

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
July 13, 2017**

PLANNING BOARD MEMBERS

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

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TOWN OF LUDLOW

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

APPOINTMENT – Board of Public Works – discuss Stormwater Regulations & over cutting of subdivisions (*mail item #67 included*)

Mail item #67 - Letter from Ludlow Board of Public Works requesting joint meeting with Planning Board to discuss Stormwater Regulations and overcutting of subdivisions

Steve Santos, Barry Linton, and Steve Frederick were present for the appointment.

Mr. Santos explained that the DPW has had issues with flooding in lower level houses, due to overcutting in subdivisions, including the new subdivision off of Cislak Drive (Sunset Ridge). He noted that there have been violations that were observed during inspections (photos provided).

The Board discussed what is in the regulations in regards to cutting.

Mr. Santos said that the DPW is looking for direction in enforcement. Mr. Minnie said that he believes that currently the subdivision rules say that you can only cut the 50 foot wide swath, and everything else is supposed to remain. He also mentioned that if they cut more than 50 foot wide, they are in violation of the definitive site plan. Mr. Minnie said that the Conservation Commission was notified of the cutting, and sent a letter to DPW on it. Mr. Frederick stated that there was an erosion and sediment control plan, along with a cutting plan.

Mr. Frederick noted that he would like to know what to do about the situation that happened, and how to shore up the regulations so that it doesn't happen anymore. He asked what the Planning Board would like to see as a remediation for this.

Mr. Phoenix looked up the regulations and explained that the bulk of the regulations that we have for all the stormwater stuff all falls under the Zoning Bylaw, and not under the Subdivision Rules and Regs. He said that if we're looking to bone up on it, we're either looking at a town meeting run, or we need to create a whole new section of regulations in the Subdivision Rules and Regs, dealing with stormwater, which will likely be redundant with regard to the Zoning Bylaws.

Mr. Queiroga agreed that the Planning Board and the DPW should get together and come up with regulations to make sure that this stops from hereon, and so that there's a way of controlling

what they can do in terms of opening the road, and then, once they've got the lots set, what they should not be able to do. Mr. Minnie remarked that possibly something could be added to talk about ridge view, such as mandating that you keep a third of the trees on the lot of a certain slope, and that it is not unreasonable when you start looking at the grades.

The Boards agreed that the Town Planner (Mr. Stefancik) could work with the Town Engineer (Mr. Federick) in reviewing the current Bylaws. Mr. Phoenix said that he could also help with the process.

Mr. Phoenix read an excerpt from the Bylaw, under 7.2 Authority and Administration: *The Board of Public Works shall administer, implement, and enforce this Bylaw. Any powers granted to, or duties imposed upon the Board of Public Works may be delegated in writing by the Board of Public Works to its employees or agents.* He also read under L, Enforcement and Penalties, 1. Authority: *Department of Public Works or an authorized agent of the Department of Public Works shall enforce this Bylaw. Regulations, orders, violation notices and enforcement orders, and may pursue all civil and criminal remedies for such violations.* 2. Violations, A: *Any development activity as specified in Section C of this Bylaw that has commenced or is conducted contrary to this Bylaw may be restrained by injunction or otherwise abated in a manner provided by law.* B: *The Department of Public Works or an authorized agent of the Department of Public Works may issue a written order to enforce the provisions of this Bylaw or the regulation there-under, which may include: a. elimination of illicit connections or discharges to the MS4; b. performance of monitoring, analysis, and reporting; c. unlawful discharges, practices, or operations shall cease and desist; and d. remediation of contamination and connection therewith.* Mr. Phoenix also noted that there is a section on stop work orders in the Bylaw.

The Boards agreed that the Bylaw rules seem to address the maintenance after, but not for the construction period of it. Mr. Santos noted that their issue is getting it stopped during the construction process.

Mr. Phoenix suggested that possibly a separate layer could be put in the Rules and Regs just for new streets coming in.

Mr. Minnie recommended a 48 hour notice from the developer before the tree clearing starts.

Mr. Santos mentioned that another issue they are having is driveways. He said that there is one that was done on East Street in which no catch basin was put in. He noted that the applicant went to the Zoning Board of Appeals for a waiver, and that asphalt was put all the way from the street to the front of the building with no greenery in the front, which is causing flooding. The Boards agreed that if something is sent to the ZBA, it should be sent out for comments from all Town Departments. Mr. Phoenix explained that the Bylaw currently applies to multi-family residential involving four or more units, and new commercial, industrial, and institutional structures under the same ownership with at least 5,000 square feet of gross floor area, or 10,000 square feet of impervious surface, or that requires 10 or more parking spaces, redevelopment or additions to existing commercial and industrial and institutional uses which result in additional impervious surface area or gross full area of greater than 5,000 square feet or which results in an increase of ten or more parking spaces. Mr. Phoenix mentioned that unless it's over one acre, it

applies to multi-family four or more, or business that has or is going to increase by 10 or more spaces, the existing bylaw doesn't apply. Mr. Santos asked if the bylaw can be changed to include two-family properties. Mr. Phoenix agreed that adding two-family properties to the Bylaw would be a good idea, but that including single family properties might be a bit overreaching. Mr. Phoenix suggested that the Town Planner look into the viability of switching that to include two-family properties, for possible inclusion in the fall town meeting.

