

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
September 28, 2017**

PLANNING BOARD MEMBERS

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

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TOWN OF LUDLOW

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

**ANR – Thomas Lawler – 55 Jackie Drive (Assessors' Map 26, Parcel 52)
(Estate lot on Sunset Ridge / Jackie Drive)**

Thomas Lawler was present for the appointment.

Mr. Coelho read the ANR checklist:

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

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

Mr. Queiroga: I MOVE to endorse the ANR for Mr. Lawler at Sunset Ridge, Jackie Drive, and that's it.

SECOND Ms. Houle.

4-0 in Favor.

Documents included: Master application; Plan for Special Permit, Sunset Ridge -- Jackie Drive, Ludlow, Mass., prepared for Thomas W. & Kimberly M. Lawler (owners)(September 1, 2017)

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**PUBLIC HEARING -- SPECIAL PERMIT/ESTATE LOT -- Thomas Lawler -
-- 55 Jackie Drive (Estate lot on Sunset Ridge)(Assessors' Map 26, Parcel 52)**

SEE ATTACHED MINUTES

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**PUBLIC HEARING -- SPECIAL PERMIT/ESTATE LOT -- Chris Goulet --
104 Bruni Avenue (tree service -- CG Arborist Services)**

SEE ATTACHED MINUTES

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**APPOINTMENT -- Francis Federico -- 330 Sewall Street -- Change of Occupancy
(repair & sale of used autos)**

Francis Federico and Donald Davis were present for the appointment.

Mr. Minnie explained that the applicants were approved for a Change of Occupancy on the repair of used autos at the last Planning Board Meeting (September 14, 2017), but were not approved for the sale of used cars due to a question regarding whether a full site plan was needed.

Mr. Stefancik remarked that Mr. Federico had submitted his application for a used car license with the Selectmen's Office. Mr. Federico said that they accepted the application, but would not take the fee until the Change of Occupancy was approved by the Planning Board. Mr. Coelho noted that the Safety Committee also did not sign off on the letter that was submitted by the Board of Selectmen because they didn't have the results from the Planning Board approval.

Mr. Davis stated that they are in the process of getting a new site plan for the property. He also confirmed that the portable building that was on the site has been taken down.

Mr. Stefancik said that the current site plan on file is dated 1993, with no addendums.

Mr. Queiroga: Could I suggest that we approve the use subject to a registered site plan being brought to this Board within 60 days?

Mr. Minnie: I was gonna say 90.

Mr. Coelho: I was gonna say 90.

Ms. Houle: I'd say 90, I'd say 90.

Mr. Minnie: 'Cause I've had diverticulitis.

Mr. Federico: Both are acceptable.

Mr. Minnie: So, why don't we do 90?

Mr. Queiroga: Ok, 90.

Mr. Minnie: Does that sound reasonable?

Mr. Queiroga: Yup, make that a **MOTION**.

Mr. Minnie: So, we're keeping up, yeah, hold on a second. So, we're keeping up with our policy, which is fair. We're working with the new small business people, which is fair. They offered that question. I didn't have to ask for it, which is great.

Mr. Davis: Yeah, we got in the works. We wanted to come in here tonight and lay it on the table.

Mr. Minnie: ---

Mr. Federico: We were hoping that we could have it with us.

Mr. Minnie: So, so...

Mr. Queiroga: A motion's been made.

Mr. Minnie: Well, hold on, not yet, because we have to make sure it's a change of occupancy based upon the repair and sale of used vehicles. Correct Doug? So, the motion's gonna have to include the repair and sale of used autos, and that they're gonna in under the existing site plan, dated from 1993, and that they're gonna provide within 90 days, a new and updated site plan.

Mr. Queiroga: I will then amend my **MOTION** to include both the repair and the used car license at 330 Sewall Street, and that subject, and that's conditioned also on them giving this Board an approved new site plan within 90 days of this date.

SECOND Mr. Coelho.

Mr. Minnie: Discussion, are you gonna come in under Francis Federico, I don't have my glasses on, or are you gonna?

Mr. Federico: Federico. We're in the process of forming an LLC.

