

**TOWN OF LUDLOW PLANNING BOARD  
MINUTES OF THE MEETING OF  
July 27, 2017**

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TOWN OF LUDLOW

**PLANNING BOARD MEMBERS**

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

Meeting began at 7:01 p.m. in the Selectmen's Conference Room

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**PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION – Glen Shenkin –  
25 Bliss Street (home office for real estate investing company – Homestead Connections,  
LLC)**

**SEE ATTACHED MINUTES**

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**ANR – Lot 8 Pinecone Lane (Assessors' Map 7, Parcel 32-1) – Estate of Anthony  
Grabowski (c/o Michael Chernick, Esq.)(create estate lot for a single family home)**

*Atty. Michael Chernick and Atty. Silverman were present for the appointment.*

Mr. Minnie disclosed that he is an abutter, and that he has no financial interest in the property.

Atty. Silverman explained that the property is part of an estate, and that they want to separate this lot off of a much larger parcel, to make an estate lot.

*Mr. Phoenix read the ANR checklist:*

1. *Property owner's name, date of plan, and scale of plan.*
2. *A space for endorsement by the Planning Board.*
3. *The names of all abutters.*
4. *The lines of existing streets, ways, property lines, and easements. Indicate whether streets and ways are public or private.*
5. *The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.*
6. *Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.*
7. *The location of all property corner monuments and whether they were found or set.*

8. *The location, frontage, and area of the land remaining in the original parcel after establishing the new parcel.*
9. *The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.*
10. *The location of all existing buildings and the distance from the existing buildings to the new property lines.*
11. *If a building lot is intended, the frontage requirement at the setback line must be shown.*

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

Mr. Phoenix: I would make a **MOTION** in the standard form to endorse the ANR.  
**SECOND** Mr. Queiroga.  
**4-0 in Favor.**

*Documents included: Master application; Plan for Special Permit, Plan of Land in Ludlow, Massachusetts, surveyed and mapped for The Estate of Anthony Grabowski (June 26, 2017)*

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**PUBLIC HEARING – SPECIAL PERMIT/ESTATE LOT – Lot 8 Pinecone Lane  
 (Assessors’ Map 7, Parcel 32-1) – Estate of Anthony Grabowski (c/o Michael Chernick,  
 Esq.)**

**SEE ATTACHED MINUTES**

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**ANR – 0 Lyon Street (Assessors’ Map 20, Parcel 2) – Estate of Anthony Grabowski  
 (c/o Michael Chernick, Esq.) (create Lot 1 building lot containing 6.23 acres)**

*Atty. Chernick and Atty. Silverman were present for the appointment.*

*Mr. Queiroga read the ANR checklist:*

1. *Property owner's name, date of plan, and scale of plan.*
2. *A space for endorsement by the Planning Board.*
3. *The names of all abutters.*
4. *The lines of existing streets, ways, property lines, and easements: Indicate whether streets and ways are public or private.*
5. *The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.*

6. *Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.*
7. *The location of all property corner monuments and whether they were found or set.*
8. *The location, frontage, and area of the land remaining in the original parcel after establishing the new parcel.*
9. *The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.*
10. *The location of all existing buildings and the distance from the existing buildings to the new property lines.*
11. *If a building lot is intended, the frontage requirement at the setback line must be shown.*

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

Mr. Phoenix: I make a **MOTION** in the standard form to endorse the ANR.

**SECOND** Ms. Houle.

**4-0 in Favor:**

*Documents included: Master application; Plan of Land in Ludlow Massachusetts, surveyed and mapped for The Estate of Anthony Grabowski (July 24, 2017)*

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 Mr. Phoenix requested that the Turley Publications bill be pulled out of the consent agenda.

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**CONTINUED 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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**Discussion - Zoning Bylaws**

Mr. Minnie mentioned that although it has not yet arrived in Western Mass yet, car charging stations are becoming issues and problems, and that the Town is going to need to develop and address charging station locations, rules, requirements, landscaping, and hours of operation. He also remarked that the charging stations tend to be lit, along with cell phone communications, and sometimes operate 24 hours a day. Mr. Minnie noted that items such as underground utilities and protective bollards need to also be addressed. He said that it should come under site

plan and special permit, similar to a gas station. Mr. Phoenix commented that further research will have to be done to decide which definition a car charging station will go under in the Bylaw.

Mr. Stefancik remarked that he had spoken to Pioneer Valley Planning, and that they are putting a working group together to institute a model bylaw, with the first meeting to be held in September.

Mr. Stefancik also mentioned that the Special Town Meeting will be held on October 2, 2017, and that all warrant articles need to be submitted by August 17, 2017.

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Mr. Phoenix said that he wanted the Turley Publications bill to be pulled out of the consent agenda (public hearing – revocation Special Permit #173) due to that fact that the reason that this expense exists is because someone was grossly out of compliance with the Bylaw after numerous notices being issued by the Zoning Enforcement Officer. He noted that the result of this was that the person didn't even show up to the public hearing for the revocation of their special permit, and that the special permit was revoked, with fines still continuing to accrue. Mr. Phoenix stated that he doesn't think that it should be on the taxpayers to bear the expense of this bill, and asked if it could be paid by the Town, but have the person be billed for reimbursement.

A copy of the bill for \$62.22 will be forwarded to the Building Inspector, so that it can be added to the total amount owed to the Town for fines from ongoing violations.

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**File Mail Item #77. Violation letter – 6<sup>th</sup> Notice - re: Parking of equipment & junk at 312 Miller Street, \*Revocation of Special Permit #173 – Paul's Tree Service\*, from Justin Larivee, Building Commissioner**

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*Consent Agenda:*

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

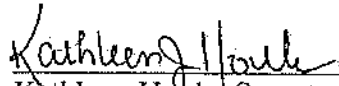
- ◆ APPROVE/SIGN Minutes of July 13, 2017
- ◆ FILE Mail Item 78. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Bills – Turley Publications (public hearing – revocation Special Permit #173)

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Mr. Phoenix: I **MOVE** to adjourn.  
**SECOND** Ms. Houle.  
**4-0 in Favor.**

Meeting adjourned at 8:25 p.m.

APPROVED:

  
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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 – HOME OCCUPATION/SPECIAL PERMIT**  
**25 Bliss Street – Glen Shenkin**  
**(home office – real estate investing company - Homestead Connections, LLC)**  
**July 27, 2017**

**PLANNING BOARD MEMBERS**

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

*Hearing began at 7:03 p.m. in the Selectmen's Conference Room.*

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*In attendance: Glen Shenkin, attendees*

Mr. Minnie read the legal notice, gave Mr. Shenkin a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – real estate investing company (Homestead Connections, LLC).

