

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
October 12, 2017**

PLANNING BOARD MEMBERS

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

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TOWN OF LUDLOW

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

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

APPOINTMENT – Sue Stanek re: Sovereign Health (14 Chestnut Place)

Sue Stanek, Chester Giza, and other concerned residents were present for the appointment.

Ms. Stanek asked the Board why the abutters were never consulted for the Change of Occupancy for Sovereign Health, and if there are any regulations that the facility needs to be a certain distance from a park, or school.

Mr. Queiroga remarked that the building has been occupied by a hospital since before 1953, and that health care services and rehabilitation are allowed there. He mentioned that there are no regulations regarding the distance of a hospital from a park, etc.

Ms. Stanek said that she is concerned that the people going there for treatment will be a danger to the community, and that it should have been located elsewhere, such as by the jail.

Mr. Phoenix went through the file and noted that since 1998, MidAmerica Properties LLC, had a rehab hospital, along with other health care facilities located on the property. He said that a one-for-one change for medical care can come under a Change of Occupancy, and that it falls under a hospital under the table of uses definition.

Mr. Queiroga suggested that Ms. Stanek submit her questions for Sovereign to the Planning Board, and that they will be forwarded for answers.

Documents included: Sovereign Health Group information packet

**PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION – Leonard J. Allen III
– 236 West Street (landscaping & farm/nursery business – LJ's Unlimited Landscaping &
Farm Nursery)**

SEE ATTACHED MINUTES

**PUBLIC HEARING – REVOCATION OF SPECIAL PERMIT #248 – George E. Dupuis
(Turnpike Acres Stove Shop) – 185 Miller Street (Assessors’ Map 30, Parcel 42)**

SEE ATTACHED MINUTES

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**PUBLIC HEARING – SPECIAL PERMIT & SITE SKETCH – Liz & Joe Salvador
– 185 Miller Street (Assessors’ Map 30, Parcel 42)(operation of a yoga studio, business
office, and storage, in an Agricultural Moderate Density Overlay District – Capital Design
& Development LLC & The Yoga Shop)**

SEE ATTACHED MINUTES

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**APPOINTMENT – SITE SKETCH – Jose Fernandes (Come e Cala-te Restaurant) –
189-195 State Street (Assessors’ Map 14B, Parcel 218)(remodel portions of the building
and add an addition to accommodate handicap compliant bathrooms)**

Jose Fernandes and Mike Pietras were present for the appointment.

Mr. Queiroga read the request for a waiver of the full registered site plan in favor of a site sketch, and a waiver of the public hearing.

Mr. Pietras explained that they are looking to remodel the property in order upgrade the handicap access for the bathrooms. He noted that the capacity of the building is not changing, so there will not be any issues with the current parking. Mr. Pietras also said that they are replacing pavement with a building, so that there will be a net zero change in stormwater, and that the setbacks of the building will remain the same.

Mr. Queiroga read the Notice of Decision from the Zoning Board of Appeals, which stated that the special permit was granted.

Mr. Phoenix: Given that the change that’s being contemplated is essentially to increase compliance with handicapped proposals and is not substantially changing the size or use of the building, I would make a **MOTION** to grant the waiver request for the full site plan in favor of a sketch as an addendum to the existing site plan.

SECOND Mr. Coelho.

4-0 in Favor.

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

Mr. Coelho read the Requirements for Site Sketch checklist:

_____ *Area of lot*

_____ *Area & size of buildings*

_____ *Number of parking spaces required for intended use based on Section 6.4*

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

_____ *Maximum area of building to be used for selling, offices, business, industrial or other uses.*

_____ *Maximum number of employees where applicable.*

_____ *Maximum seating capacity where applicable.*

_____ *Maximum sleeping capacity where applicable.*

Mr. Coelho: I'll make a **MOTION** to approve the site sketch as presented by Mr. Jose Fernandes, for Come e Cala-te Restaurant, 189-195 State Street, to remodel and add a couple of bathrooms.

SECOND Ms. Houle.

Mr. Queiroga: Did I hear a Portuguese refer to you as Jose?

Mr. Coelho: I'm reading.

Mr. Queiroga: Oh man, is there a second?

Mr. Coelho: Why are you calling me out? I'm in the middle of a motion.

Mr. Phoenix: Second. I'm gonna say second, but I'm gonna say that's almost as bad as the substitute we had at the high school that called a kid Gon-cal-ves.

Mr. Coelho: That's ---.

4-0 in Favor.

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

Documents included: Master application; Request for waivers; Notice of Decision/Special Permit – Board of Appeals; Comments from Town Boards/Departments; Proposed Site Sketch – 189-195 State Street Ludlow, MA 01056 for Fernbro Investments, LLC (05/24/17); Additions & Renovations Come e' Cale-te, 191 State St, Preliminary Plans (October 2, 2017)

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**ANR – Armand Deslauriers – Harvest Drive & Autumn Ridge Road (Lots 34, 41, 48, & 49)
Parker Lane Subdivision (Assessors' Map 30, Parcel 112)**

Armand Deslauriers was present for the appointment.

Mr. Deslauriers explained that he is doing four ANR's: Lot 34 Harvest Drive, and Lots 41, 48, and 49 Autumn Ridge.

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. Coelho: I'll make a **MOTION** to approve the ANR for Mr. Armand Deslauriers, Harvest Drive and Autumn Ridge Roads, Lots 34, 41, 48, 49, in the Parker Lane Subdivision, as presented.

SECOND Ms. Houle:

4-0 in Favor.

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

Documents included: Master application; Plan of Land, Autumn Ridge Road Ludlow, Mass., owned by Whitetail WREKS, LLC (October 6, 2017)

Mr. Phoenix mentioned that the Site Plan for 14 Chestnut Place (Sovereign Health) is really old (1995) and does not have a seal or signature on it. He said that there is a note in the file dated September 24, 2008 from Mr. Stefancik that read: *Spoke to Dawn, and she'll be having the site plan updated to include the one way entrance and handicapped parking.*

Mr. Phoenix remarked that since it's been nine years, a full registered site plan needs to be done for the property. He mentioned that Mid America Properties is still the current owner of the property.