Mr. Minnie: That's fine.

Mr. Federico: But we didn't want to put the cart before the horse.

Mr. Minnie: I understand. That's fine, and as far as we're concerned, however you do it...

Mr. Federico: Ok.

Mr. Minnie: ... doesn't matter to us, so if you know what your LLC's gonna be, I would put all that information so that we have the, when you're done, we have the most current version of it.

Mr. Federico: Ok.

Mr. Minnie: All in favor?

4-0 in Favor,

Documents included: Master application for Change of Occupancy; Letter from Justin Larivee, Building Commissioner re: no issues with application for Class II license for second hand motor vehicle sales; Site Plan No. S-436: Leonard and Dorothy E Belisle, 330 Sewall Street Ludlow, MA (Revised December 13, 1993)

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Discussion – Traffic back up at Dunkin Donuts drive thru (Ed Minnie)

Mr. Minnie remarked that there was a horrendous back up at the Dunkin Donuts drive thru a few weeks ago, totally blocking Center Street. He said that this was only the second time in five years that he's seen it, but he just wanted to let the Board know. Mr. Minnie noted that it could have been on back to school day. Mr. Stefancik explained that traffic has been backed up at that intersection due to construction on the Turnpike entrance.

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Discussion – Town Meeting

Mr. Stefancik noted that Town Meeting is Monday, and that the Chairman needs to be in attendance, or the Board will have to reorganize for the meeting so that the article for the Home Occupation Vehicle Classification changes can be submitted. Mr. Minnie confirmed that he will be there.

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File Mail Item #89 - Notice of Decision – Board of Appeals – Ludlow Mills Housing LLC, 68 State Street

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File Mail Item #90 - Notice of Decision – Board of Appeals – Ahmad Amin, 190-194 East Street

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File Mail Item #91 - Notice of Decision – Board of Appeals – Renata Borkowski, 0 Leland Drive

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File Mail Item #92 - Notice of Decision – Board of Appeals – Antonio Martins, 679 Moore Street

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Consent Agenda:


The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 93. - Legal Notices from surrounding communities
 - ◆ APPROVE/SIGN Minutes of August 10, 2017 & August 24, 2017
 - ◆ SIGN Special Permits:
 - Joseph M. Alvaro Jr. – 118 Wedgewood Drive (web development business)
 - ◆ APPROVE Change of Occupancies:
 - Diane Maria D. dos Reis – 61 East Street (Liberty Tax Service)
- =====

Ms. Houle **MOVED** to adjourn.
SECOND Mr. Queiroga.
4-0 in Favor.

Meeting adjourned at 7:50 p.m.

APPROVED:



Kathleen Houle, Secretary

su

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

**TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – ESTATE LOT/SPECIAL PERMIT
55 Jackie Drive (Assessors' Map 26, Parcel 52)
(Estate lot on Sunset Ridge / Jackie Drive)
Thomas Lawler
September 28, 2017**

PLANNING BOARD MEMBERS

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

Hearing began at 7:05 p.m. in the Selectmen's Conference Room.

In attendance: Thomas Lawler

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

Mr. Minnie: This is pretty straight forward. We've done a bunch of these now. DPW had no comments. Ok, site man, from the Town Planner, site man, plan meets all the requirements for an estate lot except lot number one, so we need to do a waiver. Sunset Ridge is currently a private way, but it will be a public way very soon. And we have a request in writing, very efficient of our Town Planner and the applicant, asking to waive Section 6.1.2, which is entirely appropriate, and will resolve itself in probably, by May Town Meeting. I was up there yesterday, took a ride up there. It looks good. So, obviously, it's pretty straight forward. You want to make an estate lot from the larger property that you own that's currently fronted on Jackie.

Mr. Lawler: Right.

Mr. Minnie: And you have the access and setback as appropriate. The lot is large enough.

Mr. Lawler: Yup.

Mr. Minnie: Are there any questions of the Board Members on this project?

Mr. Queiroga: No, I was well aware of this, and been up there a couple times.

Mr. Minnie: Are there any comments from the public interested in the estate lot on Jackie, or Sunset Ridge.