Mr. Minnie: And have you been in front of us before Glen?

Mr. Shenkin: No I have not.

Mr. Minnie: Ok.

Mr. Shenkin: And I would take it that you spoke with Doug in the Planning Board Office?

Mr. Shenkin: I have not.

Mr. Minnie: Have not, ok. So, you're requesting a special permit for a home occupation at a residence in the Town?

Mr. Shenkin: Correct.

Mr. Minnie: And many towns do not allow that. The Town of Ludlow does allow it under a special permit, as long as it doesn't cause problems in the neighborhood, the neighbors don't object, and everything goes smoothly. Since it is a special permit, it is not something you're allowed of a right. It's, you request, if it's granted, then you record at the Registry of Deeds, and it's good for as long as you own your home.

Mr. Shenkin: Great.

Mr. Minnie: Ok, there are a bunch of different restrictions you'll hear. And from the sounds of it, you probably won't have any problems with them, and this will probably be the last time you see us.

Mr. Shenkin: That would be fine.

Mr. Minnie: Ok, so, if you could explain to us, briefly, what you're planning on doing.

Mr. Shenkin: Using a bedroom that I'm turning into an office, and I basically flip houses. So, it's nobody comes to the house, there's no renovations taking place at the house.

Mr. Minnie: Right, so we're talking a desk, a fax machine, a printer, a computer, a laptop, a cell phone.

Mr. Shenkin: Correct.

Mr. Minnie: Pretty much like it was there and we wouldn't even know it. Allows you to get your business certificate and do business.

Mr. Shenkin: Yup.

Mr. Minnie: Understood. We have certain parking restrictions and regulations that will be discussed in detail. You cannot have a vehicle that's 10,000 gross vehicle weight or over. So, that means F250 or 350 series trucks, or dual wheel trucks. Do you have anything like that?

Mr. Shenkin: No. I've got a Silverado 1500.

Mr. Minnie: That's perfect. So, that's not a problem. And you are allowed a tiny sign of one square foot, non-lighted.

Mr. Phoenix: Two square feet.

Mr. Minnie: Two square feet, I'm sorry, one on each side. Would you be interested in a sign, or not?

Mr. Shenkin: Sure.

Mr. Minnie: Ok.

Mr. Shenkin: Does that change things?

Mr. Minnie: Nope. Nope. Usually people say no, but it's fine. You're entitled to the sign, so that's ok. And how many employees do you envision?

Mr. Shenkin: There's two of us. My son is my partner.

Mr. Minnie: Sure, ok.

Mr. Shenkin: He lives in Townsend. So, he's got his own office in his house.



Mr. Minnie: Ok, great.

Mr. Phoenix: As far as employees that would be coming to the house to work, there's nobody?

Mr. Shenkin: Nope.

Mr. Phoenix: Ok. And just to clarify with the sign, you are allowed a sign of up to two square feet in area, can't be lighted, and you do have to get a sign permit from the Building Department...

Mr. Shenkin: Ok.

Mr. Phoenix: ...to put that up. But, it is allowable, you just need to get the permit.

Mr. Shenkin: Good.

Mr. Minnie: Alright, does any of the other Board Members have any questions of the applicant?

Mr. Phoenix: I don't have any other questions, I would just point out from the application supplement, the square footage that we're looking at, total 1,786, looking to use 132 ¼; number of non-resident employees, zero. At the time that this was filled out there was an anticipated no for signage, but that's fine, that's...

Mr. Minnie: Yup.

Mr. Phoenix: Customers at the house, we have, no; deliveries unlike those of a normal residence, no; any changes to make it look less residential, no; and as you mentioned, the 1500 Silverado, which is listed at 7,200. We do not currently have a finding made or a waiver granted, but we do have a signed request for the waiver for registered site plan, in favor of a sketch. Given the nature of the proposal in front of us today, that it's a home occupation, and it's not gonna be changing anything physically on the property, I think it'd be appropriate at this time to make a **MOTION** to grant the waiver as requested.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

Mr. Phoenix: With that said, I would also mention, as far as the usage of the property, essentially just using it as a home office, very small scope, I would make a **MOTION** to find that that is an appropriate home occupation under the Bylaw.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

Mr. Minnie: So, that gets that done. Ok, would you like to start with the checklists?

Ms. Houle: I can start.

*Ms. Houle read the Home Occupation Criteria Checklist:*

## HOME OCCUPATION CRITERIA CHECKLIST

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. Queiroga read the Special Permit Criteria Checklist:*

## SPECIAL PERMIT CRITERIA

- a. The proposal is suitably located in the neighborhood in which it is proposed and/or the total town, as deemed appropriate by the Special Permit Granting Authority;
- b. The proposal is compatible with existing uses and other uses permitted by right in the same district;
- c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;
- d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;

- e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;
- f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6.5)
- h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;
- i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;
- j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;
- k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;
- l. The proposal is in general harmony with the general purpose and intent of this bylaw;
- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

Mr. Phoenix: Mr. Chaitman?

Mr. Minnie: Mr. Phoenix.

Mr. Phoenix: If there's nothing further from the Board and nothing from the public, I would offer a motion.

Mr. Minnie: Any comments from the public? And hearing none. Mr. Phoenix.

Mr. Phoenix: I make a **MOTION** in the standard form to approve the Change of Occupancy, the Home Occupation.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

Mr. Minnie: Can I have a **MOTION** to close the public hearing?

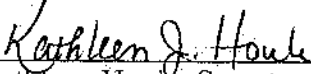
Ms. Houle: **SO MOVED.**

**SECOND** Mr. Phoenix.

**4-0 in Favor.**

*Hearing closed at 7:14 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 – ESTATE LOT/SPECIAL PERMIT  
Lot 8 Pinecone Lane (Assessors' Map 7, Parcel 32-1)  
Estate of Anthony Grabowski (c/o Michael Chernick, Esq.)  
July 27, 2017**

**PLANNING BOARD MEMBERS**

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

*Hearing began at 7:20 p.m. in the Selectmen's Conference Room.*

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*In attendance: Atty. Chernick, Atty. Silverman, attendees*

Mr. Minnie read the legal notice, and reviewed the application. The legal notice included the description of: Estate Lot.