Mr. Stefancik will contact MidAmerica Properties to inform them that a new site plan needs to be submitted.

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Discussion - 564 Center Street & 607 Chapin Street – Use of property (continued from 9/14/17)

Mail item #97 included: No building permit/Cease & Desist – 607 Chapin Street – from Justin Larivee, Building Commissioner & Zoning Enforcement Officer

Mr. Queiroga read the letter from Justin Larivee which noted that renovations have been done to the residential property at 607 Chapin Street without a building permit. The letter also noted that the driveway has been expanded to allow parking for the commercial property at 564 Center Street. A cease and desist has been issued for both matters.

Mr. Queiroga said that he did speak with Mr. Bernardo regarding the property at 564 Center Street, and that Mr. Bernardo said that the house is being rented as a residential rental, and that the parking area wasn't supposed to be used for the business next door. Mr. Queiroga stated that Mr. Leitao mentioned that he is willing to speak with the Planning Board regarding what has been done there. Mr. Phoenix remarked that since a cease & desist has been issued, Justin Larivee now has jurisdiction over the situation.

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Discussion - Avelino Way – Asphalt Sidewalks to Concrete Sidewalks

Mr. Stefancik noted that the builders wanted to switch from asphalt sidewalks to concrete sidewalks, and that the DPW didn't have an issue with that. He noted that it could be added on as an as-built if that is ok with the Planning Board.

Mr. Stefancik also remarked that Carlos (Goncalves) from the Maria's Way Subdivision, asked if they could change the location of two light poles, and add it as an as-built. Mr. Stefancik said that DPW is fine with that change also.

The Board agreed that since DPW is ok with the changes, the changes could be done as an as-built.

Mail Item #94 - Recommended Model Retail Marijuana Moratorium from PVPC

Mr. Stefancik said that this is almost non applicable because the Town already has a retail marijuana moratorium. He mentioned that there will be a town meeting on November 6th, and that Town Counsel has worked with the Board of Selectmen to come up with a general bylaw and a zoning bylaw for the prohibition of retail marijuana. Mr. Stefancik stated that at the next Planning Board meeting, there will be a public hearing for the zoning bylaw, and that the Board of Selectmen are with the Planning Board on sponsoring that article.

Mr. Phoenix asked that if it's drafted, and that the Planning Board didn't write it, is a representative of the Board of Selectmen going to be attending the public hearing to answer questions regarding the article. Mr. Stefancik said that he will ask the Town Administrator if someone from the Board of Selectmen can attend the Planning Board hearing to represent the article.

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File Mail Item #95 - Legal Notice – Board of Selectmen – Warrant for November 6, 2017 Special Town Meeting

Mr. Stefancik noted that the purpose of the Special Town Meeting is for the tax levy with the schools and Senior Center.

Mr. Phoenix noted that it feels that the prohibition of retail marijuana article is being rushed, as the Planning Board has a limited amount of time to review the bylaw change.

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Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

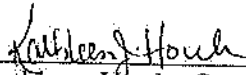
- ◆ FILE Mail Item 96: - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of September 14, 2017
- ◆ APPROVE Change of Occupancies:
 - Horizon Beverage Company / David L. Roach – 485 Holyoke Street (office space)
- ◆ APPROVE/SIGN Bills – D. Stefancik (reimbursement for Recreational Marijuana Conference for Municipal Officials)

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

Meeting adjourned at 9:04 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 – HOME OCCUPATION/SPECIAL PERMIT
236 West Street – Leonard J. Allen III
(landscaping & farm/nursery business – LJ's Unlimited Landscaping & Farm Nursery)
October 12, 2017

PLANNING BOARD MEMBERS

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

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

Hearing began at 7:27 p.m. in the Selectmen's Conference Room.

In attendance: Leonard Allen, attendees

Mr. Queiroga read the legal notice, gave Mr. Allen a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – landscaping & farm/nursery business (LJ's Unlimited Landscaping & Farm Nursery).

Mr. Queiroga: Why don't you, Leonard, why don't you let us know what you plan to do over there?

Mr. Allen: I have a small landscape business that I need to keep, you know, my truck, trailer, and equipment. I have a garage, mostly everything is inside except truck, trailer. The office, obviously I have an office space. I drew a little diagram for you guys where the office is located in my house. I do have some pictures if you guys need pictures.

Mr. Queiroga: I'm assuming you own the house, right?

Mr. Allen: Correct.

Mr. Phoenix: Mr. Chairman, it's my understanding from the file that we have not yet made a finding or granted the waiver on this one yet.

Mr. Queiroga: Thank you.

Mr. Phoenix: I do have one major question. Just running through the information that you provided to us, most of it I don't see any issue with. You're saying that its total area is 1,700 square feet, that you're looking to use 200, no signage, no customers at the house, no deliveries unlike a regular residence, no changes that would make it look less residential, and one vehicle that's at, but not above our 10,000 gross vehicle weight limit. The question that I have is number of nonresident employees. On here you have six. Would they be all working off site?

Mr. Allen: Well, 'cause I'm in the process right now of clearing, and I'm doing nursery too.

Mr. Phoenix: 'Cause under home occupation you're allowed up to two nonresident employees. That's the most that we can allow you to have under a home occupation.

Mr. Coelho: But again, their work is done off site.

Mr. Allen: No, not everything is there. Like, my guys come and like leave, but like I have, like I say, I'm trying to get a nursery going, stuff like that too, on the premises. So, there's not gonna be, six people aren't gonna be, so like guys will meet at a job.

Mr. Phoenix: Right, that's what I was asking.

Mr. Allen: Ok ---.

Mr. Phoenix: You're not having them work like where they're gonna be stationed at your residence ...

Mr. Allen: No.