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Discussion - Utilities without Site Plans

The Board of Public Works was present for the discussion (Steve Santos, Barry Linton, and Steve Frederick), as well as Jim Casagrande from the Springfield Water & Sewer Commission.

Mr. Minnie remarked that a new pump station was put up on the corner of Kendall and Holyoke Streets, and that a site plan was not filed with the Planning Board. He noted that any permanent structure, or any structure that's erected in Town that's not a single family home that comes through, needs a site plan. Mr. Minnie said that his biggest concern is the esthetics of the structure, including the yellow bollards, and the box which is a high polished stainless.

Mr. Casagrande said that before they decided to build it, they submitted a concept to Paul Dzubek at the DPW, and got a memo of understanding from the Board that they could build a booster pump station, underground, in the public way. He explained that the design plans went through the Board (DPW), and that the contractor got a building permit. Mr. Casagrande remarked that he wanted the yellow bollards because he did not want the cabinet to get hit by the snowplows or cars, due to the high cost of the equipment.

Mr. Minnie stated that it's gonna require a site plan to be done because it's Town Bylaw.

Mr. Phoenix noted that there is some grey area with this due to the fact that it is not on a separate parcel, but rather in the public way. He said that he doesn't believe that the Planning Board has the authority to compel the esthetics of a structure. Mr. Phoenix asked if this was coming in for a site plan and it's not on its own parcel, then how do you define the scope of what is coming in, such as who the abutters are, and the size of the lot.

Mr. Queiroga suggested getting some guidance from the town attorney.

Mr. Phoenix remarked that if the process got legitimately skipped, then we need to go back and do the site plan process, but if this was something that was done outside of the jurisdiction of the site plan process, then it needs to leave the Planning Board table.

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**RESCHEDULED PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION –
Danny Morias – 222 Cady Street (home office for landscaping business – Morais
Landscaping)**

SEE ATTACHED MINUTES

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PUBLIC HEARING – REVOCATION OF SPECIAL PERMIT #173– Paul Cocchi
– 312 Miller Street (Mail Item #68 included)

SEE ATTACHED MINUTES

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Mr. Phoenix mentioned that two plans came into tonight's meeting from Smith which have really good charts on them as far as the information that is needed, but can we pass along to them that they need to have the number of parking spaces that they're providing, because that's not showing up on either of the plans that they submitted tonight.

A note will be sent to Smith Associates Surveyors.

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PUBLIC HEARING – SITE PLAN – Edward Sokolowski, Centergate Commons Assoc.
- 354-362 Sewall Street (Assessors' Map 15B, Parcel 38)(repave parking lot & change
location of catch basin & one handicap parking space)

SEE ATTACHED MINUTES

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Mr. Coelho and Mr. Phoenix left the room at 8:33 p.m.

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RESCHEDULED PUBLIC HEARING – SITE PLAN – Silvestre Gama – 165-169 East
Street (Assessors' Map 14B, Parcel 100)(convert storefront into apartment)

SEE ATTACHED MINUTES

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Mr. Phoenix returned to the meeting at 8:36 p.m.

Mr. Coelho returned to the meeting at 8:38 p.m.

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ANR – William N. Simons – 743 East Street (Assessors' Map 15C, Parcel 84)
(convey 225 square foot parcel from Balbino to Simons)

William Simons was present for the appointment.

Mr. Simons said that he is moving a 225 square foot parcel due to the location of his driveway impinging on his neighbor's yard.

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. Minnie: MOTION to sign the ANR?

Mr. Phoenix: **SO MOVED.**

SECOND Ms. Houle.

5-0 in Favor.

Documents included: Master application; Plan of Land #743 East Street Ludlow, Mass., owned by William N. Sr. + Despina Simons (Trustees) 743 East Street, Ludlow, MA 01056, Fernando M. + Alda M. Balbino 733 East Street, Ludlow, MA 01056 (June 28, 2017)

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APPOINTMENT – Tony Goncalves & John Garcia – 720 Chapin Street – discuss Site Plan / Special Permit

Tony Goncalves & John Garcia were present for the appointment.

Mr. Goncalves said that a Site Sketch was previously approved for the limousine business (The Special Permit #0549 approval was pushed back until the time that a Site Plan is approved). Mr. Minnie confirmed with Mr. Goncalves that the property in the rear is in the Agricultural Moderate Density Overlay District. Mr. Goncalves remarked that the Special Permit was applied for under "services" to park the vehicles for the limousine business.

Mr. Goncalves noted that they want to come in through the front parcel located on Chapin Street. He also mentioned that they can't come in from the rear parcel located on Victor Street because they were told that they did not have adequate frontage by the Board of Appeals. Mr. Minnie read comments from the Building Inspector (2/24/16) from the previous hearing for the Site Sketch/Special Permit which noted that Chapin Street cannot be used as frontage because it is zoned Res A.