Mr. Minnie: Again, I'm gonna also issue another disclosure. In the interest of disclosure, I am an abutter to this. We need at least four people to act on this. If I recuse myself, we cannot act. This proceeding would stop, and would have to be re-advertised and go. In the general scope of things, I think this is the best use of the parcel of land, and it has no financial bearing on me. The land it abuts, my property is about only 300 feet in this particular section. It's some 2,000 feet away from my house. It's property that I haven't walked in probably five years, except for the occasionally go for a walk or hunting or something. So, my land is also back there as deed restricted, so it's not developable. So, it's basically a wood lot. So, are you folks ok with having me proceed tonight?

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Mr. Minnie: Ok great, ok. So that being said, we're here tonight to look at making an estate lot coming off of Pinecone Lane. Pinecone Lane is a long, basically, triple cul-de-sac road that ends with, I think, 55 or 60 feet at the end, and there's enough room under the Town of Ludlow Bylaws, to create an estate lot with that frontage at that location. I think the estate lot that you're proposing is what, 27 acres plus or minus?

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Mr. Minnie: So, it's quite a large piece. Estate lots are relatively new for us. This is certainly the largest one we've done. And personally, I like to see really big estate lots because it keeps things wooded, and it keep places for the animals, and the trees, and everything else, and stormwater management, and all that. So, generally speaking, I think one house on 27 acres is

better than 27 houses on 27 acres for a bunch of different reasons. So, that's my thinking on that. Do we want to do a checklist first, Ray, and then go to the floor, or what do you want to do?

Mr. Phoenix: It's your pleasure as Chairman.

Mr. Minnie: Yeah, but you're more up to date on this than I am, so that's why I'm....

Mr. Phoenix: Well, we might as well see what we have for comments from people before we start running the checklist.

Mr. Minnie: Ok. Town Planner, shall meet all the requirements, and the check off list, it does. There is no comments that I can see, from any other Boards, yup, no comments from any other Boards. So that being said, Ray, what do you think, you want to take public comments or you want to do the checklist first?

Mr. Phoenix: Probably public comments first.

Mr. Minnie: Ok, so, tonight folks, I'm seeing that there's people here, and I'm sure that they're here for this estate lot. I see lots of neighbors. So, we'll be happy to entertain and speak to everybody and listen to their issues and concerns or approvals. We ask that when you speak tonight, that you stand up, you state your name and address, and address all comments and questions through the Chair. So, that being said, does anybody have any questions or comments about the special permit for the estate lot at the end of Pine Cone Road tonight? Yes sir.

Mr. Deslauriers: Armand Deslauriers, 596 Pinecone Lane, my wife Michelle.

Mr. Minnie: Hello.

Ms. Deslauriers: Hi.

Mr. Deslauriers: So, we're direct abutters to the property, and I am in favor of this estate lot. It's a great idea. But we've had a problem with dead trees, not branches. When the Grabowski's owned it in the past, we've addressed it, and would only allow me to cut the branches, not the dead trees. So, we have basically, two pools put together. It's a large pool. One of the trees went in the pool. That was \$9,200. They had no insurance on that property. Driveway light posts over the years, fence posts. We sent a letter to R.J. Greeley a week ago, and this happened three days later to my entrance. So, if you want to pass those around. So, what I'm asking with this special permit, is that they due diligence and do the right thing. One of my family members could have got killed just getting the mail, never mind I have a large family, there's 50 of us in that pool, and there's one heck of another dead tree about to come down. So again, I warned about this tree a week in advance, in writing, to R.J. Greeley, who informed Michael Chernick. That tree fell, took out that driveway entrance, and again, somebody could have gotten killed. There's ten of those trees along the property line that they need to remove, and do it quick, because it's gonna happen again. Again, I'm in favor, but those trees got to go.

Mr. Minnie: The Town came out and removed the tree that went in the public way?

Ms. Houle: Armand, he just asked if the Town came out and removed the tree that went in the public way?

Mr. Deslauriers: Yes.

Ms. Houle: Yes.

Mr. Deslauriers: Again, they're not dead branches, they're dead trees on their property. Is there insurance on that property currently?

Mr. Minnie: I'll ask that question in one second. It's gotta be addressed through myself. Did the Board Members have any questions of the photos that they're seeing right now?

Mr. Phoenix: From what I've seen so far, they seem to speak for themselves.

Mr. Queiroga: I just want to ask the applicant parties if they have any comments on, are you aware of this issue?

Atty. Chernick: Yeah, I'm Michael Chernick. I'm the personal representative of the estate. I'm also licensed attorney in the Commonwealth. Attorney Silverman is a real estate lawyer specializing in real estate transactions. Mr. Levesque has done substantial amount of work surveying, doing these plans. I'll tell you what my role in involvement has been, this, I'm sure that the Grabowski parcel is well known in this Town, it certainly was when I became involved and I went to the Town Assessor, and we had a frank conversation about monies owed. As you know, the estate was un-probated for perhaps decades, and that family members and heirs regularly use that estate, and some maybe even paid small amounts of taxes on parcels of the property. Has various heirs in this --- have passed, and it continues to go down the family tree, the more people are involved, I was approached by certain heirs who said, we no longer like what's going on, would you kindly get involved to probate the estate properly. And without retainer, without money, we got, we did get involved. Not quite, sometimes you got to be careful. This is an estate that has no assets but the land. It has only debts. And when we got involved, we were really fortunate, because there's no money in this estate, and none of the heirs, but for one, offered to contribute money to help us properly do what we need to do. We've been able to get really high quality people involved, Levesque Associates as well, known to this Town, I'm sure, Attorney Silverman, and R.J. Greeley, real professionals involved to develop a plan of how to properly dispose of this property. It has, I'm sure as the neighbors know better than I, for decades, I'm sure they spoke to perhaps heirs, and perhaps got lip service, if any service at all. And I understand that. My job as a personal representative is to gather the assets of the estate, try to pass them down in a manner that clears up debt, and leaves the heirs, hopefully, with some money. So what we did, after an extended period of time, with many, with Levesque and other people working on the hope that one day they'll be paid, without retainers, by the way, is developed a plan. And the plan was, as Attorney Silverman said, to, it became very clear that you could develop this, if you could find a developer into Lord knows how many houses, we had projections to close to a hundred homes. But, our experts decided that frankly in today's market it was unfeasible. And a very, I think a very clever plan, was approached, it was developed, that you discussed here, were these large, large parcels. Now, in terms of your particular question about your parcel, your adjacent parcel, I was not privy to this information to a few days ago. And even if I were, the estate lacked assets to do what you need, wanted to have done. It just has no money. We're trying to create money. Now, we have sold a couple of parcels, and those proceeds were used to pay back taxes. --- the Town of Ludlow was quite pleased that we are now caught up, and will continue to pay taxes. We've paid some of our vendors who worked awfully hard, but the estate remains largely still insolvent, still with debt, still without the resources to do the kinds of things that you would like to have done. I wish I

could tell you I could have it done, you know, and pay for it. And now we've developed this plan, and we've got this particular parcel under, is it in P&S?