Mr. Phoenix: ... and then they go out on jobs from there like as if it were a regular office of some sort, where everybody meets and then goes from there.

Mr. Allen: No.

Mr. Phoenix: So, this would essentially just be you, for the most part, that's gonna be living there working the business ...

Mr. Allen: Yup.

Mr. Phoenix: ... and the other people would be ---.

Mr. Allen: Working the job.

Mr. Phoenix: Ok. If the Chairman can find the application, if we could just get you change that on there, from six, it sounds to me, and you can change it how you see it appropriate, but it sounds like it might be zero nonresident employees would be where you're at.

Mr. Allen: I want to make sure I'm accurate, so sometimes there is, obviously, somebody that's helping out, you know, daily, to help cut some trees and stuff like that. I don't want to ...

Mr. Phoenix: If you wanted to put no more than two, I think I could still be ok with that, but I don't know that I could go forward in good faith on something that says six when the limit is two.

Mr. Allen: Yup.

Mr. Phoenix: So, if you could just make a small change to that, and just initial the change for us, that would be very, very helpful for you.

Mr. Allen: Ok.

Mr. Phoenix: Thank you.

Mr. Allen: Yup.

Mr. Queiroga: Leonard.

Mr. Allen: Yes.

Mr. Queiroga: All these cars, trailers, plows, you got a, this is a...

Mr. Allen: Yup, that's a landscape trailer.

Mr. Queiroga: That's a landscape trailer with the ---

Mr. Allen: No, that's for like the leaves.

Mr. Queiroga: And you have a bunch of trailers?

Mr. Allen: No, just one.

Mr. Queiroga: Just one?

Mr. Allen: Yup.

Mr. Queiroga: And this is for your ---?

Mr. Allen: Yup.

Mr. Queiroga: That's a six wheeler there?

Mr. Allen: I can't see at the angle. Do you mind?

Mr. Queiroga: The truck in front?

Mr. Allen: Yes, that one is, yup.

Mr. Queiroga: And this?

Mr. Allen: That's a shed.

Mr. Queiroga: Is that, you take it somewhere, or just?

Mr. Allen: No, that's at the house. That's a shed that's for the house.

Mr. Queiroga: Just seems like there's a lot of stuff there.

Mr. Allen: I'm a hobbyist too, so I have muscle cars. Like, that's what I do for a hobby. So, like I have, if you guys, I don't know if you can see from a sky view or something, I have a six car garage on my property. Like I have muscle cars, and that's what my hobby is. I just like to tinker with cars and stuff like that.

Mr. Coelho: --- is zoned agricultural, and he has over five acres.

Mr. Queiroga: I don't, how many acres do you have?

Mr. Allen: Like seven point something, almost eight.

Mr. Phoenix: So some things might not really be applicable to him in the first place.

Mr. Coelho: Right.

Mr. Queiroga: You...

Mr. Phoenix: I didn't realize that it was over five, otherwise I would have been --- expected to...

Mr. Coelho: Yeah, I know ---.

Mr. Allen: That's why I was trying to explain about the employees, because, I mean, there is some. I've been trying to clear a lot of land ---.

Mr. Queiroga: Are you pulling that up Doug?

Mr. Allen: 236.

Mr. Phoenix: All eyes on Doug.

Mr. Allen: It's all woods behind me. And above it is New England Pallet and Skid, with the big building.

Mr. Coelho: So clearly, he's got over the five acres.

Mr. Queiroga: ---

Mr. Stefancik: I think it's about seven acres.

Mr. Pedro: --- power lines that go through? The power lines?

Mr. Allen: Yeah, the power lines run through in the back, no the middle part.

Ms. Houle: The middle.

Mr. Queiroga: --- in the back. Ok, questions from the Board? At this time, I will open it for questions from the audience. Just direct yourself through the Chair. Just give your name and your address. Anybody would like to comment?

Mr. Dygon: My name is Fran Dygon. I'm at 241 West Street. I'm across the street from him.
Public Hearing -- Allen III
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Mr. Queiroga: Across the street?

Mr. Dygon: Yup, the questions are for him. --- concern is, how much chemicals are gonna be stored on the property? You have fertilizer, you have weed killer, you've got pesticides, you've got gas, and a number of the fertilizers and pesticides you need license to purchase and to apply it. How much of it is gonna be stored there and how's it gonna be stored to prevent fire or vandalism?

Mr. Allen: I do have my license. But, I mean...

Mr. Queiroga: How much you think you have at any one time, on site?

Mr. Allen: Per application, thirty bags. I mean, your average size lot's taking a bag or two. It's not really...

Mr. Coelho: How long you think those thirty bags hang around?

Mr. Allen: A couple days. I'm usually, you know, you have your fertilizer week, and it's gone that week.

Mr. Coelho: You're not stock piling any?

Mr. Allen: Randomly I'll have one or two bags just, but that no more than your regular resident.

Mr. Coelho: You don't buy like a ton of it when it's low and?

Mr. Allen: No, 'cause they...

Mr. Coelho: Any liquid, you use any liquids?

Mr. Allen: No. And I think you said something about gas, obviously, you know, your normal gas, I mean, whatever's in the truck. I don't have like drums ---. I have regular gas jugs. Nothing like flammable, just the way they, I go to the gas station and put it in gas jugs like everyone else.

Mr. Dygon: Are you gonna be adding more vehicles. I mean, you've got now like three pick ups, two trucks, the bobcat. Are you gonna be adding more?

Mr. Allen: Well, I guess that depends on how the nursery goes, I mean it's tough to say. I mean, I don't know how good of a hit it's gonna be. I don't know.

Mr. Dygon: So are the employees gonna keep leaving their cars in the back, or is it gonna be a mix, sometimes front, sometimes back?

Mr. Allen: Well, my employees usually always park behind, if somebody's there, parks behind the garage. I mean, once in a while, like depending on what we're doing out back, I'll have them park out front, but I mean, if it's an issue, I can just make sure.

