stefancik: You can read it into the public hearing, but everything should be corrected, in corrected format.

Mr. Queiroga: Ok, show areas where deliveries will be made on site. The location and type of monumentation at all property corners shall be shown and maintained. Chart required under 7.1.5 is incomplete, and Section 7.1.5 Required Site Plan Contents, Subsection o, some of the Additional Requirements needed to be submitted if not waived by the Planning Board. Ok, this is from the Board of Health; there are no comments. And so, this is a second go around on this?

Mr. Coelho: No.

Mr. Stefancik: No, this is the first go around. The plan was updated ...

Mr. Queiroga: Oh, ok.

Mr. Stefancik: ..., with my comments, and DPW's.

Mr. Queiroga: ---. You gonna fight me for it?

Mr. Phoenix read the Required Site Plan Contents Checklist:

7.1.5 Required Site Plan Contents

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

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

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

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

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

(2) Number of plants (if appropriate)

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

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

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

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

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

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

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

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

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

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

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

l. All existing and proposed sidewalks and curbing.

m. Landscaping Requirements

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

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

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

(1) Area of lot.

(2) Area and size of building.

Mr. Coelho: He's waiting for us to confirm that.

Mr. Phoenix: ---

Mr. Coelho: Yeah, yeah, no, it's there, it's there.

Mr. Phoenix: It is?

Mr. Coelho: Yeah.

Mr. Phoenix: Oh there it is, unit area. It's just the way it's written on here.

Ms. Houle: ---

Mr. Phoenix: The area of lot is under the heading instead of in the table. It's just, it's very strange.

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

(4) Maximum number of employees, where applicable.

(5) Maximum seating capacity, where applicable.

(6) Maximum sleeping capacity, where applicable.

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

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

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

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

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

Mr. Phoenix: Which we have a waiver requested for those.

(1.) *Lighting Plan with Luminaire Schedule, prepared by an engineer.*

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

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

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

(5.) *Traffic Study.*

Mr. Coelho: Mr. Chairman?

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I **MOVE** to waive Section 7.1.5, letter o, 1 thru 3, and 5.

SECOND Ms. Houle.

4-0 in Favor.

Mr. Queiroga: Ok, I'm gonna open it up to, does anybody here would like to comment on this applicant request, do so at this time. Don't all rush out of here. Ok, I'd be looking for a motion.

Mr. Coelho: Mr. Chairman?

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I **MOVE** to approve the site plan for 311 West Street, Assessors' Map 2C, Parcel 49.

SECOND Ms. Houle.

4-0 in Favor.

Mr. Phoenix: Mr. Chairman?

Mr. Queiroga: Close the public hearing?

Mr. Phoenix: Well, before we do that, I would like to make a **MOTION** that we send a letter to the engineering firm, specifically to the individual who's seal we have on here, just advising them that the table that they put on here is not our standard version of the table, and they should be advised to do that properly in the future.

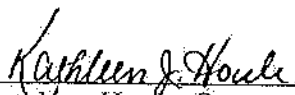
SECOND Ms. Houle.

4-0 in Favor.

Mr. Phoenix: With that, I'll make a **MOTION** to close the public hearing.
SECOND Ms. Houle,
4-0 in Favor.

Hearing ended 7:26 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; abutters list; request for waivers; comments from Town Departments/Boards; Site Plan, 311 West Street Ludlow, MA., owned by Lemieux Family Nominee Real Estate Trust (4-21-17)

(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
0 Holyoke Street (Assessors' Map 3, Parcel 8C)
Pauldin, LLC c/o Dinis Baltazar
(Utilize the property as a contractor's yard)
June 8, 2017**

PLANNING BOARD MEMBERS

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

Hearing began at 7:31 p.m. in the Selectmen's Conference Room.

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

In attendance: Dinis Baltazar, John Masuck – R Levesque Associates, Inc., attendees

Mr. Queiroga read the legal notice, gave Mr. Baltazar a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: utilize the property as a contractor's yard.