Atty. Silverman: Yup.

Atty. Chernick: It's with a P&S out there, so let me suggest that hearing your pain and problem, I'm new to this, and we're trying to clean up this mess, if you will, clean up dodge. And the best antidote for your issue will be a parcel owned by a new property owner who plans to spend an awful lot of money to build a lovely home, as I understand it, and I'm sure will be a responsible partner for you. So, while I hear you loud and clear, I get it. And I'm not even beginning to try to blow smoke at you. The estate doesn't have the money to do what you want to do right now. We just don't.

Mr. Phoenix: Perhaps a middle ground that can be walked, if that's, if this is the way the Board wants to go, might be, as part of the special permit process, we are allowed to put conditions on things. That's the whole point of the special permit. Perhaps one of the conditions that we should be looking to put is that prior to any construction happening on the property, that clean up needs to be done to make the property safe to abutters and passers by

Atty. Chernick: My only, and I hear what you're saying, it seems reasonable ---. I'll refer to Atty. Silverman. My concern is, that will so laden the property with potential financial exposure that the buyer, who may, you know, this is simply an unfeasible deal for us because of the financial exposure of having...

Mr. Phoenix: To say that it needs to rendered safe to the abutters and people going by would be...

Atty. Chernick: No, no, no, no, no, but, I've been out to this. This is an extensive driveway. It's a big parcel. I'm not entirely sure what you want done. And I am, obviously, something we would have to bring to the buyer, the potential buyer. What do you think Steve?

Mr. Minnie: I'll be with you in just a minute, sir.

Atty. Silverman: I think probably need a little more investigation as to whether these trees are on this property; or they can be moved. Some of them need to be cut down, whether you need permission from the Town to cut trees down. I certainly, you certainly don't want to create a project where an abutter is in some kind of jeopardy, whether physically or his pool, or whatever else. I don't think that's the right way to go. But, and I don't think we have a problem with, maybe investigate it a little more, get some estimates of what we're talking about here. 'Cause he only found out, I think, a few days ago about this issue.

Mr. Queiroga: It seems to me the reasonable thing would be to, if what I'm hearing is, they're not trying to have you log this property. I don't know if there's ten or twenty ...

Mr. Deslauriers: Ten trees.

Mr. Queiroga: ...ten trees that are in a situation close to the border and look like they need to be cut down. So, we're not talking about a, you know, a gigantic thing here.

Atty. Silverman: A tree warden, or whatever you call it, in Town?



Mr. Queiroga: Pardon:

Atty. Silverman: You have some kind of tree warden ---.

Ms. Houle: No.

(multiple people talking)

Mr. Phoenix: We have a tree warden.

Mr. Minnie: Well, we have a tree warden, but I went out and walked the property the day after this came in, and one or two of the probably ten or twelve, or whatever, trees might or might not be in the jurisdiction of the Town, but the rest are just encroaching on...

Atty. Chernick: Where are these trees in question? Are they in the rear of the property? I did not enter your property, sir. I went to the edge of the property and saw the...

Mr. Deslauriers: So, they're on Grabowski's property about three feet, and run along the driveway to my house.

Atty. Chernick: So the entire driveway. And how long is your driveway approximately?

Mr. Deslauriers: 300 feet.

Atty. Chernick: I did not walk that, obviously. I did not enter your property.

Mr. Queiroga: What kind of trees are they Armand?

Mr. Minnie: The old...

Mr. Deslauriers: They're oak trees.

Mr. Minnie: They're oak.

Mr. Deslauriers: Now, the problem with investigating, and thank you for doing that, is the one that's hanging over my pool, is three days away like this one was. What if your daughter, any one of you guys, went up to your mailbox and that happened. That could have killed my wife. It needs to be taken care of now, and not like months from now, right now.

Atty. Silverman: I don't think anybody's suggesting months.

Mr. Minnie: No, I understand. And we're all trying to find a reasonable neighborly solution, like one of the trees on the plan's marked 36". Some of the trees are exceptionally large over there. You know, usually you see trees on that property, and it was an old farm field, so most of the trees in the middle of the lot are relatively small. But this is along the old property line where they used to leave the fence for the cows and everything, and shade for the cows. So, along that, whatever that really long line is, along there, there are huge trees.

Atty. Silverman: Has this been a problem for a long time?

Mr. Deslauriers: I've been talking, yes. It's been a problem for a long time because the Grabowski's, when they were around, just would not let me cut the trees. They let me cut the branches, which I have.

Atty. Silverman: You say the Grabowski's, are you talking about the original Grabowski's?

Mr. Deslauriers: Yes, yes. I've been there for twenty years.

Atty. Silverman: They've been dead for a long time.

Mr. Deslauriers: I've been there for twenty years. So, there was Bill and Natalie, I believe, Natalie Grabowski. Bill was the boyfriend.

Atty. Chernick: How about some of the heirs who have been managing the property for years?

Mr. Deslauriers: No, other than I, again, I just sent a letter prior, it went to R.J. Greeley, who was to notify you, and then three days later that tree came down.

Mr. Minnie: You know, walking it today, there's dead trees and diseased trees, and there is danger to the pool, danger to a house, driveway, other structures. And I understand your situation, which is cash flow and all that, but unfortunately, that is not a purview of our Board...

Atty. Silverman: Right, I understand. It would help, I suppose, to get somebody out there, a tree person to say what it's gonna cost to knock these down, and whether this one has to go down, and this one's alive. I mean, I don't know. ---

Mr. Phoenix: If we wanted to start enlisting experts to make those types of determinations, I think that would be, probably, looking for us to continue this matter until after we have that information in hand. I think it's probably in the best interest of you guys trying to take care of the problem, and have a resolution to this walking out the door tonight, instead of having this dangling for ---.