Mr. Phoenix remarked that this is an area that is very murky, and that the Planning Board shouldn't be doling out the advice, but rather can say what process things need to go through, that it's not the Planning Board's function to tell people how to go about getting through the processes, and that's what other individuals can be used for outside of the scope of the Planning Board. He said that in his opinion the more sensible process to go through would be a Site Plan; and whether it's approvable as-is would be a separate question.

Mr. Goncalves confirmed that they will be coming in with a new proposal under Site Plan and Special Permit approval. The Board told Mr. Goncalves and Mr. Garcia that a new hearing would be required with the submittal, along with associated fees. Mr. Minnie read the motion from the last meeting on February 25, 2016 which read: Mr. Minnie: *I MOVE that we approve this site sketch with the understanding that no work is to be performed, and the applicant will come back in with a registered site plan and application for a special permit as required. SECOND Mr. Phoenix. 5-0 in Favor.*

Mr. Queiroga confirmed with Mr. Garcia that he is committed to come in with the (site) plan with entry through Chapin Street, so that he can start using his building.

Documents included: Comments from Ludlow DPW (02/17/16); Comments from Justin Larivee, Building Commissioner (02/24/16); Minutes from Planning Board Public Hearing – Site Plan – Special Permit for John Garcia (02/25/16); Plan of land in Ludlow, MA prepared for Jolun & Melissa Garcia (owners) Site Sketch (01/21/16)

Discussion – Concerns of use at 330 Sewall Street

Mr. Minnie said that at the property located at 330 Sewall Street, that was previously used for an auto body and auto sales business, a temporary structure was erected (carport) within a foot of the street, and it's being held down by some cinderblocks. He suggested that a letter be sent to the both the garage and the owner of the property asking them what's going on, who's occupying it, and what the use is. He noted that they need to come in and either do a site plan, site sketch, or a change of occupancy. Mr. Minnie added that the carport would require site plan approval, or if the Building Inspector would even approve the structure. He recommended that both the

owner and whoever is running the business over there come in for a meeting with the Planning Board.

Mr. Phoenix said that all fees would be doubled for a Change of Occupancy or Site Plan, due to the fact that the work's already been done.

Mr. Minnie also read the office log book which noted that someone named Matt was in the office on 5/1/17 inquiring about using the property for auto sales.

Mr. Minnie: So, there's definitely stuff happening over there, so we need both the occupant of that building and the owner of the property to come in. Can we have a MOTION on that please?

Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle,
5-0 in Favor.

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Discussion - Utilities without Site Plans (revisited)

Mr. Minnie showed the Planning Board Members photos of the structure erected on the corner of Kendall and Holyoke Streets by the Springfield Water and Sewer Commission.

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File Mail Item #70 - Reorganization of Ludlow Town Departments/Boards

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File Mail Item #71 - Certificate of Assessment for the Pioneer Valley Planning Commission

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File Mail Item #72 - Letter lifting cease & desist order of wiffle ball tournaments, practices, games – 41 Meadowlark Circle – from Justin Larivee, Building Commissioner

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File Mail Item #73 - Email from Hayley Dunn re: commencing of work on the Eversource Solar Array Project – Chapin Street

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File Mail Item #74 - Notice of Decision – Ludlow Board of Appeals - Special Permit – 0 Cedar Street

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File Mail Item #75 - Memo from Ellie Villano, Town Administrator re: Use of Town Counsel

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

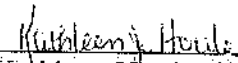
- ◆ APPROVE/SIGN Minutes of May 25, 2017 & June 8, 2017
- ◆ FILE Mail Item 76. - Legal Notices from surrounding communities
- ◆ APPROVE Change of Occupancies:
 - Nicole Afonso – 251 Cady Street (change of ownership - hair salon)
 - RemSport Mfg, LLC – 566 Holyoke Street (separating business entities)
 - Nancy M. Richter – 733 Chapin Street #100 (hair salon booth rental)
- ◆ SIGN Special Permits:
 - Peter Buscema – 119 East Akard Street (Home office – promote at trade shows)
 - Kevin Lauer – 38 Andrew Street (Accessory Apartment)
- ◆ APPROVE/SIGN Bills – D. Stefancik (travel expenses)
 - Postmaster (stamps)
 - Ink Products (office supplies)(2 invoices)
 - Turley Publications (rescheduled public hearing – Gama)
 - Turley Publications (rescheduled public hearing – Morais)

Mr. Minnie: There being no other business in front of this Board, I will entertain a MOTION to adjourn.

Mr. Queiroga: **SO MOVED.**
SECOND Mr. Phoenix,
5-0 in Favor.

Meeting adjourned at 9:09 p.m.

APPROVED:



Kathleen Houle, Secretary

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

**TOWN OF LUDLOW PLANNING BOARD
RESCHEDULED PUBLIC HEARING
HOME OCCUPATION/SPECIAL PERMIT
222 Cady Street – Danny Morais
(home office – landscaping business (Morais Landscaping))
July 13, 2017**

PLANNING BOARD MEMBERS

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

Hearing began at 7:59 p.m. in the Selectmen's Conference Room.

In attendance: Danny Morais, attendees

Mr. Minnie read the legal notice, gave Mr. Morais a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – landscaping business (Morais Landscaping).