Mr. Queiroga: Ok, I'll read Mr. Levesque's Associates notice to us: *Dear Chairman Phoenix and Board Members, he's got a little behind there; Below find the waivers that are being requested for the Site Plan Approval regarding a proposed contractor's yard at the above referenced site. We're asking for the waiver of the Ludlow Town Hall Bylaw Section 7.1.5 for the submittal of lighting plan; a waiver for the submittal of elevations showing the front, rear, sides; a waiver of signage design with dimensions and locations, no signage is proposed for the site; a waiver of the Town Bylaw Section 7.1.5 for the submittal to show where snow will be stored; and a waiver of the Ludlow Town Bylaw for the submittal of a traffic study. Now, we have a new form that denotes all that, and if somebody will sign it, we'll add it to this letter.*

Mr. Coelho: Well, isn't that letter the same as ---?

Mr. Queiroga: Yeah, it is, but might as well.

Mr. Masuck: And, we added following comments from the, that we received earlier today. We also requested a sixth waiver. May I just write that in for the...

Mr. Queiroga: Sure, waiver of Ludlow Town Bylaw Section 6.4.7 requirement for the use of concrete or bituminous concrete for visitor/employee parking area.

Mr. Phoenix: It doesn't need to be written in if it's already on there.

Mr. Queiroga: Yeah, I'm reading it into the record. The proposed use is anticipated to only have approximately two employees and no visitors. A paved parking area is an unnecessary cost considering the scale of the proposed use. And we'll ask you about the proposed use in a minute. Conservation Commission; *work being done outside the hundred foot buffer, hopefully appropriate landscaping can adorn the entrance.* That's their comment. Public Work, DPW: *We have reviewed the site plan for 0 Holyoke Street prepared by R Levesque Associates, number one, contractor must obtain a Construction within the Public Way permit for all work within the public way including, but not limited to the roadway entrance; In all Industrial Zones, all driveways and all visitors/employee parking must be constructed of concrete or bituminous concrete; Parking for equipment/heavy equipment and storage of equipment is allowed on gravel surfaces.* From our Board, there's a few things here. Did you get these?

Mr. Masuck: I did, yes.

Mr. Queiroga: You have a copy of that?

Mr. Masuck: Absolutely do.

Mr. Queiroga: *The number of plans, circulation show arrows, the parking needs to be paved, what type of pavement, will there be deliveries made, fencing, will fencing extend around the entire site; chart needs to be shown along with the following items: number of employees.* You said in your letter, two?

Mr. Baltazar: At the most, typically there'll be nobody permanently there, just trucks coming and going.

Mr. Queiroga: *Number of parking spaces required, number of trees and shrubs, number of trees and shrubs shown on plan. Applicant needs to ask for the waivers, which you already know, more specifically, how will the site be set up?* Fire Department, no comments. And Board of Health has no comments. Ok, let's start out with some questions. The Board is quiet today.

Mr. Coelho: Why don't we let the engineer describe to us what's gonna be going on here.

Mr. Masuck: If you would like, I'd be happy to.

Mr. Coelho: ---

Mr. Masuck: Sure, my name is John Masuck. I'm here from R Levesque Associates, on behalf of our client Pauldin LLC, looking to establish a contractor's yard on a property located on the northerly side of Holyoke Street. It's approximately 60,000 square feet. It has 175 feet of frontage on Holyoke Street, and a depth of 350 feet. The existing property is mostly cleared and graded. You probably, if you've been by, you've probably seen it's certainly been cleared and rolled. We're proposing some additional clearing along the northerly and easterly sides up to the required buffer, and some grading to allow for additional storage, again in the northeasterly corner of the site to maximize the area that can be utilized. The existing, there are existing plantings along the westerly side of the property, there's a row of arborvitaes, approximately 75 of them. I attempted to get a complete count but the photographs that we had taken on the site did not enable me to do so, but there are approximately 75 running along the, almost the entire westerly property line, and then they run into a smaller hedge row that is near the intersection of the driveway access to the westerly property there. We are proposing a fence to be a six foot