Mr. Dygon: Are you gonna be putting a sign out there?

Mr. Allen: Nope, no sign.

Mr. Coelho: Our, some of our regulations do, will address those questions as well, so.

Mr. Dygon: Ok.

Mr. Coelho: Signs and parking, and things of that nature.

Mr. Dygon: Hours of operation? 7:00 a.m. --- the leaf blowers isn't exactly the ideal thing to listen to.

Mr. Allen: I think 7:00 a.m. I can legally, 7:00 a.m. Monday thru Saturday I can legally operate my company. That's noise ordinance anyways. That's what, on Sunday it's 9:00.

Mr. Dygon: So, we can expect...

Mr. Allen: But, I don't do my yard that often, so. I mean I'm not doing, you wouldn't hear, 'cause I'm leaving. It's not like you're hearing blowers. I mean, I do my yard once a week like everyone else.

Mr. Dygon: Yeah but Friday, Friday and Saturday it was like, what's he doing out in the yard at 7:00 a.m. blowing, and it was, both days it was exactly 7:00 a.m. and the snow blower, the leaf blowers went for about 15 minutes.

Mr. Allen: Like to blow off, you see how, you can obviously see how big my driveway is, and I don't think it was unreasonable for me to blow my yard, you know?

Mr. Dygon: You've also been burning. Is that gonna be normal or are you burning in a woodstove out back or are you doing open burning?

Mr. Allen: No, I have a little fire pit. Well, it's actually no longer there now. But, I did have a fire pit until like a week ago.

Mr. Dygon: And today.

Mr. Allen: I wasn't burning today.

Mr. Dygon: If you weren't burning then?

Mr. Allen: Somebody else was. It wasn't me.

Mr. Dygon: And then I got a question for the Board. With his zone change, within a hundred yards, I've got Clean Septic, the pallet company, the power wash company, Larry's Auto. I've got a backyard motorcycle repair going on. With this zoning change, Clean Septic is gonna be coming back, what kind of tax relief can we expect to get?

Mr. Coelho: This isn't a zone change. This is a home office, home occupation. It's zoned agriculture.

Mr. Phoenix: I wouldn't go so far as to say that what we really have in front of us are two issues on the application. One of which doesn't even belong here in the first place, and that would be any nursery business that you're looking to do on the property. That would be an agricultural use on an agricultural piece of property over five acres. It's allowable by right in the Town of Ludlow. So, as far as I'm concerned, I'm not worried about any of those issues, personally, that have to do with agriculture on agriculturally zoned property. What I'd be concerned with tonight, are the things that have to do with the home office for doing the landscaping, that sort of thing, which it sounds like, as far as that business goes, what you're looking for is just an office with not really much beyond that. Is that accurate?

Mr. Allen: Correct, yup.

Mr. Phoenix: So, a lot of the things we've been talking about tonight, I think, are all based on the agricultural use that you're already doing there on an agricultural piece of property...

Mr. Allen: Correct.

Mr. Phoenix: ...which again, is over five acres. So, if it's alright with everyone else, I think we should probably try and stay focused on just the portion that really is a home occ. for tonight.

Mr. Queiroga: Any more questions from the Board?

Mr. Dygon: The question on hours of operation. I mean, I heard him say 7:00 a.m. he can start, when's end of day?

Mr. Phoenix: Anything that has to do with an agricultural use on agricultural property is outside of the purview of this Board. If there's something that touches on that from a different bylaw, that's a whole separate thing. As far as somebody running an office out of their house and what hours and what hours they're gonna do that for, generally we don't put hours of operation on an office in a home because it's an office in a home.

Mr. Dygon: --- running the business where he has all his vehicles, all his equipment stored there, and he does the maintenance on the work there. So, does that mean 4:00 a.m. he can go out and start getting his equipment ready to load it on to the trailers, start sharpening the blades? Does it mean 10:00 at night he can do that work, or is it 7:00-5:00?

Mr. Phoenix: It means that, you know, if there's a reasonable boundary that this Board wants to put on it, we can look at doing something like that, but ultimately, if you have a piece of property that's zoned agricultural, that's over five acres, and someone wants to use it for an agricultural purpose, they have a right to farm that piece of property. If he's using that piece of property as a nursery, if that's what he wants to do there, it's an agricultural use, agricultural property over five acres, is allowable by right. It doesn't require a special permit, it doesn't require site plan approval. Even if we deny his special permit completely tonight, it doesn't change what his rights are as far as the agricultural use on the agricultural property. All we're really looking at tonight is the office for the off site business.

Mr. Queiroga: Do you understand...

Mr. Dygon: So by changing it from a residential property and having it changed to farming...

Mr. Coelho: It is farming.

Mr. Phoenix: It is agricultural.

Mr. Coelho: There is no change happening.

Mr. Phoenix: That's the existing zoning. We're not changing any zoning. This is somebody who wants to use their house for a home office, just like, how many hundred do we have in Town now?

Mr. Stefancik: Over 500.

Mr. Phoenix: Where people have small offices in their home for web design, for landscaping, for all kinds of purposes, and they're allowable with a special permit. That's what we're looking at tonight is the office in the home.

Mr. Queiroga: They cannot have vehicles over 10,000 lbs.

Mr. Phoenix: In connection with that business.

Mr. Queiroga: With that business. But, they have the right to use their agricultural property within what's allowed in agricultural property. The hours are, you know, if he abuses that I'm sure there'll be complaints, and there'll be somebody going out to see if he's starting his equipment at 5:00 and waking people up. That's not within the purview, but that, you know, and I don't think he'd want to do that, so. But, Ray is right, our purview here is a home office special permit, which we are one of the few towns that allows that, ok, and it usually works pretty good. But the other issues are there, but not, that's not why he's here. Most banks require that a business have a special permit so they can have a checking account so they can...

Mr. Phoenix: Till the IRS can find them.

Mr. Queiroga: What? Yeah, so the IRS can find them, right. So, any other questions from the audience? Yes?

