

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
November 9, 2017**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

Mail Item #104 - Letters of concerns from Ludlow Resident re: New senior center

Mr. Phoenix: I know I mentioned this briefly before the meeting, but so that it's officially on the record and we can act on it, I would like to have mail item #104 removed from the agenda as it does not meet the criteria for us for correspondence.

Mr. Queiroga: Ok, the --- is there a?

Mr. Coelho: Is that a motion?

Mr. Queiroga: Yes.

Mr. Phoenix: **SO MOVED.**
SECOND Mr. Coelho.

Mr. Queiroga: You don't have any problem with it, do you Doug?

Mr. Stefancik: No.

Mr. Queiroga: No, ok. All those in favor?
3-0 in Favor.

**ANR – John A Massa / JL Massa Collision – 275, 283, 287 Miller Street
(Assessors' Map 27, Parcels 15, 16, 18, 19)(subdividing properties with neighbor)**

John Massa was present for the appointment.

Mr. Massa explained that he is doing the ANR because he purchased land from his neighbor, and is moving and dividing the lot lines to make the lots more conforming.

Mr. Phoenix read the ANR checklist:

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

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

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

Mr. Phoenix: I will make a **MOTION** in the standard form to approve and endorse the ANR.
SECOND Mr. Coelho.
3-0 in Favor.

Documents included: Master application; Subdivision Approval Not Required Plan, Miller Street Ludlow, MA, owned by JL Massa Holdings, LLC and Juliette Stelzer (October 25, 2017)

Discussion – December Holiday Schedule

Mr. Phoenix: So, for the time being, if we're gonna be doing that, I'll make a **MOTION** to schedule a meeting for Thursday December 7th, and to cancel any other meetings for the month of December, with the understanding that we may schedule additional meetings as necessary to meet the needs of the Town.

SECOND Mr. Coelho.

3-0 in Favor.

Discussion – Committee Assignments (Cemetery Committee, Capital Planning Committee)

Mr. Stefancik explained that Mr. Minnie was assigned to the Capital Planning Committee and the Cemetery Committee, and that another Board Member would need to be assigned to these committees due to the fact that Mr. Minnie has resigned from the Planning Board.

Since these committees do not have any meetings scheduled in the immediate future, the Board decided to wait until a new board member is appointed before they assign someone to these committees.

CONTINUED PUBLIC HEARING – SPECIAL PERMIT & SITE PLAN – John Garcia (Royal Coach Limousines LLC) – 720 Chapin Street (Assessors’ Map 11D, Parcel 102A)(operating a limo service and park limousines in an Agricultural Moderate Density District)

SEE ATTACHED MINUTES

APPOINTMENT – Christopher LeBlanc, Mount Vernon Group Architects – Update on proposed new school (Chapin Street)

Christopher LeBlanc – Mount Vernon Group Architects, Evan Warner – STV/DPM, and Rafal Toczko – Mount Vernon Group Architects were present for the appointment.

Mr. LeBlanc explained that the Town has hired them to do a feasibility study for the new proposed elementary school, to see if there’s warrant for one and what the options are. He said that they have been reviewing the existing conditions of both the Veterans Park and Chapin Street School sites, and putting together a list of options for the School Department Building Committee to review, and select a preferred option to submit to the State for funding.

Mr. LeBlanc noted that once they have met with other departments, such as Conservation and the DPW, along with community presentations, they’ll finalize the plans and present them for site plan approval. He said that the Building Committee has narrowed it down to the Chapin Street School location. He presented a site survey to the Board for their review. Mr. LeBlanc explained that they are proposing to build a two story school on the lower fields. He noted that they are looking to combine both elementary schools, and that the new school will house about 630 students along with staff. He also said that they will provide ample parking, and that some of the fields will be replicated. Mr. LeBlanc remarked that the vehicles will enter from Fuller Street, with a separate bus drop off, and with a parent drop off in the back. He noted that the main entrance of the building would front Fuller Street.

Mr. Warner explained that the existing schools would be left in operation during construction, and that they would abate and demolish the old school during the summer months after everything has been moved into the new school. Mr. LeBlanc said that the Veterans Park School would be turned back over to the Town after the new school is built. Mr. Warner noted that the

plan will allow them to disperse the traffic away from the Chapin and Fuller Street intersection, with a number of different entry and exit ways.