chain link fence with privacy slats along the entire frontage. It will wrap 100 feet along the westerly property line. That will be the extent of the fencing, we're not proposing taking it beyond that, you know, further up the westerly, northerly, and the easterly property lines. We are proposing a 30 foot wide paved apron, to allow access to the site. That will be up to the property line, and near to the fence. Again, the fence will be, have a gated enclosure to allow for walking, to limit access to the site, and presumably only employees that are duly allowed to will be, you know, accessing the site on any particular basis. We are showing parking area right inside the gate and the southeasterly corner of the site that would be, you know, essentially designated for parking, again, as Mr. Baltazar indicated will be a minimal number of employees there at any one time, and we've designated a 30 foot by 20 foot space for employee parking, which is certainly enough for at least three vehicles there. As part of our waiver, we're asking that the Board not require that parking to be paved. We don't see an awful lot of reason to do so. There's no structure being proposed. There is no, you know, we don't see a, too much of any reason to be paving a parking area where there's nothing else on the site that's going to be paved, save for the driveway apron. And, you know, again, we are going to be retaining the existing vegetation for a buffer along the northerly and easterly property lines. And, you know, again, the privacy fence wrapping around along the westerly side to limit the view from passing cars on Holyoke Street, so. That's it in a nutshell. The layout of the site, and I'm sure again, Mr. Baltazar can speak more specifically to the operations of this site.

Mr. Queiroga: John?

Mr. Masuck: Yes.

Mr. Queiroga: Is that gate the same height as the fence?

Mr. Baltazar: Yes.

Mr. Masuck: In general, yeah, they are.

Mr. Queiroga: And would it have the same ...

Mr. Baltazar: The privacy slatting?

Mr. Queiroga: Yup.

Mr. Baltazar: Yes, yup. So, all the fence on the front gate and the fence that wraps around that, will all have that green privacy slats.

Mr. Queiroga: Ok. Dinis, why don't you give us a brief idea of what you're gonna be doing there.

Mr. Baltazar: Yeah, so essentially, what we're looking to do is what we're currently doing at 83 Carmelinas Circle, we're just kinda running out of room, so we're looking to stockpile material and take it back out. So, we'll have, there might be some days where we don't have any activity, and there might be days where we have thirty trucks coming and going. Typically between the hours of 7:00 and 5:00, and we're gonna have material being depot-ed on site, and then material being taken out and moved off site. That's really it, and then throughout the year we might, there might be a day or two of screening or blending material. But that's, that's about

it. Might have three or piles of different types of material, and we'll have a loader there, probably on site to sit there in case we need to push piles or move piles.

Mr. Queiroga: I went by your Carmelina on the way to see somebody else the other day, and you just can't go high enough, can you?

Mr. Baltazar: Right, I wish we could. But, no, so we're essentially just looking to do what we're currently doing, and what everybody's doing on Carmelinas.

Mr. Queiroga: You brought it up to, is it the same grade as the road?

Mr. Baltazar: Yes, right.

Mr. Queiroga: And you're gonna pave that?

Mr. Baltazar: That apron coming in, yup.

Mr. Queiroga: That'll be a DPW permit, right? For the curb...

Mr. Baltazar: Yeah, for the curb cut. Yup, and it's long enough, we made it long enough so that we can have a trailer dump pull in and be on our apron entirely, and off the road, can open the gate. The gate's set back far enough where we're not gonna be sitting on Holyoke Street with hazards, trying to open the gate. Our trucks can pull in on the apron off of Holyoke Street, open up the gate in the morning, and then close it at the end of the night.

Mr. Queiroga: Would that be your thing to operate it between 7:00 and 5:00, give or take?

Mr. Baltazar: Essentially, yup.

Mr. Queiroga: Questions from the Board?

Mr. Phoenix: I have an issue with the parking.

Mr. Baltazar: We're not gonna have any employees, maybe five days a year.

Mr. Phoenix: Ok.

Mr. Baltazar: And that's why we're asking for the waiver.

Mr. Queiroga: Would you put crushed rock on that area, where they would park?