Mr. Gridley: Yeah, how you doing? My name's Craig. I'm at Larry's Auto Body. I'm LJ's neighbor, 240 West Street, not a very big lot.

Mr. Queiroga: Just south of him there.

Mr. Gridley: A few years ago LJ moved in, good neighbor. We've done business together. At one time my property and his property was the same for, the same family and everything and that's why there's a walkway connecting the two. You can see it there, kind of. I'm not sure why I'm here, but apparently somebody filed a complaint, and unfortunately my neighbor thinks it was me. And up until that point he was a great neighbor. I mean, like, you know, did business with each other. I'm a gear head, but my wallet doesn't allow me to be one. He's a gear head and his wallet allows it. The last few weeks it's been tough for me as his neighbor because the noise is just ---, has just been off the charts and everything, and I hope something's getting resolved tonight to straighten it out because I have not filed a complaint with the Town. And if LJ runs an office out of his house, that's great. I just, you know, he's under the impression that I filed a complaint with the Town. I'm in the process of selling and moving. I've been there

almost 14 years. I try and keep my business as clean as possible, and so my neighbors and everything respect me and I respect them.

Mr. Phoenix: Did we have a complaint come in, because I don't remember seeing one come in to us? Unless something went to a different department, I'm not aware of one even coming in.

Mr. Gridley: Ok.

Mr. Stefancik: Unless it went to the Building Department.

Mr. Phoenix: Like I said, unless it went to a different department. It could have gone to Building or...

Mr. Stefancik: Board of Health or Selectmen.

Mr. Phoenix: ...nothing's crossed our desk that we're aware of, so.

Mr. Gridley: Well, like I said, I'm his neighbor, done business together, been overall a pretty good neighbor, and my only thing is just don't start working on the equipment until after 7:00 in the morning. You know, 5:30 is too early. You know, I mean, you got two great kids, a beautiful wife, but sometimes it's just too early. My wife just sold her condo and moved in, and it's just sometimes, it's just too early --- 5:30 in the morning. You know, but I have no problem with him having an office there and everything, it's just sometimes the noise, you know.

Mr. Queiroga: Leonard is there anything you'd like to say about that?

Mr. Allen: I apologize if anything seems noisy, but I don't go out of my way to be noisy. I mean, I'm in my garage doing whatever I have to do. Doors are closed. I mean, he said something about noise like a month ago. He asked, and now I make sure the doors are closed in the garage, you know. I mean, I start my day early.

Mr. Gridley: And I don't.

Mr. Allen: And he doesn't. He thinks 7:00 is too early to start working, but we're normally on a customer's house at 7:00 - 7:15. That's when we start our day. Hey, we only can work during daylight, and we're only seasonal, so we got to...

Mr. Gridley: Yeah, I understand ---.

Mr. Allen: Just like farmers, they start early, you know, just, and we have to. I mean, he addressed it with me, told me about it, and like I said, I tried to.

Mr. Queiroga: We'll come back to you. I've got a couple of other people. We'll come back to you, yes.

Mr. Pereira: So, I'm at 263, you're all set. LJ's a great guy, he keeps his place beautiful, hard worker. I respect that. You know, we all want the American dream. He's entitled to his share, but, of course, the neighbors need to be respected. I think, you know, for what my opinion is worth, I think you should probably let him do what he's gotta do. I think he, but put some restrictions on him, and ask him to be courteous to the neighbors and, you know, maybe he's

gonna have to find a way to ramp those machines up at 8:00 instead of 7:00. There's gotta be give and take all the way around. I mean, we could have, somebody could have bought that house and not cut the lawn all summer long and it could look like a pig's sty, and he keeps the place nice and I'm assuming he's gonna keep it that way. And so that, you know, that deserves a, you know, a little respect and merit, you know. He's a good neighbor. Just he's just gotta respect us if we're willing to work with him. That's all I have to say.

Mr. Queiroga: Yes.

Ms. Aguilar: So, I'm Leonard's wife. I know that there's noise complaints that they're talking about early in the morning. I sleep through it, and I'm right there. So, I don't know where the complaints are coming from if they're hearing it and I'm not, and it's my house. Also, Craig comes to our house daily. So, I think if there was really that much of a concern, it should have been addressed between the two of us.

Mr. Gridley: Yeah, I mean, I talked to him, just sometimes at 5:30 in the morning it just carries, you know, and he says he's gonna keep the doors closed. I mean, that's great. I mean, I had a pretty good conversation up until recently.

Mr. Queiroga: You have one more comment?

Mr. Dygon: He has had his landscaping business for a couple years now, really it's never been an issue. But, I guess I don't understand his landscaping business is one thing, the farming is something completely different. So, how does he really separate it? You know, because you're saying he's limited to what, a 10,000 lb truck? Well...

Mr. Queiroga: Those are the vehicles ---

Mr. Dygon: That he currently has. What's to stop him from getting a 15,000 lb vehicle and say, oh, that's for the farm use? Is there a restriction on that?

Mr. Phoenix: Because if he starts using it in connection with the business he'd be in violation of his special permit, and that would end up triggering, at the very least, if the Zoning Enforcement Officer, who, for the Town of Ludlow, is the Building Inspector, became aware of it, he would start generating contact and possible fines and things like that if it doesn't get addressed, because he's allowed up to one vehicle as a commercial vehicle in connection with the business, of up to 10,000 lbs gross vehicle weight. That's the limitation, just like if somebody has a vehicle that's a dual rear wheel vehicle for their own personal use a regular residence that doesn't have an agricultural use attached to it, and they have a 10,000 lb F250 that they want to use for their business, there's nothing physically stopping them from using that larger vehicle, however, the restriction that they sign up for on this special permit, is that they're allowed up to one commercial vehicle in connection with the business of not more than 10,000 lbs gross vehicle weight. So, that's no different than if it were a regular residence. It's just with this, he's got additional leeway because he's got a piece of property that's over five acres and zoned agriculturally, and that's what he's using it as is agricultural.