Mr. LeBlanc said that the current schools house 690 to 720 students, but that the projected enrollment is going to decline over the next four years, and that if the project continues to move forward, they anticipate opening in 2021. Mr. Phoenix commented that he is surprised that they are not planning for the ability to have more space due to the fact that the Town keeps getting more projects coming in. Mr. Warner said that the new facility is quite different and has a number of flexible spaces in there that give expansion and growing room. He also remarked that, despite the disagreement, the State has come up with a lesser amount of projected number of students that Ludlow currently has.

Mr. Warner said that one of the things that the school district has asked them to do is to, as part of this project, move the district offices from their current location (Chestnut Street) to this proposed new school location. He also noted that there were a total of ten conceptual plans, and that one of the things that they were asked to look at was enough area for optional additions in the future should things change.

Mr. LeBlanc acknowledged that they are going to maintain some of the grade on site, with some terracing, for community use as well. He also mentioned that it is going to be a green school, with water management on site, and possibly solar either on the roof or on site.

Mr. LeBlanc said that as they continue to move forward, they will schedule an appointment for the site plan approval process, and go through ConsCom to make sure that all of their requirements are met. He remarked that the State will reimburse the Town of Ludlow 58.73% of eligible costs for grants, with some caps, limits, and exclusions. Mr. LeBlanc said that their next submission with the State is January 3rd for schematic design, and that they will meet in mid February to approve the project. He stated that they will be on a special town meeting at the beginning of the year, and then will put it out for the citizen's vote in March, with construction hopefully beginning the following spring.

Mr. Warner inquired about the two projects that are proposed in the area so that they may be included in the traffic study. The Board explained the condominium project at Southview Estates, and the proposed 40B project to be located across the street on Fuller Street. The Planning Board advised them to contact the Zoning Board of Appeals for information on the 40B project. Mr. Warner noted that their traffic consultant and study will help give recommendations on what they need to do in regards to traffic flow and safety concerns.

Mr. Phoenix stressed that when the site plan does come in, that it meets the minimum Bylaw requirements for plan, including a surveyors seal, and table.

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

◆ FILE Mail Item 111. - Legal Notices from surrounding communities
Minutes of November 9, 2017

- ◆ SIGN Special Permits:
 - Liz & Joe Salvador – 185 Miller Street (business in AGMD)
 - Leonard J. Allen III – 236 West Street (home office – landscaping)
- ◆ APPROVE Change of Occupancies:
 - Michael A. Martin – 409 West Street – Unit B (Martin Geo Environmental, LLC)
- ◆ APPROVE/SIGN Bills – D. Stefancik (reimbursement for travel expenses)

File Mail Item #105 - Western Region Homeland Security Advisory Council re: MACC telephone survey

Mail Item #106 - 2nd Notice of Violation from Justin Larivée, Building Commissioner – 607 Chapin Street

Mr. Queiroga remarked that he spoke with Mr. Leitao who said that he will be going for a zone change for the property.

File Mail Item #107 - Notice of Decision – Ludlow Board of Appeals – 0 Leland Drive, Lot #11

File Mail Item #108 - Change of Address – 353 Fuller St, Unit #47 – Department of Inspectional Services

File Mail Item #109 - Letter re: concerns at 679 Moore Street from Ralph Berry

File Mail Item #110 - Legal Notice – Ludlow Conservation Commission – 0 West Street (Map 8, Parcel 1A)

Mail Item #112 - Email from Rebecca M. Thibault, Esq. re: response to complaint letter from Susan Stanek (Change of Occupancy – Sovereign Health)

Attorney Thibault noted in her email that: *As discussed, from the information that I have reviewed, it appears that the Planning Board acted appropriately and within its discretion in determining that allowing the use of the location for a rehab/treatment facility was reasonably similar to the existing use, such that only a change in occupancy application was required.*

By law, notice to abutters is required for special permits and variances, but not for change of occupancy applications and the Board acted appropriately by not requiring such notice.

Regarding the siting of drug rehab facilities within a certain proximity to schools, playgrounds, etc., I am aware of no such law. In fact, as you point out, certain types of group homes and treatment facilities often are given additional zoning protection under the Dover Amendment (e.g., non-profit educational uses, etc.).