Atty. Chernick: I respect, that's a great idea. My problem is relying on my real estate --- an issue for you guys 'cause you live next door. I've been told over and over by our real estate people, this is not an easy lot to sell, and if you lose this sale, who knows how long that will be dangling out there on the market, so. You know, we can look into it and do due diligence, but, you know, I think at a certain point it kind of is, you have to decide I suppose how aggressively we want, you want to push this because right now I have, we have a buyer who is interested in this property, and it's my understanding is that buyer is gonna make substantial improvements to the parcel. If we lose, and there is some concern talking to our real estate people that the deal could possibly fall through. Now, I'm not representing to you that it's gonna fall through, but I'm saying there is some possibility, and it has been represented to me when we were haggling over price ---, it was very clearly told this is a hard parcel to sell, take the deal. So, we will do our best, I promise you that we will, I will try and send some tree people out there and take a look at it, and you're gonna have to mark the trees that are in question.

Mr. Deslauriers: --- tomorrow ---.

Atty. Chernick: And, if...

Mr. Minnie: So, let me tell you what our choices are.

Atty. Chernick: Yeah.

Mr. Minnie: There's a special permit process is to address just issues like this.

Atty. Chernick: Yeah.

Mr. Minnie: And if, and I don't want to make proposals for you, or the neighbor, 'cause that's not fair either, I really don't have an interest one way or the other, and I understand your point and I understand his.

Atty. Chernick: Yeah.

Mr. Minnie: I don't know if there's an accommodation that can be made that he gets an ok to just cut what he thinks is necessary or...

Atty. Chernick: He being Mr. ...

Mr. Minnie: Mr. Deslauriers.

Mr. Deslauriers: Deslauriers.

Atty. Chernick: Deslauriers.

Mr. Minnie: I don't know if that's a solution, you know. If, so our choices tonight are continue or vote.

Mr. Queiroga: --- the issue of ---

Ms. Houle: We need four votes.

Mr. Minnie: Yeah, there's four of us here.

Ms. Houle: You'd have to vote.

Mr. Queiroga: Yeah, but you're...

Mr. Minnie: Well, I'm ok voting; and I...

Atty. Chernick: He waived his recusal.

Mr. Minnie: Yup, yup.

Mr. Phoenix: But we could also, if we feel that it's appropriate, if we think that the conflict could potentially exist, and we need to, we can bring him through the rule of necessity, anyway, through a vote. I don't, from what Ed said, he feels that that's not necessary. I mean, we can always do it as a, just a forum measure anyway.

Atty. Chernick: ---

Mr. Minnie: And a special permit has an appeal, so if he's not happy tonight, I can't speak for him, but generally when we issue special permits, and people aren't happy, they get appealed. And I think it's cost you \$75 bucks, and nine months later you'll be discussing it.

Mr. Phoenix: Just to keep...

Atty. Chernick: --- when the next meeting is?

Mr. Phoenix: ...just to keep everyone aware, the timeline on this, we were obliged to open the public hearing within 65 days of the date of filing, which has been done. Action is required within 90 days of the close of the public hearing. So, even if we close tonight, we don't actually need, we are not legally compelled to take a vote for 90 days, which is why I'm strongly suggesting that it's in everyone's best interest to have a happy situation walking out of here, before we get to closing the public hearing, because if we don't have adequate information to make an informed decision tonight, I'm not inclined to vote preferably on this. I think it's a good proposal overall, but I think we need to have something that sets a clear path forward before I'm comfortable going forward, if that makes sense to everyone.

Atty. Chernick: If I may ask a question to Mr. Deslauriers, is there one or two, are there one or two trees in particular that are creating risk for you?

Mr. Deslauriers: Right now there's probably about four, and one in particular right over the pool that's a monster. So any day it could go. A little wind, and just like the tree that took out the driveway.

Atty. Chernick: So, yeah, I think we have to have tree people in there to get estimates.

Atty. Silverman: Did you say when the next meeting was?

Mr. Minnie: Excuse me one second. Sue, when is the next meeting?

Ms. Urban: August 10<sup>th</sup>.

Ms. Houle: Short two people that one, or no?

Ms. Urban: No, that's the 23<sup>rd</sup>.

(multiple people talking)

Mr. Minnie: And I will be here on August 10<sup>th</sup>.

Atty. Chernick: ---

Atty. Silverman: Why don't, I mean, it's your call. Would you like to continue it for two weeks?

Mr. Minnie: We're trying to have good neighbors and...

Atty. Silverman: Of course.

Mr. Minnie: ...and you know, when I first met Mr. Deslauriers 17 years ago, I didn't even know he was my neighbor. We bumped into each other, and he had happened to say, hey, your trees are overhanging my pool. And I didn't know him, and I said feel free to cut anything you want for 30 feet on my property, and that was the last we discussed of it.

Atty. Chernick: Well, I certainly don't have a problem.

Mr. Minnie: No, no, no, I understand that.

Atty. Chernick: And by the way, your idea is brilliant. In fact, if you wish to voluntarily take down a few trees on the border on a 27 acre parcel, I can't imagine that our buyers would be that concerned by it. So, if you want to take the initiative to...

Mr. Deslauriers: That's about ten grand to cut those trees. Do you want to write me a check? I'll take care of it.

Atty. Chernick: Maybe, and that's my point. I mean, it's a ---. So, you can kill this deal and I ain't got any money, or we can work something out, and maybe I can make it happen. But, I have a finite amount of money.

Mr. Phoenix: That's why I think I started the suggestion here, of we can do an approval with the condition that before anything actually gets built there, that the safety concerns need to be addressed.

Atty. Silverman: --- come back in two weeks and ---.

Mr. Phoenix: If we make that motion...

Atty. Silverman: --- everything else is ok ---.

Mr. Phoenix: If we make that motion, you don't need to come back in two weeks. It's just before anything gets built on the property, the safety concerns need to be addressed, which realistically, from a liability standpoint, I think, only makes sense for somebody to do anyway.

Atty. Silverman: Yeah, I agree with you.

Mr. Phoenix: 'Cause if, especially if we're talking about trees that might be near enough to the public way that they could take out some of the things that we have photographs of. The public safety, let alone just issues with one individual neighbor, that's a pretty hefty liability, I would think, for, whether it's the people you guys are representing, or the people that want to buy the property, if I were in either of those situations, I wouldn't want that dangling over my head, especially if I don't have insurance on that property.

Mr. Minnie: Do you prefer a continuance, close the public hearing, and we can vote on it on a future date? If we...

Mr. Phoenix: Well, if we close, we close. If we continue, we can take in new information.

Mr. Minnie: Right.

Mr. Phoenix: So it's, I think, a question of are we going to make the motion with the condition in there. Does that satisfy the Board? Or are we gonna continue and then see where we might possibly be at in a couple weeks?