Mr. Baltazar: Yup, yup, yup, be like a, instead of having a paved access, we would just put some crushed stone down and prevent any, well first of all, whoever's parking there's gonna be driving on the site, like a, so they're not gonna be taking any material off. But, yeah, we'd put crushed stone just to prevent any material from getting onto Holyoke Street.

Mr. Phoenix: 'Cause they Bylaw doesn't give us the latitude to waive the parking servicing requirement for regular vehicles. It allows us to use gravel for where the heavy equipment is being stored, but it doesn't include any language that allows it to be waive-able by this Board in other instances.

Mr. Baltazar: What is the requirement for, I'm just curious?

Mr. Phoenix: In all business zones, parking areas and driveways must be constructed of concrete or bituminous. In all industrial zones, all driveways and all visitor employee parking areas must be constructed of concrete or bituminous. Parking for equipment, heavy equipment, and storage of equipment, heavy equipment is allowed on gravel surfaces. In all other zoning districts, that portion of the driveway that lies within the public way shall be constructed in accordance to Town of Ludlow, Board of Public Works Regulations reconstruction within the public way, in effect at the time of construction.

Mr. Baltazar: Alright, so I guess, in reality, what we're looking for is, there will be no visitors, there will only be one or two employees five to ten times a year. So, that's why we're looking for the waiver.

Mr. Queiroga: Would millings be an option?

Mr. Baltazar: I'd rather do crushed stone.

Mr. Queiroga: ---

Mr. Baltazar: And it works ---, and it works better.

Mr. Coelho: When the employees park there, what kind of vehicle are they bringing, bringing heavy trucks?

Mr. Baltazar: No, it would be their personal vehicles. Yeah, it wouldn't be heavy trucks.

Mr. Queiroga: Or company truck?

Mr. Baltazar: It might be, yup.

Mr. Queiroga: A pick up?

Mr. Baltazar: It might be an F150.

Mr. Queiroga: Yeah.

Mr. Baltazar: Might be a ½ ton pickup or their personal vehicle. It wouldn't be heavy, it wouldn't be heavy equipment.

Mr. Queiroga: Is that the only issue Ray?

Mr. Phoenix: Well, I think his proposal sounds perfectly sensible. My issue is just whether or not the Bylaw gives us the latitude to do that. If I had a magic wand to waive over the Bylaw, I'd say, yeah, let's just make it a viable option in a heartbeat, 'cause it makes sense. Unfortunately, the laws don't often do that.

Mr. Baltazar: Make sense.

Mr. Queiroga: Comments from other members? How about wiffle ball?

Mr. Coelho: Don't get me going.

Ms. Houle: Don't even start Joe.

(multiple people talking)

Mr. Baltazar: Do one tournament a year.

Mr. Masuck: No charge.

Mr. Coelho: Free, yeah, free.

Mr. Baltazar: We'll donate the proceeds to the Town.

Mr. Coelho: No, don't do that either.

Mr. Queiroga: Is it, ---, in reference to what Ray said is the, within our purview to waive certain parts of our Bylaw, under certain conditions.

Mr. Stefancik: --- are waivable, yeah.

Mr. Phoenix: In the zoning bylaw they have to be specifically called out as waivable.

Mr. Queiroga: And that one is not?

Ms. Houle: No.

Mr. Phoenix: We can waive anything we want in the subdivision rules and regs, and yet we call out some things specifically anyway, just to be like, hey, there's a flag on this one, but.

Mr. Baltazar: So, I guess, what's the definition of employee parking?

Mr. Queiroga: ---

Mr. Baltazar: Well, yeah.

Mr. Coelho: It's where employees park their personal vehicles.

Mr. Baltazar: No time constraints or?

Mr. Coelho: Well, during business hours apparently, right?

Mr. Baltazar: I don't know, that's why I'm asking, --- throw it out there. Only 'cause we're gonna have so few.

Mr. Queiroga: Well...

Mr. Baltazar: Would a crushed stone base be acceptable in lieu of pavement? It'll honestly, it'll work, you know, you'll get the end result of what you're looking for which is, you know, no dirt to be tracked out onto Holyoke Street.