Mr. Lawler: No public.

Mr. Minnie: Nothing. There being nothing, Mr. Queiroga, can I trouble you for a motion on the Special Permit?

Mr. Queiroga: Mr. Chairman.

Mr. Minnie: Mr. Queiroga.

Mr. Queiroga: Under the ...

Mr. Stefancik: You have, I think, a checklist ---.

Ms. Houle: A checklist, there's a checklist somewhere.

Mr. Minnie: Oh, I'm sorry.

Ms. Houle: --- I thought there was a checklist.

Mr. Minnie: I'm getting ahead of myself.

Ms. Houle: I can read it. I can read it if you want. There's two of them, right?

Mr. Minnie: Yeah, there's two of them.

Mr. Coelho: You want to do both of them?

Ms. Houle: That's fine.

Mr. Coelho: Ok.

Mr. Minnie: Sorry about that Tom.

Mr. Lawler: No problem.

Ms. Houle: Ok, we'll do...

Mr. Minnie: --- just bang, bang, go.

Mr. Lawler: I've waited this long, another five minutes will not make a difference.

Ms. Houle read the Estate Lots Criteria Checklist:

SINGLE FAMILY DWELLINGS ON ESTATE LOTS CRITERIA CHECKLIST

The purpose of this regulation is to allow for the creation of lots for single-family dwelling units only, with less than the required frontage, in exchange for increased square footage, for the purpose of preservation of open space and decreasing density in given areas.

Single-family dwellings on estate lots shall be permitted in the Agriculture and Residential A districts only upon the issuance of a Special Permit from the Planning Board as specified in Section 7.0 of this bylaw, and in accordance with the additional requirement specified herein, unless waived by the Planning Board.

1. No more than two consecutive estate lots shall be located on a public way.
2. The estate lot(s) shall have a minimum street frontage of not less than 50 feet and access width of not less than 50 feet from the front lot line to the principal structure. The front lot shall meet all the zoning dimensional requirements normally required in the district.
3. An estate lot(s) shall be double the minimum lot area normally required for that district inclusive of the access strip.
4. An access strip that is accessible having a maximum length not exceeding four hundred (400) feet.
5. The width of the lot where the principal building is to be constructed shall be equal to or exceed the distance normally required for street frontage in the district.
6. Front, rear and side yards must equal or exceed those normally required in the district.
7. The Planning Board may require that there be maintained or kept a naturally occurring or a planted vegetated buffer strip between estate lot(s) and adjacent lots to provide effective visual screening between the buildings at grade level.
8. The estate lot entrance/driveway shall be clearly designated with a house number sign. Mailboxes shall not suffice.
9. The driveway is to be located, constructed, and maintained a distance of no closer than ten (10) feet to any abutting property line.
10. Plan submitted shall include the statement, "Lot (fill in the Lot #) is an Estate Lot; building is permitted only in accordance with the Special Permit Estate Lot provisions of the Ludlow Zoning Bylaw."
11. Permit shall run with the property and not with the applicant.

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. Minnie: Mr. Queiroga,

Mr. Queiroga: Mr. Minnie, I **MOVE** to approve the Special Permit for Mr. Lawler at Sunset Ridge under 7.0.4 a-m, with the condition that the Special Permit will run with the property and not with the applicant.

SECOND Ms. Houle.

5-0 in Favor.

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

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

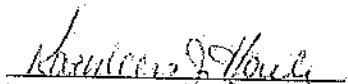
Mr. Coelho: **SO MOVED.**

SECOND Mr. Queiroga.

5-0 in Favor.

Hearing ended 7:13 p.m.

APPROVED:


Kathleen Houle, Secretary

su

Documents included: Master application; Request for waiver of Section 6.12; Plan for Special Permit, Sunset Ridge – Jackie Drive, Ludlow, Mass., prepared for Thomas W. & Kimberly M. Lawler (owners)(September 1, 2017); Comments from Town Boards/Departments

(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 – HOME OCCUPATION/SPECIAL PERMIT
104 Bruni Avenue – Chris Goulet
(tree service – CG Arborist Services)
September 28, 2017**

PLANNING BOARD MEMBERS

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

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

In attendance: Chris Goulet, attendees

Mr. Minnie read the legal notice, gave Mr. Goulet a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – tree service (CG Arborist Services).

