

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
August 24, 2017**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

- Joseph Queiroga – Chairman (Absent)
- Raymond Phoenix – Vice Chairman (Present)
- Christopher Coelho (Present)
- Kathleen Houle (Present)
- Edgar Minnie (Absent)
- John Pedro, Associate Member (Present)

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

Meeting began at 7:00 p.m. in Hearing Room #2

**PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION – Joseph M. Alvaro Jr.
– 118 Wedgewood Drive (home office for web development business – JMA Web Design)**

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 83. - Legal Notices from surrounding communities
 - ◆ SIGN Special Permit:
 - Glen Shenkin – 25 Bliss Street (Home office – real estate investing company)
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**ANR – Baystate Developers, Inc. c/o Dinis Baltazar – 0 Miller Street
(Assessors' Map 26, Parcel 37)(ANR plan to enable the transfer 2 small parcels of land)**

Dinis Baltazar was present for the appointment.

Mr. Baltazar explained that an abutter requested, for the future subdivision development, that in order to have the proper frontage off of Miller Street, they needed a small portion of land. In turn, the back property line of one of the lots was moved back about an inch to maintain the square footage of the building lot that the portion of land was taken from.

Mr. Pedro read the ANR checklist:

1. *Property owner's name, date of plan, and scale of plan.*
2. *A space for endorsement by the Planning Board.*

3. *The names of all abutters.*
4. *The lines of existing streets, ways, property lines, and easements. Indicate whether streets and ways are public or private.*
5. *The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.*
6. *Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.*
7. *The location of all property corner monuments and whether they were found or set.*
8. *The location, frontage, and area of the land remaining in the original parcel after establishing the new parcel.*
9. *The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.*
10. *The location of all existing buildings and the distance from the existing buildings to the new property lines.*
11. *If a building lot is intended, the frontage requirement at the setback line must be shown.*

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

Ms. Houle **MOVED** to endorse the ANR for Baystate Developers, revised Lot A and Parcel 1 Miller Street.

SECOND Mr. Coelho.

3-0 in Favor.

Documents included: Master application; Plan of Land, Surveyed and Mapped for Baystate Developers, Inc. – (owier) (August 16, 2017)

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Mail Item #81 - Email from Steven W. Silverman, Esq. re: completed arborist work & final report at Lot 8 Lyon Street (Pinecone Lane) – Estate of Grabowski

Ms. Houle remarked that she ran in to Mr. Deslauriers today, and that he is very pleased with the work that was done.

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File Mail Item #82 - Letter from Department of Inspectional Services – re: non-issuance of building permit for sign located at 190-194 East Street

APPOINTMENT – Eric Nelson & Sarah Northrup – Ludlow Mills Update

Eric Nelson, Sarah Northrup, and Austin Sanders were present for the appointment.

Mr. Nelson introduced Austin Sanders as the project manager, and Sarah Northrup as the new Vice President.

Mr. Nelson remarked that it's been six years, to the date, that Westmass bought the Ludlow Mills. He mentioned that the Final Environmental Impact Report has been submitted. He noted that when the Draft Report was approved by the Board back in 2012, there were concerns with stormwater runoff; creating higher density housing at the Mills, including senior housing and more affordable housing; traffic impacts on Center Street and East Street; and then to direct traffic out of the eastern section, along the new proposed Riverside Drive. Mr. Nelson said that the Final EIR has several sections that specifically address comments from the Planning Board from the Draft EIR, including ongoing traffic mitigation. He remarked that he is hoping that the final certificate will be issued this coming September. Mr. Nelson mentioned that there were two projects in the Phase I waiver that was requested, one being HealthSouth, and the other was the WINN Development redevelopment of Mill 10. He said that HealthSouth has been up and running for a number of years now, and that people have actually started moving into Mill 10.

Mr. Nelson went on to say that they are seeking additional funding through grants, such as the MassWorks Grant. He also noted that one of the first grants that was obtained was the More Jobs Grant for \$3.7 million, which was used for the State Street and First Avenue reconstruction of all water and sewer mains, all the utilities, stormwater, sidewalks, with Columbia Gas piggy backing on that, putting in \$600,000 worth of gas lines. Mr. Nelson said that he is also looking into rooftop solar at the proposed new construction on the eastern portion of the site. He also commented on the work that was done with Phase I on the completed Riverwalk Grant, which included: pedestrian enhancements, benches, lighting, and the historical interpretive signage. He remarked that now they are going for a MassWorks Grant for Riverside Drive, which is part of the traffic mitigation from the Draft EIR. Mr. Nelson reviewed the new color renderings of the Ludlow Mills (included in Final Environmental Impact Report) with the Board.