Mr. Phoenix: I mean, you're gonna have the paved apron, and it's gonna take care of most of that anyway.

Mr. Baltazar: Yeah, right.

Mr. Phoenix: Maybe I'm, 'cause I'm just, I'm trying to find a way to make it work in my own mind.

Mr. Queiroga: ---

Mr. Phoenix: For the minimal amount of time that they're gonna have vehicles parked there, perhaps would could make a finding that that is, that that very minimal amount does not rise to the level of employee parking, in general, for the site, that that would be considered exceptional circumstances.

Mr. Queiroga: And if not, then we could revisit.

Mr. Phoenix: Yeah, if it starts to become a routine thing.

Mr. Queiroga: Yeah, is that?

Mr. Phoenix: Does that sound?

Ms. Houle: Sounds fair.

Mr. Queiroga: Would that be in the form of a motion?

Mr. Phoenix: So, I'll make a **MOTION** to find that the employee parking as described by the applicant, with how rare it will be occurring, does not rise to the level of employee parking in the view of the Planning Board, and that if the level of use does increase, that we'll have to revisit that issue at a later time.

SECOND Ms. Houle.

4-0 in Favor.

Mr. Queiroga: Ok, we got past this.

Mr. Phoenix: So, we don't need the waiver on that, but they did request the waiver. So, just to take care of the formality, I'll make a **MOTION** to deny the waiver request for the reason that we are not authorized to grant that waiver on the surfacing.

Mr. Queiroga: On the what?

Mr. Phoenix: On the surfacing.

Mr. Coelho: **SECOND?**

Mr. Phoenix: Well, they requested it, so we have to act on it.

Ms. Houle: Yeah, have to act on it. ---

Mr. Coelho: Ok, **SECOND**.
4-0 in Favor.

Mr. Queiroga: Alright, now on the request for the other waivers.

Mr. Phoenix: That was just the 1 – 5, all of them?

Mr. Queiroga: Yeah. There was a sixth one on there, I think, wasn't it John?

Mr. Phoenix: So, that was that one.

Mr. Masuck: --- related to the paving.

Mr. Coelho: Maybe you just want to scratch that one and initial it too.

Mr. Phoenix: So the reasoning that we have for 0.1, which is the lighting plan --- is private will not have any site lighting; regarding 2, which is the elevations of the front, rear, and sides of the building, there's no buildings proposed; as far as 3, which is the signage design, no signage is proposed for the site. These are pretty good reasons so far. 4...

Ms. Houle: --- did you get that?

Mr. Phoenix: ...plan to show where snow is will be stored, it's not anticipated that passenger vehicles will be navigating the site, and therefore, snow removal and storage will be minimal. 5. The submittal of traffic study, the proposed use is mainly for storage of materials and is not anticipated to generate any significant traffic. I would **MOVE** to accept all those reasons for granting waivers of 7.1.5.o 1-5, and to approve those waivers.

SECOND Ms. Houle.

4-0 in Favor.

Mr. Queiroga: Ok, we, it is a public hearing. I'm gonna open it up to the public for any comments. Is there anybody here that wants to talk on that issue, on the applicant's issue? No? You Sue?

Ms. Urban: ---

Mr. Phoenix: If nobody has anything, I'll make a **MOTION** in the standard form to approve the site plan as submitted.

SECOND Ms. Houle.

4-0 in Favor.

Mr. Phoenix: **MOVE** to close the public hearing.

SECOND Ms. Houle.

4-0 in Favor.

Hearing ended 7:52 p.m.

APPROVED:


Kathleen Houle, Secretary

su

Documents: Master application; Application for Site Plan Approval (Application, Narrative & Supporting Documents) Proposed Contractor's Yard, Lot 3A Holyoke Street Ludlow, MA (Parcel Map 3, Parcel 8C); abutters list; request for waivers; comments from Town Departments/Boards; Proposed Site Layout Plan, Lot 3A – Holyoke Street – Ludlow, MA, Assessors Parcel ID 3_7250_SC_0 (May 18, 2017)

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