Mr. Minnie: And I'm sorry Dan, I wasn't at a couple meetings, had you been in front of us before and done an informational?

Mr. Morais: No.

Mr. Minnie: You have not, ok. So, can you please tell us a little bit of what you're thinking about doing?

Mr. Morais: Just, I wanted to get my d/b/a. Really nothing's changing, and I'm gonna start up a little office in the back and that's pretty much it.

Mr. Minnie: Yup. Ok, we'll go over a few things with you. So basically, a telephone, fax machine, computer...

Mr. Morais: Yes.

Mr. Minnie: ...a desk. Ok, so for home office, home occupation, it is allowed. On the rules of home office and home occupation, and some particular things can not fit well, and sometimes, so for landscaping you're not allowed to park additional new, or construction, bobcat, etc., etc., and you're not allowed to have a vehicle, is it still 10,000 lbs Ray?

Mr. Queiroga: Yeah.

Mr. Minnie: Over 10,000 lbs. So, now I actually drive a truck that's over 10,000 lbs, and so then, if you already have one, you wouldn't be allowed to have that truck on your property. So, I just want you to understand the give and take. So, if you're gonna have any of that kind of equipment, you're gonna have to have it offsite.

Mr. Morais: Ok.

Mr. Minnie: Most of the time there's not a problem, but then sometimes, like the appointment before you, someone has a home office and there are dump trucks and all sorts things in the yard that obviously doesn't fly, so.

Mr. Morais: Right. Ok.

Mr. Minnie: Ok, so, does somebody want to make a finding on the home office?

Mr. Phoenix: I'll make a **MOTION** in the standard form that this is a suitable home occupation under the Bylaw.

SECOND Mr. Coelho.
5-0 in Favor.

Mr. Minnie: Ok, now normally when you do this process, you have to fill out a registered site plan.

Mr. Phoenix: He actually signed the waiver already.

Mr. Minnie: Oh, it's on the new form? Ok.

Mr. Phoenix: Yup. And I would make a **MOTION**, since he already signed the request for the waiver, to grant that waiver.

SECOND Ms. Houle.
5-0 in Favor.

Mr. Minnie: Do we have a sketch or photos, do you know?

Mr. Queiroga: Photos.

Mr. Minnie: Photos. Oh, ok, great.

Mr. Queiroga: I assume you own the house?

Mr. Morais: Yes, yup.

Mr. Minnie: Ok, so, that's convenient. There's a new form. You don't even have to do extra work which is great.

Mr. Morais: Yes.

Mr. Minnie: Are there any questions from any Board Members?

Mr. Queiroga: What do you have for vehicles Dan?

Mr. Morais: I have a pickup truck.

Mr. Queiroga: A pickup truck?

Mr. Minnie: What kind of pickup truck?

Mr. Morais: Yeah, 2500 Series.

Mr. Minnie: Ok.

Mr. Morais: Yup.

Mr. Minnie: And is it 2500 what?

Mr. Morais: Diesel, I mean diesel, gas, sorry.

Mr. Minnie: Ok, Do you what its GVW is on the door?

Mr. Phoenix: He's got it listed as 9200.

Mr. Morais: Yeah, I had it listed there.

Mr. Minnie: Oh great, perfect.

Mr. Morais: Yup.

Mr. Phoenix: If you go to the home occ sheet in there, it's got all of that on there.

Mr. Minnie: Ok.

Mr. Phoenix: Questions about changes to make it look nonresidential, that sort of thing ---.

Mr. Minnie: Ok, great. That's easy. The Bylaw allows you to put up a sign. Are you planning on putting up a sign ---?

Mr. Morais: No, not yet, yeah.

Mr. Minnie: No sign.

Mr. Morais: No sign.

Mr. Minnie: Ok, great. I have no other questions. Does anybody else have any other questions for the applicant?

Mr. Phoenix: Nope.

Mr. Minnie: And are there any nonresident employees?

Mr. Morais: No.

Mr. Minnie: No, ok. Would you like to start the checklist?

Mr. Queiroga: Yeah, this is the...

Mr. Morais: There are non resident employees, but they drive cars.

Mr. Minnie: Do they come to the house or?

Mr. Morais: Yes.

Mr. Minnie: And will they be parking the cars at the house?

Mr. Morais: Yes.

Mr. Minnie: And how many?

Mr. Morais: Just one.

Mr. Minnie: Just one.

Mr. Morais: Yeah.

Mr. Minnie: Ok, and that's gonna be parked in the normal driveway, either in front of the garage door or ---.

Mr. Morais: Yeas, I've got plenty of space, yeah. It's only one. Sorry about that ---.

Mr. Minnie: No, no, it's fine. We try to make sure everybody's on the same page, and understand what's happening, that's all.

Mr. Morais: Correct.

Mr. Minnie: Yup.

Mr. Queiroga: And this is the Home Occupation Criteria Checklist that you will be responsible for knowing.