Mr. Dygon: Ok, can we take the agriculture, throw that out. If the property was commercial, and with his equipment, would he have time restrictions placed on when he could operate his business?

Mr. Phoenix: If it were commercial, then it would have a site plan required that he would have to have a land surveyor draw up.

Mr. Dygon: That's ok, just the hours, the hours of operation.

Mr. Phoenix: The hours of operation really only come into play if a special permit is required, which is required for a home office. It's required for a drive thru establishment. It's required for a number of different things throughout the Town.

Mr. Dygon: So, for a business, a business can operate any hours that they want?

Mr. Phoenix: Unless it requires a special permit, yes.

Mr. Dygon: Like Larry's Auto Body, if he wanted to start working at 3:00 in the morning, and work until 9:00 in the morning, there's no restrictions?

Mr. Phoenix: There's nothing under zoning control, which is what we look at here at the Planning Board level, that would restrict that. If there's something in the general bylaws, if there's something in the Massachusetts State Law, if there's something in anything else, that has nothing to do with what we're looking at here. Because we're not gonna know every rule and every law in every book that could possibly apply to every business that's gonna come in. That's why there are other authorities that have control over those things. What we're looking at right now is this situation.

Mr. Dygon: I mean, it's not that I have anything against the landscaping business or the agriculture, it's just my concern, being an old timer, I get up early, we go to bed early, so when do I expect the noise to start and stop? That's all.

Mr. Phoenix: Do you have an approximate time frame that you normally ---?

Mr. Allen: I'm just like you, I'm up early and I'm in bed early, so, I mean, like I said, you won't hear me out there blowing or mowing before 7:00. I can tell you that.

Mr. Dygon: Cleaning your yard?

Mr. Allen: Yup, I won't be there cleaning my gutters. I won't be there making any noise before 7:00.

Mr. Queiroga: You heard most of the comments --- noise and the hours of operation. So, I'm gonna, we have other appointments today. Let's go through the, unless there are other questions or comments.

Ms. Houle: Do we need to make a finding?

Mr. Coelho: Yeah, Mr. Chairman?

Mr. Queiroga: Yes.

Mr. Coelho: I **MOVE** to find that the home office ...

Mr. Phoenix: Before you do that, can I make a quick one, just to interject it?

Mr. Coelho: Sure.

Mr. Phoenix: I would make a **MOTION** to find that the application in front of us is actually considering two separate things, one of which is an agricultural use on an agriculturally zoned piece of property of greater than five acres and does not really need to be in front of this Board. The second portion of that application is a special permit for home office, which does belong in front of this Board.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Coelho: Mr. Chairman?

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the landscaping and farm nursery business ...

Ms. Houle: --- for just the landscaping.

Mr. Coelho: ... the landscaping business as described by Mr. Leonard J. Allen of 236 West Street is a suitable home occupation under the Bylaw.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Queiroga: Ok, we've got two things that are required in order to.

Mr. Phoenix: Given the nature of the business that we're looking at tonight being a home occupation for a home office, and the application has been filled out with, including the waiver request, I would **MOVE** that we grant that request for the waiver of a full site plan in favor of a sketch and photos as have been provided.

SECOND Mr. Coelho.

5-0 in Favor.

Ms. Houle: --- to read?

Mr. Coelho: I'll read them.

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 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. Phoenix 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: Those are all conditions that are part of your special permit. Any additional questions or comments from the Board? I'd be looking for a...

Mr. Phoenix: Mr. Chairman,

Mr. Queiroga: Mr. Phoenix.

Mr. Phoenix: Related specifically to the home occupation in front of us, I would make a **MOTION** in the standard form to approve that Home Occupation Special Permit.

SECOND Mr. Coelho.

5-0 in Favor.

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

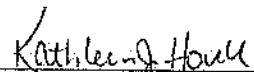
Mr. Phoenix: **MOVE** to close the public hearing.

SECOND Ms. Houle.

5-0 in Favor.

Hearing ended 8:05 p.m.

APPROVED:



 Kathleen Houle, Secretary

su

Documents: Master application; abutters list

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – REVOCATION OF SPECIAL PERMIT
185 Miller Street – George Dupuis
October 12, 2017

PLANNING BOARD MEMBERS

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

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

Hearing began at 8:07 p.m. in the Selectmen's Conference Room.

George Dupuis was present for the public hearing.

Mr. Queiroga read the legal notice and gave Mr. Dupuis the invoice from Turley Publications. The legal notice included the description of; revocation of Special Permit #248 for George E. Dupuis (Turnpike Acres Stove Shop).

Mr. Queiroga: As I think we know, you are no longer at this address. Is that correct?

Mr. Dupuis: That's correct.

Mr. Queiroga: Ok, and, therefore, I'm assuming you are not fighting this revocation?

Mr. Dupuis: No sir.

Mr. Queiroga: Ok, and this Board has had communications with where you are today?

Mr. Dupuis: I have an investor now, yes.

Mr. Queiroga: And Mr. Libby contacted this Board...

Mr. Dupuis: Yes.

Mr. Queiroga: ... to say that he would be coming on front of --- to acknowledge ...

Mr. Dupuis: ---

Mr. Queiroga: ... and to change his site plan to include you.

Mr. Dupuis: That's correct, yes sir.

Mr. Queiroga: Ok, so, questions from the Board?

Mr. Phoenix: I think, as far as the revocation, I think you covered the major base. We've got somebody coming in for a different special permit. And, I think, when we were looking at that earlier, a couple weeks, whenever that exactly was ago, I think it was, this was determined that it was something that needed to be done for housekeeping because it's a different special permit for a different use. So, it starts things from a clean slate and we go from there.

Mr. Queiroga: Ok, and Doug, as I said, Mr. Libby reached out to me today and said he has a site plan which is within the 20 years, and he'd like to come in and do an addendum to the site plan to include George's operation at that site, and he said he'd be coming in shortly. I don't know if, did he give you a date Sue?