Mr. Phoenix asked if Mr. Queiroga and Mr. Stefancik met with Sovereign Health as of yet regarding the site plan that needs to be submitted. Mr. Stefancik said that he is still trying to get a hold of a contact person in the area. Mr. Phoenix asked if he had put a timeline, from the last meeting, of when the site plan would need to be submitted by.

Mr. Phoenix: To be on the safe side, in case we didn't do it last time, I'm gonna make a **MOTION** now that we give them 60 days from our last meeting, so effectively, I suppose that would be 44 days, or 46 days from now, whatever it is, 60 days from our last meeting to get a site plan in to us before we look at revoking the approvals that they currently have.

SECOND Mr. Coelho.

3-0 in Favor.

Mr. Phoenix asked Mr. Stefancik to inform them to please make them aware that if the site plan is not complete and accurate, it will be denied and the fee not returned to them.

Mr. Stefancik said that he spoke to Dawn at MidAmerica Properties, and that she is aware that they need a site plan. Mr. Stefancik mentioned that he looked in the file, and that it said that the Planning Board would waive the fee and it could be a site sketch. He asked if that was off the table now because it's nine years later.

Mr. Phoenix: I will make a **MOTION** that any leeway we were willing to give them a decade ago, or at any point up until now, is gone, given the gross negligence that's taking place on their part for taking care of the property.

SECOND Mr. Coelho.

Mr. Queiroga: For discussion. I don't have any problems in doing that, however, do you, in your conversation with them, did you make it perfectly clear that they needed to respond to this, and they needed to give either somebody local or somebody in their head office to, they needed to respond to us?

Mr. Stefancik: Well, the people for the site plan are not local. The people, that would be MidAmerica Properties, they're out in Colorado. It was made clear that they need to produce a site plan, and I don't think they're thrilled about it, and I think I spoke to the same person I spoke to in 2008. So, I made her well aware that we need a site plan, and the Board wasn't cutting any slack over it.

Mr. Phoenix: Because I...

Mr. Stefancik: She probably has to go to her superiors there over it, but.

Mr. Queiroga: How about the people that are renting it?

Mr. Stefancik: The, I don't think anyone's in there, quite honestly ---.

Mr. Phoenix: I don't know about the dialysis, but I know the WIC Office is still in there.

Mr. Stefancik: --- dialysis ---.

Mr. Phoenix: So, the State is paying them money.

Mr. Stefancik: Who?

Mr. Phoenix: The State for the WIC Office ---.

Mr. Stefancik: No, I'm talking Sovereign Health.

Mr. Queiroga: Sovereign Health, that's who...

Mr. Stefancik: I don't believe is up and running, and I'm not sure, I don't think the building permit has been issued with the C of O yet for that. I don't think they're finished with renovations.

Mr. Coelho: We do have a motion and a second.

Mr. Queiroga: All those in favor?

2-0-1 (Mr. Queiroga) Motion failed.

Mr. Phoenix asked Mr. Stefancik to inform MidAmerica Properties that he will be making that motion again when there are more Planning Board Members at the table, and that if he needs to make any motions to revoke, it will be on any and all approvals on that site.

Mr. Coelho asked Mr. Stefancik about the status of the Housing Production Plan. Mr. Stefancik said that he is looking at the RFP's on that, and seeing which way to go forward. He inquired if the Planning Board Members are going to be the point people for the Housing Production Plan, and do they want everything under the Planning Board. The Board agreed to be the committee on the plan. Mr. Stefancik noted that the funding has been set aside for the plan, and that he needs to check with Ellie Villano to see if a consultant can be hired for the plan.


Mr. Phoenix: **MOVE** to adjourn.

SECOND Mr. Coelho.

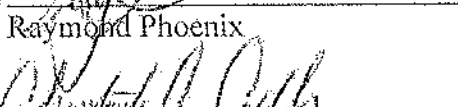
3-0 in Favor.

Meeting adjourned at 8:22 p.m.