Mr. Queiroga read the Home Occupation Criteria Checklist:

HOME OCCUPATION CRITERIA CHECK LIST

1. Such use is clearly secondary to the use of a premises for dwelling purposes.
2. The use is pursued by a member of the family residing in the dwelling with not more than two non-resident employees.
3. No trading in merchandise is regularly conducted except for products made on the premises or of parts or other items customarily maintained in connection with, and incidental to, such merchandise.
4. No external change is made which alters the residential appearance of the building on the lot.

5. All operations, including incidental storage, are carried on within the principal or accessory building, and that there is no outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign or vehicle as hereinafter permitted.)
6. The proposed accessory use would be suitably located in the neighborhood in which it is proposed. The use shall not be characterized by outward manifestations (such as traffic generation, noise, public service and utility demand, etc.) not unlike those dwelling units in the particular neighborhood in which the dwelling is located.
7. Only one vehicle parked on the property may be a commercial vehicle and of not more than 10,000 pounds G.V.W. (Gross Vehicle Weight). In all, the total number of vehicles parked on the property during business hours should not exceed by more than two (2) the number of vehicles parked during non-business hours.
8. In all Residence and Agriculture districts, the use will be reasonably compatible with other uses permitted as of right in the same district and with adjoining uses.
9. The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories, and the use is not a serious hazard to abutters, vehicles or pedestrians.
10. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation on the site and at the intersection with abutting streets.
11. The occupational use shall not occupy more than the equivalent of twenty-five percent (25%) of the total gross floor area of the residential structure plus other accessory structures housing the occupation or not more than 500 square feet of gross floor area, whichever is less.
12. In connection with a home occupation there shall be no display visible from outside the building other than an identification sign not larger than two (2) square feet in area and shall not be lighted.
13. Adequate off-street parking for employees and customers shall be provided and must be screened from view from the roadside and from the neighbor.

Mr. Coelho read the Special Permit Criteria Checklist:

SPECIAL PERMIT CRITERIA

- a. The proposal is suitably located in the neighborhood in which it is proposed and/or the total town, as deemed appropriate by the Special Permit Granting Authority;
- b. The proposal is compatible with existing uses and other uses permitted by right in the same district;
- c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;
- d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;
- e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;
- f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6.5)
- h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;
- i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;
- j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;

- k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;
- l. The proposal is in general harmony with the general purpose and intent of this bylaw;
- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

Mr. Minnie: Alright, we did have comments from one Board, and the comments were from Conservation; *caution to the owners, no dumping of grass or leaves in rear of yard*. So you can't compost anything in your yard that's not from your yard.

Mr. Morais: Ok. No problem.

Mr. Minnie: Ok. Any other comments or questions from the Board Members? Ray, do you have a motion?

Ms. Houle: Mr. Chairman?

Mr. Phoenix: I make a **MOTION**...

Ms. Houle: Go ahead Ray.

Mr. Phoenix: I'll make a **MOTION** in the standard, actually, yeah, I'll make a **MOTION** in the standard form to approve the Home Office Special Permit.

SECOND Ms. Houle.

5-0 in Favor.

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

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

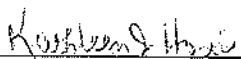
Mr. Phoenix: **SO MOVED.**

SECOND Ms. Houle.

5-0 in Favor.

Hearing ended 8:09 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; abutters list

(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 – REVOCATION OF SPECIAL PERMIT
312 Miller Street – Paul Cocchi
July 13, 2017**

PLANNING BOARD MEMBERS

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

Hearing began at 8:11 p.m. in the Selectmen's Conference Room.

Mr. Cocchi was not present for the public hearing.

Mail Items included in hearing:

- 68. Violation letters – 4th & 5th Notices – re: Parking of equipment & junk at 312 Miller Street, from Justin Larivee, Building Commissioner*
- 69. Letter from Jim & Maddie Bragga re: Paul's Tree Service Revocation of Permit*

Mr. Minnie read the legal notice. The legal notice included the description of: revocation of Special Permit #173 for Home Office – tree service (Paul's Tree Service).

Mr. Phoenix: Mr. Chairman.

Mr. Minnie: Mr. Phoenix.

Mr. Phoenix: The file on this is pretty extensive. I read through, I think, probably about fifty pages of documentation, some of it with the help of Sue, because the scanned in copy was barely legible on one of the letters. I believe the only thing we really have that's new, according to the agenda, at least, looks like it's mail item 68, the fourth and fifth violation notices. Is that?

Ms. Urban: ---

Ms. Houle: And 69.

Mr. Phoenix: And 69, ok. 'Cause I don't know if you wanted to do those and then I have something I can quickly add, and maybe we can quickly conclude this.

Mr. Minnie: Ok, there is letter 68, which is Department of Inspectional Services dated June 13, 2017, and the title is Parking of Equipment and Junk at 312 Miller Street, 4th Notice. And it goes on to talk about vehicles and things in the yard and violations of zoning bylaws on the 4th time. On Mail Item #69, we got something from the neighbor which I'll read in. This is from Jim and Maddie Braga, 311 Miller Street:

We are unable to attend this meeting on July 13th. We'd like to make the following statement regarding this business.

When this person received a Home Office permit, it was understood that absolutely NO equipment would be on the property. Over the years, large work vehicles arrived and never left. There is also a vehicle (car) that has been parked on his front lawn, plus miscellaneous equipment parked on property that are clearly work equipment.