Ms. Urban: They're working on it.

Mr. Queiroga: They're working on it? Ok. I imagine Mr. Pietras is involved in that working on it. Ok, do we need a motion for the revocation?

Mr. Coelho: I'll **MOVE** to revoke the Special Permit #248, for George Dupuis, Turnpike Acres Stove Shop at 185 Miller Street.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Queiroga: Ok, that's the only easy thing we've had today.

Mr. Dupuis: I'm good?

Mr. Queiroga: Yes, you're good.

Mr. Coelho: Who would have thought the revocation would've been easy.

Mr. Phoenix: I think it's his easiest time coming in here in about 23 years.

Mr. Dupuis: I'd like to take this opportunity to thank the Board for the cooperation in the last twenty some odd years. We've been through some hurdles, but every problem has a solution, and I thank you for your effort.

Mr. Phoenix: It sounds like you've got something good lined up to, so...

Mr. Dupuis: Retirement. I'm working on it.

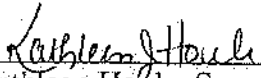
Mr. Queiroga: Good luck.

(multiple people taking)

Ms. Houle: **MOTION** to close the public hearing.
SECOND Mr. Coelho.
5-0 in Favor.

Hearing ended 8:11 p.m.

APPROVED:



Kathleen Houle, Secretary

su

(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 – SPECIAL PERMIT – SITE SKETCH
185 Miller Street
(Assessors' Map 30, Parcel 42)
Liz & Joe Salvador
October 12, 2017

PLANNING BOARD MEMBERS

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

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

Hearing began at 8:12 p.m. in the Selectmen's Conference Room.

In attendance: Liz Salvador, Michael Pietras, attendees

Mr. Queiroga read the legal notice, gave Ms. Salvador the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: operation of a yoga studio, business office, and storage, in an Agricultural Moderate Density Overlay District (Capital Design & Development LLC & The Yoga Shop).

Mr. Queiroga: Some of the boards in town had comments, Department of Public Works. Do you have copies of these?

Mr. Pietras: Yes, I seen them earlier.

Mr. Queiroga: You saw them earlier? Ok. From the Department of Public Works; *We have reviewed the site plan of 185 Miller Street, prepared for Engineering & Land Solutions, dated 9/22/17, and find it acceptable as revised on 10/12/17 via email. We have had multiple discussions with Mr. Pietras and all comments have been addressed. The Board of Health; No comment. Building Department: All storage trailers need to be removed from site as they are not permitted to be on site.*

Ms. Salvador: ---

Mr. Queiroga: ---

Ms. Salvador: --- to remove them.

Mr. Queiroga: Ok, the memo from our Planning Board, the only thing in red: *Circulation show arrows and pave apron from street to driveway entrance.* Is that that it doesn't or that it does?

Mr. Stefancik: In the adjusted plan they're here, so.

Mr. Queiroga: They're there, ok. And the other item that you have was: *Applicant needs to ask for waivers on o. 1-5 Additional Requirements.*

Mr. Stefancik: Yeah, there's a waiver request in the file, yup.

Mr. Queiroga: In the file? Ok.

Mr. Pietras: And we also have ---.

Mr. Queiroga: Alright, so who's gonna speak first?

(multiple people talking)

Ms. Salvador: So, as you all know, we were here in September, operating a yoga studio in the space that's designated here, and there'll be a small office space in there as well, so we can have our official location. So, I think that's really it.

Mr. Queiroga: Ok...

Mr. Pietras: Yup, the, to expand on that, the parking with the addition of the 14 spaces to the northern, well, northeast side of the entrance there, is more than ample under the current regulations. I believe 25 is required, given all the square footage, and the usage of the house, we're providing 32 as shown.

Mr. Queiroga: Yup. And how many handicapped?

Mr. Pietras: Two.

Mr. Queiroga: Two?

Mr. Pietras: Yup, we're over 25, so.

Mr. Queiroga: Ok.

Mr. Pietras: Both are van accessible, as well.

Mr. Queiroga: Ok, you've been working on the renovations of the property?

Ms. Salvador: We've been cleaning up the property.

Mr. Queiroga: Ok, questions from members of the Board? They're so quiet it's deafening.

Mr. Phoenix: Did we already waive a full site plan down to the ---, the site sketch, or is that one of the waivers we still need to do?

Mr. Queiroga: Yes.

Mr. Phoenix: Yes, it's one of those. Ok, so we do have that.

Mr. Queiroga: Yes, so...

Mr. Phoenix: And as far as, especially for people playing the home game, o. 1-5 generally relate to things like traffic studies; elevation design of the buildings; which is somewhat irrelevant since the buildings already exist; lighting and luminaire schedules. Is any of the lighting changing on the property?

Ms. Salvador: No.

Mr. Phoenix: The snow storage, I think, you already touched on or, no, I saw it on the plan that's why I was thinking it.

Ms. Salvador: Yup.

Mr. Pietras: Yup.

Mr. Phoenix: So, that one's already covered. What's the fifth one that I'm missing?

Mr. Pietras: Traffic study?

Ms. Salvador: Traffic?

Mr. Phoenix: No, I hit that one already.

Mr. Stefancik: Signage?

(multiple people talking)

Mr. Phoenix: Signage. And the signage, are you looking to change the signage?

Ms. Salvador: We're just replace out that name plate and that's it.

Mr. Phoenix: So, the only one that I think could even possibly be a question mark would probably be the traffic study, which I don't really see a compelling reason for in this case. But I think the other ones are pretty clear that there's no change or they're, in the case of the snow storage, provided on the plan. Does anybody think differently, or?

Mr. Queiroga: I don't.

Mr. Phoenix: 'Cause the silence is deafening.

Mr. Coelho: I think yoga's by nature's a much far less impactful use for this property, so. I think that's why you're not hearing ---.

Mr. Pedro: Mr. Chairman, I got a question. What are the hours of operation?