Mr. Nelson explained that part of what they're doing in the MassWorks Grant is leveraging the Clock Tower, which is under purchase & sale with Winn Development. He noted that Winn is looking to put a 45 to 55 million dollar project in there, with approximately 80 apartments, 40,000 square feet of commercial space, and rehab that building by bringing it back into higher and best use. He stated that the infrastructure of Riverside Drive will directly support that project, fire lanes for access for the residential housing on Mill #10, and most importantly, will open up and provide access to over 500,000 square feet of proposed expedited permitting land in the light industrial Section #4, which is the eastern most section beyond First Avenue. Mr. Nelson noted that this infrastructure and access will keep traffic off of State Street, which is a condition of the Special Permit, and will also provide much needed infrastructure, which the Fire Department is calling for to even out the water pressure for fire protection redundancy to the entire project. He added that they will be able to upgrade some of the existing buildings that don't have bathrooms, by providing them.

Mr. Nelson discussed the grants, and how additional grant funding is obtained to match dollar for dollar, or above. He noted that for \$5.6 million of state money invested in the project, they have leveraged over \$127 million via other funds, such as the Brownfields Grant, and private investments from HealthSouth and Winn Development.

He explained that within the Riverside Drive Project, they will be extending the Riverwalk to the end of First Avenue, and making a sidewalk that would connect back up to State Street, to keep the circuit going. He mentioned that they won't do the third phase out to the trestle until they have people (businesses) out there.

Mr. Nelson said that one of the interesting things about Mill #8, is that they are proposing to take out a section of the building to get some setback, and there's a fire break. He explained that the Mass Historical Commission does not want that to happen, and if that is the case, Westmass will have to come back in front of the Planning Board for some solution that may allow a property line to go through an existing building, to create a separate lot and frontage for other buildings.

Mr. Nelson explained that the ultimate goal of Riverside Drive is, once it's built, to come back, and through an ANR, and Town approval process, it would become a public way, and Westmass would convey, from the north side of all the way out to their property line in the middle of the Chicopee River, including the Riverwalk, to the Town of Ludlow

In reference to the rehabilitation of the Clock Tower Building, Winn Development is proposing commercial/retail on the first floor, with the upper floors being residential with a mix of work force and market rate housing. Mr. Nelson said that the clock mechanism is totally fixable, and that the renovations to the clock will occur when the shell is water tight.

In response to Mr. Coelho's inquiry as to what kind of businesses are proposed to go in, Mr. Nelson responded that retail and commercial would go into Section 1, light industrial in Section 2, and then Section 4 would house larger scale light industrial sites. He added that Section 3 & 3A would be medical offices, and said that a restaurant would be ideal in the Carpentry Shop.

Mr. Pedro asked whether a fishing pier was ever considered. Mr. Nelson said that they are looking, in the master plan, at the potential for a canoe and kayak launch, and also at the old brick pump house, after removing the pumps, making a platform where fishing could be done.

Documents included: Planning Board Meeting, August 24, 2017, Final Environmental Impact – MEPA, Grant Applications Discussion Update.

Discussion – Zoning Bylaws for Town Meeting

Mr. Stefancik submitted the following proposed zone changes to the Planning Board, for their consideration:

- 1. ARTICLE:** *To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION VI: Special Land Use Regulations. Section 6.5 Sign Regulations, Section 6.5.5 Placement Standards/Sign Height in All Districts by adding to (e.) Free-*

standing signs in the East Street Revitalization Overlay District are exempt from meeting setback requirements. New section to read:

e. *No part of a free-standing sign is to be located closer than ten (10) feet to the property line within the front yard setback. The sign cannot interfere with the line-of-sight for traffic. This required dimension is reduced to five (5) feet for pre-existing, non-conforming parcels. Free-standing signs in the East Street Revitalization Overlay District are exempt from meeting setback requirements.*

Reasoning: Do to the limited availability of free space in the East Street Revitalization Overlay District, there are cases where five (5) feet cannot be spared.

The Planning Board agreed to not go forward with the bylaw amendment for free standing sign exemption from setback requirements in the East Street Revitalization Overlay District.

2. ARTICLE: *To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION VI: Special Land Use Regulations. Section 6.2 HOME OCCUPATIONS, by adding to 6.2.7 * Class 1 and Class 2 Vehicles. Exceptions will only be made for a (Class 3) Heavy-Duty Pickup Truck. New section to read.*

6.2.7 *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. * Class 1 and Class 2 Vehicles. Exceptions will only be made for a (Class 3) Heavy-Duty Pickup Truck.*

Reasoning: In addition to Gross Vehicle Weight, the bylaw will specify that Class 1 and Class 2 vehicles are those type of vehicles, which are 10,000 pounds and under.

3. ARTICLE: *To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION VI: Special Land Use Regulations. Section 6.2 HOME OCCUPATIONS, by adding 6.2.14 Accessory Equipment: In connection with the home occupation there will only be allowed one piece of accessory equipment. Accessory equipment per this bylaw includes open utility trailers and cargo trailers. Accessory equipment does not include what will be stored on or in the open utility trailers and cargo trailers. Accessory equipment cannot be stored in the front or side yards of the property or on the street.*

Reasoning: This will give the Planning Board the authority to regulate Accessory Equipment used in conjunction with a Home Business.