We live on a very nice street, his property has become an eyesore to this neighborhood. We request the town revoke his license immediately and have all work equipment moved off the property.

Thank you and Justin in the Building Department for attention to this matter. Also need to say that everyone in both your office and Nicole in the Building Department have been wonderful to deal with.

Regards,

Jim and Maddie Bragga

Mr. Minnie: So this, I'm trying to go back, how far these letters go.

Mr. Phoenix: Twenty years.

Ms. Houle: Yeah.

Mr. Minnie: Yeah, twenty years. There's been other problems over there that are out of the scope of this hearing, but go ahead Ray.

Mr. Phoenix: --- a lot of it's out of the scope of the hearing, even a lot of the stuff that's brought up currently, and different response letters is, essentially, ancient history. And there are comments that I was going to ask questions tonight, and there's essentially allegations in there that this person feels that they're being almost persecuted and harassed by the Town by multiple Boards, and there's clearly nothing that the Town has to gain by bothering one individual. The problem here is that there's been a long standing issue of noncompliance through multiple enforcement officers. It's not even just through one set of people at one particular point in time. It's spanned, I think, three different building inspectors at this point, maybe ...

Ms. Houle: It started with Steve ---.

Mr. Phoenix: Yeah, so, I mean, this has been something that is not just somebody's got a problem with him. What some of the letters might talk about, pointing fingers at one person or another. The issue at the heart of this is that there are repeated problems, there are continued problems, but there are always problems. We're at a point now where there are fines that are being attached that have actually elevated to \$200 per day, and anyone who wants to read through all the correspondence, if you have the stamina to, I would encourage somebody to do that. But, we actually do have correspondence specifically from the Building Department asking us to revoke this Special Permit based on the current situation over there.

Mr. Minnie: That's the first time in my 17 years ---.

Mr. Phoenix: Yeah, I don't think I've ever, if I've seen it, it's rare enough that I can't remember another instance of it.

Mr. Minnie: So...

Mr. Phoenix: I think...

Mr. Minnie: I don't think we need to --- or go huge on this 'cause it's such, it's not like the violation is small, narrow, and minor, it's an egregious violation.

Mr. Phoenix: I'm somewhat, I don't want to say disappointed, because that's not the right word, I'm a little bit out of sorts that the individual concerned in this is not here tonight. And I do have some reservation of acting without the benefit of that person being here, but given the longstanding nature of the problem here, unless anyone...

Mr. Minnie: It was served by registered mail ---...

Mr. Coelho: And it was in the Register, and this is his business we're talking about. For him not to be here ---:

Mr. Minnie: ... on 6/19/17.

Mr. Phoenix: ...unless anyone in the room has a reason to not comply with the request of the Zoning Enforcement Officer or anyone that's here in the room tonight, even has a reason or, if anyone even has a reason why maybe some emergency came up where he was unable to attend and sent somebody or called somebody, or did something to indicate that he really wanted to be here and he just couldn't be, unless something like that is immediately apparent, which I'm seeing zero evidence of, I think there's only one course of action we can take. So with that said, I would...

Mr. Minnie: Before you make your motion, can I just ask you to specifically address it through and to under referencing those two pages. You don't have to reference any particular thing, but using the title of those two pages.

Mr. Phoenix: Ok. I would make a **MOTION** at this time, that based on failure to comply with the Special Permit Criteria and the Home Occupation Criteria that we have in the Bylaw under Section 6.2.1 – 6.2.13, and 7.0.4 a-m inclusive, and the longstanding nature of these violations and the lack of any information refuting any of this here in front of us tonight that is of any substance whatsoever, that we revoke this Special Permit relative to, let's see, Special Permit #173, for 312 Miller Street.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Minnie: MOTION to close the public hearing?

Mr. Phoenix: **SO MOVED.**
SECOND Ms. Houle.
5-0 in Favor.

Hearing ended 8:17 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su.

Documents: Abutters list; Mail Item #68 - Violation letters – 4th & 5th Notices - re: Parking of equipment & junk at 312 Miller Street, from Justin Larivee, Building Commissioner; Mail Item #69 - Letter from Jim & Maddie Bragga re: Paul's Tree Service Revocation of Permit; 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; Correspondence re: violations, photos, violation notices, from Justin Larivee, Building Commissioner; Court documents & judgment (February 2006)

(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
354-362 Sewall Street (Assessors' Map 15B, Parcel 38)
Edward Sokolowski – Centergate Commons Assoc.
(repave parking lot & change location of catch basin & one handicap parking space)
July 13, 2017

PLANNING BOARD MEMBERS

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

Hearing began at 8:19 p.m. in the Selectmen's Conference Room.

In attendance: Theodore Gordon, attendees

Mr. Minnie read the legal notice, gave Mr. Gordon a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: convert storefront in apartment.

Mr. Minnie: Before we begin, --- disclosure, I am a direct abutter to this property, over at #4 & #6, and #8 White Street. I have no financial interest in or no interest in, one way or the other, on this property, and I will conduct the meeting, but I will not comment on it, because there are four other members here, so they don't need me to act or comment on it. And so, although I will conduct the business meeting I will not be voting on this issue. Good evening.