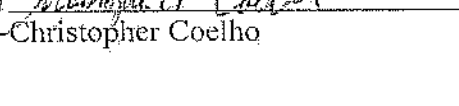
APPROVED:



Joseph Queiroga – Chairman



Raymond Phoenix



Christopher Coelho

st

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

**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – ZONE CHANGE
720 Chapin Street (Assessors' Map 11D, Parcel 102A)
John Garcia (Royal Coach Limousines LLC)
(operating a limo service and park limousines in an
Agricultural Moderate Density District)
November 9, 2017**

PLANNING BOARD MEMBERS

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

Hearing began at 7:16 p.m. in the Selectmen's Conference Room.

The public hearing was continued from October 26, 2017.

The applicant was not in attendance at the hearing.

Mr. Queiroga: Ok, our 7:15, it's now 7:16. I believe there's a letter from the applicant.

Mr. Stefancik: There is. It should be in the file.

Mr. Queiroga: This is from Mr. Garcia and it's regarding the meeting for today, for the scheduled continuation of the hearing for Chapin Street:

I would respectfully request and agree to a postponement and continuation of tonight's hearing until the next Planning Board meeting.

In light of the recent developments regarding the potential alternatives, it would probably be best to wait until we know exactly what will work and then get together then. Thank you for your help and ideas.

I'll wait to hear from you as to when we will get together to hopefully finalize things. Thank you again. Any questions please let me know.

Mike Pietras also has requested more time to pull everything together.

Mr. Phoenix: Before we act on that, when I was going through everything in preparation for the meeting tonight, one of the things that we talked about during the prior session, or I should say that Tony talked about, was the case Harrison versus Braintree. And when we discussed getting opinion from Town Counsel, it was specifically mentioned getting opinion in light of that. I don't remember seeing that in the new correspondence from Town Counsel at all. Did we ask her anything in particular about that specific case?

Mr. Stefancik: Yes.

Mr. Phoenix: We did, ok. Her email chains tend to go several pages, so I never know how far back I need to go to get everything.

Mr. Queiroga: She's ---

Mr. Stefancik: Well, Tony also asked about MacNeil and Town of Avon, and she said that that case was thrown out, and it basically was just to deal with the frontage.

Mr. Phoenix: And what about the Braintree one?

Mr. Stefancik: She said: *I do not read the Harrison case as prohibiting the landowner access from Victor Street. In the Harrison case, the portion of the lot that was being accessed for an industrial purpose was, in my understanding, entirely surrounded by the residentially zoned property. Here, on the other hand, the AMD portion of 720 Chapin St. directly abuts the street. Since the AMD district allows the business use, the landowner's access from Victor Street should be allowed and I do not think that this applicant has the same issue that the landowner in Harrison had.*

Mr. Phoenix: Ok, thank you.

Mr. Stefancik: Yup.

Mr. Phoenix: The other thing I wanted to mention is, I have no problem giving them some additional time, especially given how long this has been going on, but I think if we are going to be pushing this off to another meeting, I think it needs to be understood that if the plan that they bring in, early enough that it can be reviewed prior to the meeting, does not meet the criteria for a site plan, that I'm not interested in hearing anything about this whole thing, 'cause the site plan should have been submitted right, before it even got to the first session of the hearing. So, if they have extra time, we need to get that plan in, in time for it to go out for review prior to the meeting, or I'm not interested in it at all.

Mr. Queiroga: Ok, well that's on the record. Any other comments?

Mr. Coelho: Nope, I think we need to get moving with this thing though.

Mr. Queiroga: Yeah, we need to.

Mr. Stefancik: And this is the new proposal in a way, is adding a right of way in the back, which would give them a potential 200 feet of frontage in the rear portion of the property. That would be their frontage. They would end up not having to go to the Zoning Board of Appeals. Because this is conservation land back here, instead of a massive street, you'd have the driveway, and that would be, basically, as a result of what Conservation would want, and, you know, it would suffice for that area. There's not too much leeway back there. They're not bringing in all kinds of utilities as well.

Mr. Phoenix: ---

Mr. Stefancik: And we did run this by counsel and she didn't see this as problematic. And some of the right of ways, Pell Street's one, where we had done an ANR on something like that, and we had a stub in a subdivision where we ANR'd out. I think we, it's well within your right to add a private right of way, and your frontage has to be on either a public or a private right of way.

Mr. Phoenix: As long as it's determined that it's adequate frontage on an adequate way. So, we'd need to determine that private right of way is, in fact, adequate.

Mr. Stefancik: Correct. Exactly, exactly.