Mr. Minnie: Ok, did Chris come in and do a pre-interview?

Mr. Stefancik: No.

Mr. Minnie: No, ok. So, the Town of Ludlow allows, unlike many other towns that don't, you to operate an office and some other types of business out of a house. There's a lot of rules that go with it that we will cover tonight. But, basically, you can't make it look like there's a change. You know, you can have your office. You can have your fax machine. You can have your phone, computer, all that kind of good stuff. But you can't put anything new in the yard that isn't already in the yard. With certain types of businesses, we have more problems with some than others. You can't have a bobcat.

Mr. Goulet: ---

Mr. Minnie: I understand, but I'm just letting you, you can't have a dump truck, ok. Are you, do you have equipment stored somewhere else, or are you just using a pickup truck, or what are you doing?

Mr. Goulet: I have a relationship with a landscaper who's got all the equipment. He does everything.

Mr. Minnie: Understood. So, basically, it's just almost no changes except for that you're getting your paperwork so that you can operate.

Mr. Goulet: Mmmhmm.

Mr. Minnie: Ok. Are there gonna be any other nonresident employees?

Mr. Goulet: I'm in the hiring process. They're not gonna be at the address or anything.

Mr. Minnie: Ok, so you don't anticipate people coming and going ---?

Mr. Goulet: Nobody.

Mr. Minnie: Ok. The Bylaw allows for a very small unlit sign. Do you anticipate?

Mr. Goulet: ---

Mr. Minnie: ---. Do any other Board Members have any other questions of the applicant?

Mr. Queiroga: No. No employees, right?

Mr. Goulet: Well I am in the hiring process, but nobody's gonna be at the house.

Mr. Minnie: They're not gonna be coming to the house. Ok, and do you have any current vehicles registered that are one ton or over? Ok.

Mr. Queiroga: Who owns the house?

Mr. Goulet: A family member.

Mr. Queiroga: A family member?

Mr. Goulet: She signed off.

Mr. Minnie: Yeah, she signed off.

Mr. Queiroga: She signed off, ok.

Mr. Minnie: Ok. Anything else? Doug? Ok, so we'll start with the checklists.

Mr. Queiroga read the Home Occupation Criteria Checklist:

HOME OCCUPATION CRITERIA CHECK LIST

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

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

Mr. 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. Queiroga: And I think I need a drink of water.

Mr. Minnie: Or at least a drink.

Ms. Houle: Mr. Chairman, before we go any further?

Mr. Minnie: Yes ma'am.

Ms. Houle: We need to make a couple of findings.

Mr. Minnie: Ok.

Ms. Houle: I **MOVE** to find that the home occupation as described by Mr. Goulet is a suitable home occupation under the Bylaw, and I **MOVE** to waive the full site plan for Chris Goulet at 104 Bruni Avenue, in favor of a sketch and photos prepared by the applicant, since this is in relation to a home occupation, and doing so is consistent with the intent of the Bylaw.

SECOND Mr. Coelho.

Mr. Minnie: Ok, on the motion for the waiver of the site plan and the intent of the Bylaw. All in favor?

5-0 in Favor.

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

Mr. Minnie: And motion to close the public hearing?

Ms. Houle: We need to approve the special permit. Mr. Chairman, 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 Chris Goulet at 104 Bruni Avenue, with the restriction that the permit will run with the applicant and not with the property.

SECOND Mr. Coelho.

Mr. Minnie: Sorry about missing that one. That was a little technicality there. All in favor?

4-0 in Favor.

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

Mr. Minnie: Now a **MOTION** to close the public hearing.

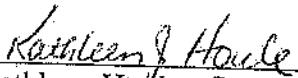
Mr. Coelho: **SO MOVED.**

SECOND Ms. Houle.

5-0 in Favor.

Hearing ended 7:29 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).