Mr. Gordon: Good evening.

Mr. Minnie: I had actually spoken to Ed Sokolowski about this, and this is more of a housekeeping issue. This was being done at the request of the DPW for a very minor modification to the property, and it triggered some events, and it was, I think, deemed between the DPW, the applicant, and the Planning Board, it would probably just make sense to this, this way, even though it costs a little bit of money, now you have the latest updated site plan instead of an old site plan, and everything's pretty straight forward. Do you have anything to add to that?

Mr. Gordon: No, Ed just told me to take his place here because he couldn't make it.

Mr. Minnie: Sure.

Mr. Gordon: So, I'm here. But, I know that he basically, with the people that who going to do the parking lot, they supposedly surveyed it, they've got to change the grading on it, and then they wanted to move, I know that drain, to put it in a better spot.

Mr. Minnie: Right.

Mr. Gordon: Supposedly up on everything there.

Mr. Minnie: And, I think, a little bit is sort of rolling in with the new Center Street, and the ---.

Mr. Gordon: Yeah, he wanted to wait on that till we found out what was happening there. So, that's why the parking lot hasn't been done yet ---.

Mr. Minnie: Right, and obviously in the next 12 to 24 months there's gonna be some big changes over there, yup.

Mr. Gordon: Yeah, and it's a dangerous section there.

Mr. Minnie: Yeah, well somebody died there not too long ago.

Mr. Gordon: Right.

Mr. Minnie: And both your building and my building were both hit by motor vehicles which is not good for the Town or any of us.

Mr. Gordon: Right.

Mr. Minnie: So, and the current new plans are, I believe, are 75% done through the DOT.

Mr. Phoenix: The new plan looks pretty solid from what I've seen, even though --- this is the existing conditions, going from the way these handicapped spots are, where they kind of blend in, to on the new plan having it hashed out and everything, making it look a little bit more obvious, they're making, I think, only changes for the better. Even with the parking, like I said, they don't call out what's actually going to be on the plan for parking, but when you count out the spaces, and you look at the required parking, even if you take the required 3.2's and round all of the numbers up, it still has enough parking. Even if the 3.2's flip to 4's, everything even still meets the requirements, so it's not creating any deficiencies on the site, if anything, it's just creating improvements from anything I can see.

Mr. Minnie: Are there any other comments or questions from Board Members? Ok, Site Plan Required Contents.

Ms. Houle: Ok, I'll grab it if you want.

Mr. Minnie: You want it? Great, sure.

Ms. Houle: Chris will do the next one.

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).

Mr. Phoenix: Not shown.

Mr. Minnie: What's that?

Mr. Phoenix: Not shown.

Ms. Houle: Number of parking spaces is not shown.

Mr. Queiroga: What's not shown?

Mr. Phoenix: Number of parking spaces that will be existing on the site, 7, 1, 5 and 8.

(9) Number of trees and/or shrubs.

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

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

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

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

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

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

(5.) *Traffic Study.*

Mr. Minnie: Ok, we have some comments, so I'm gonna read them. I'm gonna go to the Department of Public Works last. From ConsCom; *No wetlands.* From Board of Health; *No comments.*

Mr. Phoenix: I'm guessing DPW must have come in after this was all scanned, 'cause I didn't see that one earlier ---.

Mr. Minnie: Yeah, and I'll read those as ---. From Town Planner, he went over all the plans, I have his notes, everything received a check off. He made an additional comment; applicant needs to ask for waivers for on 0, 1, 3 & 5 for additional requirements, which is traffic study and the signage design dimensions. I mean, this is basically a housekeeping thing.

Mr. Phoenix: Do we have the waiver request signed yet, or is that something we need to ask them to sign?

Mr. Minnie: I think we may need to ask them to sign. Then there's notes from, have you seen the notes from the DPW?

Mr. Gordon: No.

Mr. Minnie: No? Ok. So, I'm gonna read the notes from the Department of Public Works. From Engineering Division; *We have reviewed the plans for 354-362 Sewall Street, prepared by Smith Associates, dated June 13th, and have the following comments.* Most of them are standard. *You must obtain a construction permit, a public way permit, for all work done, including repaving. Note on the plan to the extent that work performed on the parking lot. Is it an overlay of the parking lot? Is it a mill and pave of the parking lot or a total reconstruction of the parking lot? The proposed CB shall have a 4' sump to comply with the Town of Ludlow's NPDES Phase II permit.* That's jumping out at me as I don't have any idea what they're talking about.

Mr. Queiroga: They're talking about the sewer.

Mr. Minnie: Ok. *The pipe from the converted drain manhole to proposed CB shall be 12" HPDE pipe. Confine site work to subject property. Work is proposed in the Railroad Street Right of Way including narrowing an existing island, paving, and line painting. Verify that the cross slopes in the handicap spaces are ADA compliant. Show locations of ADA compliant access points to building entrances. Add benchmark plan to allow for setting of grades for proposed work. The location and type of monumentation at all property corners shall be shown and maintained.* And then he went on to talk about 7.1.5 under O. *If you have any other questions or comments:*

Mr. Phoenix: So why don't we clean up 7.1.5o...