Ms. Salvador: So, we would have classes in the morning through the evening.

Mr. Pedro: During the week?

Ms. Salvador: Yup, during the week, and on the weekend.

Mr. Queiroga: What would be your first class?

Mr. Pedro: Morning meaning? I'm sorry.

Ms. Salvador: I'm sorry?

Mr. Pedro: Morning meaning what time?

Ms. Salvador: So, we were thinking of having an earlier morning class, probably at 6:00 a.m., but it is a quiet, you know, it's not like a...

Mr. Queiroga: And it's all indoors, correct?

Ms. Salvador: Right, it's all indoors.

Ms. Houle: ---

Mr. Phoenix: Unfortunately so am I.

Mr. Pietras: And it is removed from the road, but as Liz said, there's no, it's not like a cross fit gym or anything. You're not gonna have really loud music playing, it'd be tranquil background.

Mr. Queiroga: Do we...

Mr. Phoenix: It's not like thrash metal yoga or something?

Mr. Pietras: Maybe.

Mr. Queiroga: Ok, any other questions or comments from the Board? I'd like to open it up to public comment. Would anybody in the audience like to say anything? Ok, where were they before? At this point, I'd be looking for something on the waivers.

Mr. Phoenix: Given the discussion that we've had up to this point, I would start by granting the, making a **MOTION** to grant the waiver of the full registered site plan in favor of a sketch as an addendum to that plan considering the age of the plan, and this overall situation.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Queiroga: The other waivers that were requested were traffic study and lighting...

Mr. Coelho: I will...

Mr. Phoenix: Well, which one is the one that we don't need to waive? Which one out of one through five is the snow storage?

Mr. Coelho: Snow, was it four?

Mr. Phoenix: My gut says four, but I'm just not sure. Somebody's got to have it.

Mr. Queiroga: See, they don't give the Chairman one of the sheets.

Ms. Houle: No cheat sheet for you.

Mr. Phoenix: That's 'cause they know you'd shovel it into somebody else's file, Joe.

Mr. Queiroga: Yeah, I'm good at delegating.

Mr. Coelho: ---

Mr. Queiroga: That's why we pay Doug the big money to come up with these answers.

(multiple people talking)

Mr. Phoenix: Four is snow storage, so we'd need to do 1-3 and 5.

Mr. Coelho: I'll make a **MOTION** to waive Section o. Additional Requirements, 1 and 5.

Mr. Phoenix: No, 1, 2, 3 & 5.

Mr. Coelho: 1-5 with the exception of 4.

Mr. Queiroga: Got it covered?

SECOND Mr. Phoenix.

Mr. Queiroga: Is that a second? All those in favor?

5-0 in Favor.

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

Mr. Queiroga: Ok, what haven't we covered?

Mr. Phoenix: The special permit itself, and the site sketch approval.

Mr. Queiroga: I'm sure somebody's got a cheat sheet in front of them.

Mr. Coelho: Going through the checklist?

Mr. Queiroga: Yes, please.

(Mr. Coelho read the Site Plan Checklist, which should have been the Site Sketch Checklist)

Mr. Phoenix: Can I just ask one question though? 'Cause when you got to the monumentation thing, that's what just perked up my ears more. This is the site plan list.

Mr. Coelho: Yeah, well that's the paper they gave me.

Mr. Phoenix: Well, I get that, but what we need is a special permit list, and a site sketch list, not a site plan list 'cause we don't have metes and bounds on a site sketch.

Mr. Stefancik: It should be in the folder. To the...

Mr. Queiroga: Is it in here?

Mr. Stefancik: Yeah. Open the...

Ms. Houle: ---

Mr. Coelho: You guys make me look real good here.

Mr. Stefancik: Work towards the front. You're working towards the back. Everything's up front.

Mr. Queiroga: Ok.

Mr. Stefancik: Under the paper clips.

Mr. Coelho: That's much better. Now I don't have to make it up anymore.

Mr. Coelho read the Requirements for Site Sketch checklist:

_____ *Area of lot*

_____ *Area & size of buildings*

_____ *Number of parking spaces required for intended use based on Section 6.4*

_____ *Number of parking spaces existing at the site (including street parking adjacent to the site.*

_____ *Maximum area of building to be used for selling, offices, business, industrial or other uses.*

_____ *Maximum number of employees where applicable.*

_____ *Maximum seating capacity where applicable.*

_____ *Maximum sleeping capacity where applicable.*

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: And just for the record here, I suppose we really didn't need to waive o., because o. wasn't really applicable. That's a little extra.

Ms. Houle: Bonus.

Mr. Coelho: That's right. We gave them a little extra bang for their buck.

Mr. Queiroga: Does anybody got anything to add?

Mr. Phoenix: I would make two **MOTIONS** in a row; the first one being to approve the site sketch as submitted in the standard form.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Phoenix: And similarly, the second one would be to approve, in the standard form, the special permit as it was submitted.

SECOND Mr. Coelho.

5-0 in Favor.

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

Mr. Phoenix: ---

Mr. Queiroga: And I don't know if you heard from before, there is a 20 day appeal. After that, you'll be notified by the office, you can come in and pick it up, and I'm sure you'll have your husband go register it.

Ms. Salvador: Thank you.

Mr. Queiroga: Alright, good luck.

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

(multiple people talking)

Mr. Phoenix: Chris, can you say second?
SECOND Mr. Coelho.

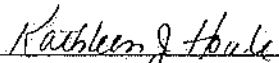
Mr. Phoenix: Thank you, 'cause I said move to close the public hearing about three times.

Mr. Coelho: Sorry.

Mr. Queiroga: All those in favor?
5-0 in Favor.

Hearing ended 8:27 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents included: Master Application; Request for waivers; Comments from Town Departments; Site Plan – 185 Miller Street Ludlow, MA – owned by Capital Design & Development, LLC (9/22/17)

(Documents pertaining to this hearing are available for viewing in the Planning Board Office located in the Town Hall)