Atty. Chernick: I would say this to you on the record, the estate will do what is reasonably necessary and can reasonably afford. Unfettered cutting down of trees, I cannot guarantee. Esthetics I cannot guarantee. But, if it's about safety, and it can be done reasonably, at a reasonable cost, and somehow the estate can figure out to afford, we'll do our best efforts. That's the best I can tell this Board.

Mr. Minnie: We wouldn't ask you for anything on an esthetic basis, period.

Atty. Chernick: Yeah, yeah.

Mr. Minnie: That's just beyond our scope of purview.

Atty. Chernick: Yeah.

Mr. Minnie: The only thing that we're really interested in the Planning Board is good planning and the safety...

Atty. Chernick: Agreed.

Mr. Minnie: ...of the neighborhood. And obviously there's, with what came down, there's a couple trees there that could go right through the house as well, so.

Atty. Silverman: Would you say something like, the estate will take reasonable steps to deal with safety issues relating to trees in that area, however you want to say it. And if we don't seem to do that, obviously, this gentleman could come back in here, I suppose, and ask you to reconsider.

Mr. Deslauriers: I didn't hear.

Atty. Silverman: Oh, I'm sorry.

Mr. Phoenix: I can write something down that I'd be comfortable with. You can take a look at it.

Atty. Silverman: Sure.

Mr. Minnie: Alright, why don't you come up something, Ray. We're gonna try to get some verbiage to solve this situation.

Atty. Silverman: ---

Mr. Deslauriers: As long as, it's kinda like what happened the other day, notice was done in writing and three days later, look what happened. Can you imagine if my family in that pool,

what would happen? There's 1.5 million dollars in sales on that property over there. You've had a couple closings already ---.

Atty. Chernick: --- how much?

Mr. Deslauriers: 1.5 million in sales ---

Atty. Chernick: --- I wish you could find that money for me, because I can assure you, sir, it's barely 10% of that right now, perhaps 15%.

Mr. Deslauriers: Well, my understanding is you sold the lot pretty much for full price, next to me, when it does close. That's...

Atty. Chernick: Yeah.

Mr. Deslauriers: ... pretty close to \$200,000 right there.

Atty. Chernick: ---

Mr. Deslauriers: But, there is money there in time.

Atty. Chernick: --- In all due respect sir, that's the lot that you are potentially blocking the sale of. So, if in fact, that sale goes through...

Mr. Deslauriers: I'm not trying to block it.

Atty. Chernick: I understand. I'm not suggesting you're intending to, but I'm attesting, these could be unexpected consequences if we can't reach agreement, so we have to somehow figure out how to reach agreement, and then, of course, money could come in at some point.

Mr. Deslauriers: Well, I got to say that...

Atty. Silverman: We'll get on this right away.

Mr. Deslauriers: I'm sorry?

Atty. Silverman: We will get on this right away. ---

Mr. Deslauriers: --- the only reason why I have a little doubt is Atty. Francis DiSanti contacted Mike.

Atty. Silverman: Yeah.

Mr. Deslauriers: It didn't go anywhere. It's been eight, ten days, never heard nothing.

Atty. Chernick: In all due respect, sir, it did go somewhere. I went out, I inspected the property, I was aware of this hearing, I was told you were going to be here, and we're trying to answer it. And again, let me repeat, it's an insolvent estate. There is no cash money, and we are doing our best...

Mr. Deslauriers: --- that would make that worse, and, you know ...

Ms. Deslauriers: Could you make it contingent, you know, ---

Mr. Minnie: Ma'am, can you please stand and state your name and address?

Ms. Deslauriers: I'm sorry. Michelle Deslauriers, 596 Pinecone.

Mr. Minnie: Thank you.

Ms. Deslauriers: Could you make it a contingency on the sale?

Atty. Chernick: Well, again, we could talk, Atty. Silverman will talk to buyers counsel, but we can certainly propose it, but my thought is, is that, and I've talked to Mr. Greeley, we will have some tree removal companies go out and give us estimates to see if we can work something out. I'm fairly positive that something will work out.

Mr. Deslauriers: Can that be done within a ten day window because of the rest of the tree that's over that pool?

Ms. Deslauriers: Luckily, this one came down during the night.

Atty. Silverman: Sooner than that, if we can get a tree ---.

Mr. Deslauriers: Alright, sooner than ten days.

Mr. Minnie: I would feel most comfortable, speaking for myself, to continue it to ...

Mr. Queiroga: That's all you're allowed to.

Mr. Minnie: ... was it the ...

Ms. Urban: 10<sup>th</sup>.

Mr. Minnie: ... 10<sup>th</sup>, because I think that would give you plenty of time to go out there, take a look. I would guess that you would be ok with these gentleman or their people coming on your property to ...

Mr. Deslauriers: Yes, yes.

Mr. Minnie: ... enter and look, because it's probably gonna be required.

Atty. Silverman: We'll get in touch with him through his attorney or any way he wants, to let us know when somebody's coming up out there ---.

Mr. Minnie: Sure, yup.

Atty. Chernick: Can you kindly mark the trees?

Mr. Deslauriers: Tomorrow, they'll be marked before noon.



Mr. Minnie: Please mark them, say four or five feet up with a surveyor's fluorescent orange marking tape around the entire circumference of the tree.

Mr. Deslauriers: Yup.

Mr. Minnie: Ok? So that way there it's real easy for...

Atty. Silverman: You would hope a tree company would have a sense of which trees are more of a safety hazard ---.

Mr. Minnie: Sure, well he, right, and he...

Atty. Silverman: --- professionals.

Atty. Chernick: I think it makes sense for him to mark it, so there's no dispute.

Mr. Minnie: 'Cause we're not looking for cosmetics, and nobody's asking you for cosmetics.

Atty. Chernick: Nor are we doing logging, which could be done, but we're not gonna do that.

Mr. Minnie: So, is your preference to continue or to pursue the avenue Mr. Phoenix was discussing?

Atty. Silverman: I'd say continue it, I mean, ---.

Mr. Minnie: So, with the understanding...

Atty. Silverman: I assume there are no other issues?

Mr. Minnie: --- is there anybody else?

Atty. Silverman: ---

Mr. Minnie: Sure, is there anybody else here tonight has comments or concerns on the special permit estate lot for #8?

Mr. Hill: Hi, Harry Hill, 1141 Lyon. --- how many houses gonna be built there, just one you said?

Mr. Minnie: One.

Mr. Hill: How about Lot 2 & 3?

Mr. Minnie: That is...

Mr. Hill: I am an abutter from the back...

Mr. Minnie: I understand.