Mr. Phoenix: And I would also just mention, if, 'cause I know even in the round of things that we've gotten so far, ConsCom did express concern. If they were looking to do something, especially as important to the nature of the business as this, even if it comes through us, and we give it our blessing, and then they go to ConsCom, and ConsCom has the right to change whatever they need to, to meet the needs of Wetland Protection Act, if those changes change what's on the plan on front of us, that needs to come back to us all over again. So, I think the applicant needs to be aware of that before they feel that they're getting railroaded into another process down the line.

Mr. Stefancik: Because you have a special permit with this, you could put the whole driveway and Conservation, even DPW issues into that special permit as well, as a condition.

Mr. Queiroga: I think Mike Pietras is the, to put, it's going to be less than half of whatever this right of way is. And I did go out there. I don't know if you have, Ray, the Victor Street does go 50 feet past this boundary here.

Mr. Phoenix: Ok.

Mr. Queiroga: Ok, and, but, they only need less than half. That's what they plan to do to keep away from. As I understand it, from 2008, from the applicant again, we'll question it when they come back. They have not cut anything. They haven't done anything, and they don't plan to do anything with ---.

Mr. Phoenix: Well, that was confusing to me, and it kind of, when I was re-watching everything, 'cause I was watching it earlier today, it made me start to think that I needed to go out there 'cause at two different points in the meeting, two different conflicting things were said by Tony as far as the trees being cut down or not cut down. So I got very confused when I heard both versions of that same thing within the same session of the hearing. So, I was kind of curious as to what the actual situation is out there.

Mr. Coelho: I spent a lot of time...

Mr. Phoenix: 'Cause I'm guessing he accidentally misspoke one of those times, and I'm just not sure which one that was.

Mr. Coelho: I spent a lot of time out there as a kid messing around in the wetlands and whatnot.

Mr. Queiroga: Really?

Mr. Coelho: There's a lot more, yeah, well, you know, we were kids we used to hang out back there. There's a lot more room out there than this, than any of these maps that we've been looking at. It's really deceiving. You know what I mean? That's what I'm trying to say, and having gone back there recently, it's not as tight as it looks, really isn't.

Mr. Queiroga: I believe he's bringing some pictures of that, going back over the years, but in any case, if we can, is there a motion we need to, --- opening.

Mr. Phoenix: We need an official time and date to continue to. So, it looks like it would be December 7th, 'cause we just scheduled that one.

Ms. Urban: 7:00.

Mr. Phoenix: That sound fair to everybody?

Mr. Queiroga: That's fine. Give them some, given them enough time, Doug? What do you, twenty minutes, twenty or thirty minutes?

Mr. Stefancik: Fifteen, twenty minutes.

Mr. Queiroga: Ok.

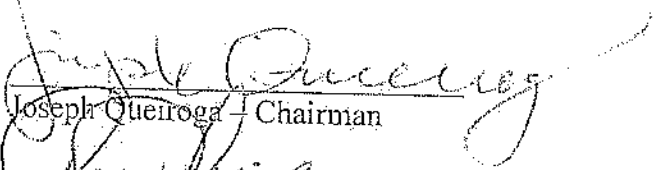
Mr. Phoenix: So I'll make a **MOTION** to continue the matter until December 7th at 7:00 p.m.

SECOND Mr. Coelho.

3-0 in Favor.

The public hearing was continued until December 7, 2017 at 7:00 p.m.

APPROVED:


Joseph Queiroga - Chairman


Raymond Phoenix


Christopher Coelho

su

Documents: Master application; abutters list; Emails from/to Tony Goncalves and Tim Brennan PVPC re: zoning setback questions (10/25&26/17); Emails to/from Doug Stefancik and Rebecca M. Thibault, Esq. re: split lot zoning (8/09/17 - 10/26/17); Comments from Town Boards/Departments; Board of Appeals - Notice of Decision - Variance - 720 Chapin Street (withdrew without prejudice); Administration of the Government - Part I, Title VII - Chapter 41 - Section 81R; Site Plan - 720 Chapin Street / Victor Street Ludlow, Mass. for John & Melissa Garcia - (owners)(April 25, 2016); Request for continuation letter from John Garcia (11-9-2017); Response email from Rebecca M. Thibault re: 720 Chapin Street (November 7, 2017)

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