

**TOWN OF LUDLOW PLANNING BOARD  
MINUTES OF THE MEETING OF  
February 8, 2018**

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2018 FEB 23 P 12:52  
TOWN OF LUDLOW**

**PLANNING BOARD MEMBERS**

Joseph Queiroga – Chairman (Present)(7:05 p.m.)  
Raymond Phoenix – Vice Chairman (Present)  
Christopher Coelho (Absent)  
Kathleen Houle (Present)  
Rafael Quiterio (Present)

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

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*Mr. Phoenix filled in as Chairman until Mr. Queiroga came in.*

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**Mail Item #12 - Letter from Eunice Pellerin re: New Senior Center / Schools**

Mr. Stefancik asked the Board if they want the letter sent to the Board of Selectmen, and if they want him to send a response letter to Ms. Pellerin requesting that all future correspondence relating to the Senior Center and proposed school be sent to the Selectmen. The Board agreed that that would be appropriate action.

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**File Mail Item #13 - Response from Board of Selectmen re: Cease & Desist at 656-658 Center Street, Armando Nunes**

Mr. Phoenix read the letter which stated that the matter has been forwarded to Town Counsel for opinion and response. The letter also noted that once that opinion has been received, if Mr. Nunes feels that a meeting with the Selectmen is warranted, then a meeting will be scheduled with all concerned parties, including the Building Commissioner and a representative of the Planning Board. The correspondence also remarked that the Cease & Desist Order and all accompanying fines will remain in place. The letter stated that Mr. Nunes has received a copy of the letter, as well as a personal telephone conversation.

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***Consent Agenda:***

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

- ◆ FILE Mail Item 14. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of January 11, 2018 & January 25, 2018
- ◆ APPROVE Change of Occupancies:
  - Liz R. Ramos (The Luxy Salon – booth rental) – 200 Center Street, Unit #7

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**Discussion – Housing Production Plan**

At the last Planning Board Meeting, Mr. Stefancik had said that he received a response and proposal from Karen Sunnarborg in regards to the Housing Production Plan of the Town of Ludlow. He remarked that since that meeting, he has received responses from two of her references, and that they both have good working relationships with Ms. Sunnarborg. Mr. Stefancik noted that Ellie Villano, Town Administrator, informed him that an agreement would have to be signed by the Chairman in order to proceed.

Ms. Houle: I make a **MOTION** to hire the services of Karen Sunnarborg Consulting for the Housing Production Plan.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

*Documents included: Proposal from Karen Sunnarborg (January 24, 2018)(20 pages); Email from Karen M. Greene - Town of Yarmouth, to Doug Stefancik (2/7/18); Email from Nathaniel Malloy - Town of Amherst, to Doug Stefancik (2/8/18); sample agreement – Town of Ludlow*

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*Mr. Queiroga joined the meeting and took over as Chairman.*

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**PUBLIC HEARING – SPECIAL PERMIT/SPECIAL PERMIT / HOME OCCUPATION – Andrew Kessler – 9 Cady Street, Apt. 7 (Assessors’ Map 12C, Parcel 106)(painting business - A.K. Paint)**

**SEE ATTACHED MINUTES**

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**PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Joel Belanger – 50 Andrew Street (Assessors’ Map 11A, Parcel 5B)(mobile welding business – JB Welding & More)**

**SEE ATTACHED MINUTES**

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**Discussion – Budget FY19**

Mr. Stefancik distributed a copy of the proposed FY19 budget to the Board Members. He explained that the budget parameters included a 2% increase for personnel, with a zero percent increase in the general budget and for Board Member stipends.

Mr. Phoenix remarked that he would like to see what the other Town of Ludlow Board Members are getting for a stipend, as it should be more or less fair across the table. Mr. Stefancik gave

Mr. Phoenix a copy of what the elected town officials are currently receiving, as per Town Meeting. Mr. Phoenix said that there should be a discussion at the town level, whether it's between the departments, the department heads, or on the Town Meeting floor, to balance out the differences with the stipends better. He remarked that instead of just looking at one department's budget, it would be intelligent to look at what the responsibilities of the individual boards might be, and whether some of these numbers should be closer to each other. He also said that now is the time to start thinking about it for next year's budget.