Mr. Hill: ...from the back. You know where I am.

Mr. Minnie: I know exactly where you're at.

Mr. Hill: All the way up from Lyon, all the way up to the back of their property and across.

Mr. Minnie: I understand.

Mr. Hill: There's a lot of trees hanging over, that for twenty-five years I've been cutting the branches that fall, and I've been taking care of that and not charging them. I cut it myself. And that's twenty-five years ago. I can't do it now.

Mr. Minnie: My educated guess is, when those lots come in for special permits, we'll be discussing that. So, right now, those trees are beyond the purview, because they're not on the plans that we have marked. Understand? So, I understand in your mind Harry, that it's all the same pie, but for tonight we're only dealing with the pie Lot #8 Pinecone.

Mr. Hill: Ok, alright.

Mr. Minnie: And so, when they come, if they come in, for an ANR for property that abuts you that needs a special permit, we will have this hearing again. If it's an ANR, it's an ANR without a special permit, they get a right to cookie cutter and go, and that's the way it's always been.

Mr. Hill: My concern is, my house is built on a corner, those trees are gonna fall right on my house.

Mr. Minnie: Well, the gentleman are here, and if, maybe tonight's a good night for you to talk to them, 'cause they may be planning to come in the future, and give them your contact information, and if the people are looking out at Lot #8, maybe they want to take a look out over there. That's at these gentleman's discretion.

Atty. Silverman: I was gonna suggest that, but if there's some way to contact the gentleman, I'll give you my card --- and take a look at the situation for you.

(multiple people talking)

Mr. Minnie: Continue to the 10<sup>th</sup>, at what time Sue?

Ms. Urban: ---

Atty. Silverman: I'm sorry, what time?

Ms. Urban: 7:30.

Atty. Silverman: Is that a Thursday evening? I don't have a calendar. Thank you.

Atty. Chernick: It is, yeah.

Mr. Minnie: Alright, Mr. Queiroga?

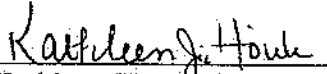
Mr. Queiroga: Now, do we need to make a **MOTION** to continue this public hearing for the August 10<sup>th</sup> at 7:30?

**SECOND** Mr. Phoenix.

Mr. Minnie: Any other discussion from the Board Members? Hearing none, All in Favor?  
**4-0 in Favor.**

*The Public Hearing is continued until August 10, 2017 at 7:30 p.m.*

APPROVED:

  
Kathleen Houle, Secretary

su

Documents: Master application/Application for Special Permit; Comments from Town Boards/Departments; Plan for Special Permit, Plan of Land in Ludlow, Massachusetts, surveyed and mapped for The Estate of Anthony Grabowski (June 26, 2017)

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



**TOWN OF LUDLOW PLANNING BOARD  
CONTINUED 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 (Absent)  
Kathleen Houle (Present)  
Raymond Phoenix (Present)

*Hearing began at 7:58 p.m. in the Selectmen's Conference Room.*

*The Hearing was continued from July 13, 2017*

---

*In attendance: Silvestre Gama, Denise Gama*

Mr. Minnie read the legal notice, and reviewed the application. The legal notice included the description of: convert storefront into apartment.

Mr. Minnie: Ok, so for ease of understanding and memory, so which piece of property is this?

Mr. Queiroga: The old shoe place.

Mr. Minnie: Oh, the shoe place, shoe shop, ok.

Mr. Gama: Shoe shop ---.

Mr. Minnie: I lived across the street, so now I know where we're at.

(multiple people talking)

Mr. Minnie: Underneath a rock and everything.

Ms. Houle: ---

Mr. Minnie: There it is, so see, look at that, a kleptomaniac over here. Ok, so, we haven't done one of these yet, have we, to take a commercial space to a residence, in the East Street corridor yet, that I remember?

Mr. Stefancik: I think we may have done one near the Radical Roasters.

Mr. Minnie: Ok.

Mr. Stefancik: Actually, and then I think we did another, Mikey's Pizza Shop, in that area.

Mr. Minnie: Yup, that had to be 15 years ago.

Ms. Houle: ---

Mr. Stefancik: Less than 10, or around 10.

Mr. Minnie: Less than 10, ok.

Mr. Queiroga: He hasn't been here 15 years.

Mr. Minnie: Well, what's a decade?

Mr. Stefancik: Apartments are allowed in the East Street Overlay by site plan approval.

Mr. Minnie: Right, ok. Were there any comments from the other Boards on this?

Mr. Phoenix: Yes.

Mr. Minnie: Ok, yes there were. From the Board of Public Works, July 13<sup>th</sup>: We have reviewed the site plan for 165-169 East Street, dated 5/5/17. *Provide plan for snow removal policy on property on site plan. It states see note 5 for snow storage information, but there's no 5 on plan. Display all abutters, etcetera. If you have any comments, ok.* The Town Planner did his checklist and had the comments of: *The applicant needs to ask for waivers on o. 1-3 and 5 for additional requirements: Applicant needs to ask for waiver of 2 parking spaces in the East Street Overlay District in nonconforming use parking. The Board may waive up to 5 parking spaces. ConsCom: No wetlands. That's always a good thing.*

Ms. Houle: ---

Mr. Minnie: There's a waiver request.

Mr. Queiroga: ---

Mr. Minnie: Yup. So we need, I think we want this to work, those signed.

Mr. Phoenix: Now, for especially those playing the home game, o. 1, 3 & 5, are somewhat routinely waived items. Specifically, they would be: a lighting plan with luminaire schedule prepared by an engineer; elevations showing the front, rear, and sides of the building; signage design with dimensions and locations; and a traffic study. With regard to the first three, the lighting plan, elevations of the building, and signage design, there's nothing being contemplated as far as changes to the building, the signage, or the lighting, correct?

Mr. Gama: Sign it?

Mr. Minnie: Please.

Mr. Phoenix: So that would be, I think, the rationale for those three, at least, out of the waivers.

Mr. Minnie: Yup.

Mr. Phoenix: And then the issue of the traffic study, I think, is somewhat self explanatory in this case.

Mr. Minnie: And obviously, the use of an apartment is less traffic than a shoe repair business.

Mr. Phoenix: One would hope.

Mr. Minnie: That I miss, because they used to fix my shoes.

Ms. Gama: Mine too, yeah.

Mr. Minnie: Another one of those businesses that are gone forever, and --- ...

Ms. Gama: And hard to find now.

Mr. Minnie: ... nice Redwing boots with no soles on them.