Mr. Minnie: Ok.

Mr. Phoenix: ...the 3 and 5. If we can get those knocked off and then I think we can probably button it up.

Mr. Minnie: Ok, so, do we need that in writing?

Mr. Phoenix: There should be a blank that we have, that they just need to circle which ones they are looking to have waived, and sign it. I don't know if that's already.

Ms. Urban: --- folder.

Mr. Minnie: There it is. You're so efficient. Take Saturday and Sunday off. That's asking for the waiver, waive of normal requirements.

Mr. Phoenix: So, since the site is already in existence and he's ...

Mr. Minnie: Existing and we're not changing.

Mr. Phoenix: You're not looking to change the signage or the traffic that would be going, based on any of these changes.

Mr. Minnie: We're not asking you to do a traffic study. We're not asking you to do a lighting plan. So, if you sign that, we can get past that.

Mr. Phoenix: And since he's signing that right now, I will make a **MOTION** to grant the waiver of 7.1.5, 3 & 5, since none of the changes contemplated tonight affect either of those items.

SECOND Ms. Houle.

4-0-1 in Favor. (Mr. Minnie)

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

Mr. Phoenix: And unless anybody has anything else, I have a motion I can offer.

Mr. Minnie: Mr. Phoenix.

Mr. Phoenix: Did you want to formally open it up to the public, all the people that are here?

Mr. Minnie: Is there anybody here from the public for comments on Sewall Street? Hearing none.

Mr. Phoenix: Just to have it on the record.

Mr. Minnie: No worries, I'm ok with it.

Mr. Phoenix: I'm gonna make a **MOTION** to grant, to approve the site plan in our standard form with a couple caveats. The first condition being that the plan come back modified just to show on the table 7.1.5 n.8, which would be the parking that's gonna be on the site. Since it's gonna be coming back with it anyway, I think we should also be getting the pins showing on the proposed site, not just on the existing conditions page, so that anyone looking at the plan that's

coming in front of us will have the pins and all the information on that one sheet. And I would also condition it on the applicants complying with the comments of the DPW as per the letter read in tonight.

SECOND Mr. Queiroga.

4-0-1 in Favor. (Mr. Minnie)

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

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

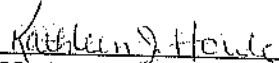
Ms. Houle: **SO MOVED.**

SECOND Mr. Coelho.

4-0-1 in Favor. (Mr. Minnie)

Hearing ended 8:32 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; abutters list; request for waivers; comments from Town Depts./Boards; Existing Conditions Site Plan – 360 Sewall Street Ludlow, MA, owned by Center Gate Commons Office Condominiums (June 13, 2017)

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

**TOWN OF LUDLOW PLANNING BOARD
RESCHEDULED PUBLIC HEARING – SITE PLAN
165-169 East Street (Assessors' Map 14B, Parcel 100)
Silvestre Gama
(convert storefront into apartment)
July 13, 2017**

PLANNING BOARD MEMBERS

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

Hearing began at 8:34 p.m. in the Selectmen's Conference Room.

Mr. Phoenix and Mr. Coelho left the room for the hearing.

Silvestre Gama was not present for his public hearing.

Mr. Minnie read the legal notice which included the description of: convert storefront into apartment.

Mr. Minnie: Seeing that nobody has appeared...

Ms. Houle: Sue, did you hear anything from him or no?

Ms. Urban: No.

Mr. Minnie: No. Do you want to continue or do you want to close the public hearing and redo all of this? Probably make sense to...

Ms. Urban: ---

Ms. Houle: Since we had to reschedule, you know, I would, I think we should give him the benefit of the doubt and contact him.

Mr. Queiroga: Yeah.

Mr. Minnie: Ok.

Ms. Houle: We're the one's who rescheduled initially.

Mr. Minnie: Ok, do you know what language that language barrier is?

Ms. Urban: That would be Portuguese.

Mr. Minnie: Portuguese. Ok, so...

Mr. Queiroga: Eliminates you.

Mr. Minnie: ...I think we're gonna have Mr. Queiroga make a phone call on behalf of our wonderful secretary. Is that ok, Mr. Queiroga?

Mr. Queiroga: Yeah.

Mr. Minnie: Ok, so, can we have a motion, when we want to move this to?

Ms. Urban: July 27th at 7:40.

Mr. Queiroga: Mr. Chairman?

Mr. Minnie: Mr. Queiroga.

Mr. Queiroga: I'll make a **MOTION** to reschedule the public hearing...

Mr. Minnie: Continue.

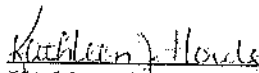
Mr. Queiroga: ...continue the public hearing site plan for Mr. Gama to July 27th at...

Ms. Urban: 7:40.

Mr. Queiroga: 7:40.
SECOND Ms. Houle.
3-0 in Favor.

The Public Hearing is continued until July 27, 2017 at 7:40 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; abutters list; request for waivers; comments from Town Depts./Boards; Site Plan – 165, 167, 169 East Street Ludlow, MA., owned by Silveste Gama (5-05-17)

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