Mr. Phoenix suggested that the wording be altered to change 6.7 to have a heading, Vehicles and Accessory Equipment, and then basically take the existing 6.2.7, and make that A., and then the Article 3 portion of this would be B., so that those are tied together instead of going down another five or six points before you get to the equipment that's trailers. He also suggested deleting out of the existing 6.2.7, after the words commercial vehicle, "and of not more than 10,000 lbs gross vehicle weight", and then take the asterisk part that's being suggested off of

there, and then instead insert "allowed vehicles must be classified as Class 1 any, Class 2 any, or Class 3 heavy duty pick up, so that it would read: Only one vehicle parked on the property may be a commercial vehicle. Allowed vehicles must be classified as Class 1 any, Class 2 any, or Class 3 heavy duty pick up. 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.

The Planning Board members agreed to the proposed changes. Mr. Phoenix will submit the new proposed verbiage to Mr. Stefancik for a public hearing.

Documents included: Draft Zoning Bylaw Changes 2017 October Town Meeting

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Ms. Houle **MOVED** to adjourn.

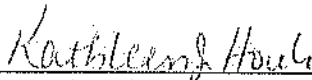
SECOND Mr. Coelho.

Mr. Phoenix: Always in order and not debatable.

4-0 in Favor.

Meeting adjourned at 8:28 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
PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT
118 Wedgewood Drive – Joseph M. Alvaro Jr.
(Home based web development business – JMA Web Consulting)
August 24, 2017**

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PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Absent)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Edgar Minnie (Absent)
John Pedro, Associate Member (Present)

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

Meeting began at 7:00 p.m. in Hearing Room #2

In attendance: Joseph Alvaro Jr., attendees

Mr. Phoenix read the legal notice, gave Mr. Alvaro a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – home based web development business (JMA Web Consulting).

Mr. Phoenix: According to the application, the proposal is requesting a home occupation permit for a web development business. No surprise there. We do have no finding or waiver granted yet. The total area of the building's housing --- is 2,100, area being used is 400, non-resident employees is zero, and answered no to signage, customers at the house, deliveries unlike those of a normal residence, changes to the site to make it look less residential, and also no to the vehicle in connection with the business. We have a signed waiver request for the full site plan in favor of a sketch and photos. Does that sound right?

Mr. Alvaro: Yes.

Mr. Phoenix: Ok, --- read the blurb twice essentially, but if you could, just for the record, explain to us what you're looking to do at the house.

Mr. Alvaro: I just have a web development business and software store, and it's all online.

Mr. Phoenix: ---

Mr. Alvaro: --- clients.

Mr. Phoenix: That's probably ---. Ok, with that said, do we have any questions from the Board at this time?

Mr. Pedro: I don't have any.
Public Hearing – Alvaro
August 24, 2017

Mr. Phoenix: Hearing nothing, this is a public hearing, and I will open it up for public comments, questions, concerns. Does anyone have anything they would like to add or ask at this time? Hearing the thousands and thousands of people saying nothing, if we could move on to the checklists ---.

Ms. Houle: You need the findings?

Mr. Phoenix: Well, we can do them in any order. If you want to do the findings now, we can do that.

Ms. Houle: We can do that first.

Mr. Phoenix: Ok.

Ms. Houle: Mr. Chairman, I **MOVE** to find that a web development business as described by Joseph M. Alvaro Jr. is a suitable home occupation under the Bylaw.

SECOND Mr. Coelho.

4-0 in Favor.

Ms. Houle: Mr. Chairman?

Mr. Phoenix: Ms. Houle.

Ms. Houle: I **MOVE** to waive the full site plan for Joseph M. Alvaro at 118 Wedgewood Drive, in favor of a sketch and photos to be provided by the applicant as this is in relation to home occupation and doing so is consistent with notice and intent of the Zoning Bylaw.

SECOND Mr. Coelho.

4-0 in Favor.

Mr. Coelho 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 adjoining 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.

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Ms. Houle read the Special Permit Criteria Checklist:

SPECIAL PERMIT CRITERIA

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

- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

Mr. Phoenix: Anything else from the Board? Hearing nothing, I'll ask again if there's anything from the public. Hearing nothing there as well, do we have a motion?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to find, I'm sorry, I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1 thru 6.2.13 for Mr. Joseph M. Alvaro at 118 Wedgewood Drive, with the restriction that the permit runs with the applicant and not with the property.

SECOND Ms. Houle.

4-0 in Favor.

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

Mr. Phoenix: Is there a **MOTION** to close the public hearing?

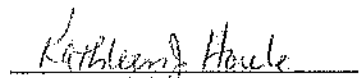
Mr. Coelho: **SO MOVED.**

SECOND Ms. Houle.

4-0 in Favor.

Hearing ended 7:09 p.m.

APPROVED:


Kathleen Houle - Secretary

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Documents: Master application; abutters list

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