Mr. Gama: Yeah, you don't believe how many people stop over there.

Mr. Minnie: Oh yeah..

Mr. Gama: Sometimes I clean sweep ---.

Mr. Queiroga: I have to go to Ace. I have to go to Ace on Wilbraham Road.

Mr. Minnie: So, I'll make a few...

Mr. Phoenix: Get a tube of glue and...

Mr. Minnie: ...I'll make a few comments for the public which is, the East Street Corridor is an economic revitalization zone, and we have flexible zoning that allows for quite a lot of very unusual uses and changes, which would normally not be allowed anyway, and that was done to keep the area occupied and prevent blight, and keep the area vibrant with small businesses. And as small businesses are needed, apartments can be added or subtracted, and it works quite well. And that way there, we don't end up with some other towns that have the old main street that looks like a bomb went off, and nobody wants to be near. Our old main street looks great. It's been revitalized. It's got new traffic controls and sidewalks, and new additional parking, and all sorts of good things are going on. And to my knowledge, I don't think there's an empty space on the street. So, I think the flexible zoning there has been more than successful.

Mr. Phoenix: Just don't ask anybody about the bump-outs.

Ms. Houle: Yes.

Mr. Minnie: So, I think the policies that we put in place over there have been more than successful in protecting the Town and improving things. And with the new mill redevelopment, there's even more going on in the neighborhood, and I think --- gonna get better, and better, and

better. And not many people can say that about that whole downtown, where you see an absolute wasteland of trash and decay and smashed windows and everything else. And the gas station just reinvested down the street, huge figures. The new gas station works well. The traffic's flowing well. And I think the neighborhood is better than it's ever been in the 40 years I've been here. So, I certainly see the conversion of that from the shoe store to an apartment is a positive thing.

Mr. Queiroga: That being said,

Mr. Minnie: Ok.

Mr. Phoenix: And as far as the parking thing goes, one other thing that I would point out is, it certainly appears that they could call out one on street parking in front of the property at least.

Mr. Minnie: Yup.

Mr. Phoenix: So, them looking for a waiver of two that's shown on site, we can normally include the parking on street, as part of what they're showing anyway.

Mr. Minnie: Yup.

Mr. Phoenix: So, even though the request is for a waiver of two, with the idea being that there's two not shown on the property proper, they're actually showing adequate space for six out of the seven. So it's, technically, we only really need to waive one, it just, it kind of nets out to the same thing. And their asking for two, I think, keeps it cleaner. So, they only really need half of that relief anyway. So, it's a waiver of one space, and obviously, we have that provision in there because of the existing parking conditions down there, and you can't really shoe horn too many extra parking lots where you need them.

Mr. Minnie: ---. And obviously, I don't see anybody here tonight from the neighborhood, so I don't think anybody from the neighborhood's overly concerned. What's the total square footage of the new apartment that's gonna be there, do you know?

Mr. Stefancik: 500 square feet.

Mr. Gama: 500?

Mr. Minnie: 500 square feet.

Mr. Gama: Yes, 500. Thank you.

Mr. Minnie: One bath, one bedroom?

Ms. Gama: One bath, one bedroom.

Mr. Gama: Yeah, yeah.

Mr. Minnie: Ok, so, we're not talking about adding 15 bedrooms ---?

(multiple people talking)

Public Hearing -- Gama

July 27, 2017



Ms. Gama: No, --- spaces ---.

Mr. Gama: My daughter lives over there now.

Mr. Minnie: So, I think it's a good fit. It's a nice neighborhood. It's quiet.

Mr. Gama: Yeah ---.

Mr. Minnie: Yeah, I think everything will be fine.

Mr. Phoenix: Before we start going through the checklist for compliance, if it's alright by you, I think I'd like to try and take care of some of the waiver issues Ed.

Mr. Minnie: Yeah, I would to, just on the snow...

Mr. Queiroga: There's a note on there ---.

Mr. Phoenix: It's shown on here now.

Mr. Minnie: Yeah, it is. And, you know, it is what it is. It's pretty well paved over there, and it's been existing that way for 40 or 50 or 60 years, and maybe once every ten years, the snow gets kind of piled up over there, but, then again, the Town comes down and picks up the snow along the curb and it is what it is.

Mr. Gama: ---

Mr. Minnie: Like I said, once every ten or fifteen years.

Mr. Gama: --- in the back I push, I try pushing the back. Sometimes you have to put a little bit on sidewalk, you know.

Mr. Minnie: Yup, so I think the solution of the snow to be stored around the perimeter of the lot, and removed as required, is an acceptable plan.

Mr. Phoenix: Especially the second half of that sentence.

Mr. Minnie: Yup.

Mr. Phoenix: As far as the waivers themselves go, to start the ball rolling, on the issue of the parking, I would make a **MOTION** to waive two parking spaces as requested from the required seven down to five, as it is part of the East Street Corridor Revitalization area, and that's within our authority, and it makes sense given the nature and scope of this project.

**SECOND** Mr. Queiroga.

**4-0 in Favor.**

Mr. Phoenix: I would also, as far as waivers go, on the issue of o. 1, 2, 3, & 5, which have also been requested, I believe we've got those signed waiver requests in the actual file.

Mr. Minnie: That is correct.

Mr. Phoenix: ... I just wanted to check, 'cause the copy on here didn't look like it was signed.

Mr. Queiroga: We gave it to him.

Mr. Phoenix: On those, the signing, the lighting plan, the elevations of the building, and the traffic study, given that there are no physical changes being contemplated to the exterior of the building related to any of the 1-3 items, and the nature of that change is from retail to apartment, for a minimal change overall, I would **MOVE** to waive those requirements as well.

**SECOND** Mr. Queiroga.

**4-0 in Favor.**

Mr. Minnie: Checklist?

*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.

(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: We waived 1, 2, 3, 5.

(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. Phoenix: So that brings us complete on the checklist.

Mr. Minnie: Can we have a motion on the site plan?

Mr. Phoenix: Just for the sake of noting it, I think you already said something to the effect, that there is nobody in the room for public comment. So I will make a **MOTION** in the standard form to approve the site plan as proposed.

**SECOND** Mr. Queiroga.

**4-0 in Favor.**

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

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

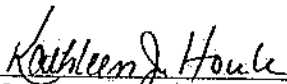
Ms. Houle: **SO MOVED.**

**SECOND** Mr. Phoenix.

**4-0 in Favor.**

*Hearing ended 8:11 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 (updated 7-20-17)

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

Public Hearing – Gama  
July 27, 2017

Page 8 of 8