Mr. Phoenix: Unless anybody sees anything that they have an issue with, I guess I'll make a **MOTION** to go forward with the budget as presented to us at the meeting tonight.

**SECOND** Ms. Houle.

**4-0 in Favor.**

*Documents included: Proposed FY19 budget*

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

**SECOND** Ms. Houle.

**4-0 in Favor.**

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Meeting adjourned at 7:37 p.m.

APPROVED:

  
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Kathleen Houle, Secretary

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



**TOWN OF LUDLOW PLANNING BOARD**  
**PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT**  
**9 Cady Street, Apt. 7 – Andrew Kessler**  
**(painting business – A.K. Paint)**  
**February 8, 2018**

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**PLANNING BOARD MEMBERS**

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

*Hearing began at 7:06 p.m. in the Selectmen's Conference Room.*

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*In attendance: Andrew Kessler, attendees*

Mr. Queiroga read the legal notice, gave Mr. Kessler a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – painting business (A.K. Paint).

Mr. Queiroga: Tell us what you have in mind and what your needs are.

Mr. Kessler: Basically, just trying to get my business certificate. I'm starting a small residential painting business, sole proprietorship, and I would just basically be, you know, I live on 9 Cady Street, which is an apartment complex, so I wouldn't be storing anything there. I have an office. It's a two bedroom apartment, one room we're using as an office. I --- any of my paperwork, but for the most part, nothing will be there. It's mostly just, you know, using my truck and delivering paint to the job sites. And I'm just trying to basically get my d/b/a account going, and I need a business certificate to get it.

Mr. Queiroga: The banks require it, right?

Mr. Kessler: Yeah.

Mr. Queiroga: You, so this is an apartment complex?

Mr. Kessler: Yes.

Mr. Queiroga: Now, does, did the owner of the...

Ms. Houle: Yes, signature ---.

Mr. Queiroga: Ok.

Mr. Phoenix: We have not yet made a finding or granted a waiver on the full site plan, but we do have a request for that.

Mr. Queiroga: Ok.

Mr. Phoenix: And it looks like the information on our sheet: out of 5,100 square feet, he's looking to use 120 with no non-resident employees; no signage; customers at the site; no deliveries made unlike a normal residence; no change to the site that would make it look less residential; and a 2010 Toyota Tacoma, which is under the 10,000 lbs.

Mr. Queiroga: Ok, that answers all the requisites.

Mr. Phoenix: So, I will make a **MOTION** to find that the home occupation, as described, is a suitable home occupation under the Bylaw.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

Mr. Queiroga: Is there a second motion, or did you do both?

Mr. Phoenix: I just did the one to start with. I'll make a **MOTION** to grant the waiver of the full registered site plan in favor of a sketch and photos as prepared by the applicant.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

Mr. Queiroga: Alright, we have a couple of little checklists, things that you should know about your, about what you're asking us to do for you, ok?

Mr. Kessler: Ok.

*Mr. Phoenix 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: Thank you Ray.

*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

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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: Thank you Kathy.

Mr. Phoenix: Just out of curiosity, as far as storage of materials, --- goes, I know it's already addressed how much area you're looking to use for the home office, that sort of thing.

Mr. Kessler: Yes.

Mr. Phoenix: But, are you looking to be keeping any amount of paint at the property, or is that all just gonna be used on a per job basis, basically?

Mr. Kessler: Per job basis. I'm staying small. I just, I'm not gonna keep anything at home besides paperwork. Most of the time I'll talk to the homeowner, and then just bring the paint to their house.

Mr. Phoenix: Ok.

Mr. Queiroga: If there's no other questions, I'm gonna open it up to the public if they have any comments or questions on this permit. That being overwhelming...

Mr. Phoenix: I'll make a **MOTION** in the standard form to approve the Home Occupation.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

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

**SECOND** Ms. Houle.

**4-0 in Favor.**

*Hearing ended 7:15 p.m.*

APPROVED:

  
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Kathleen Houle, Secretary

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Documents: Master application; abutters list

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



**TOWN OF LUDLOW PLANNING BOARD**  
**PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT**  
**50 Andrew Street – Joel Belanger**  
**(mobile welding business – JB Welding & More)**  
**February 8, 2018**

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**PLANNING BOARD MEMBERS**

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

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

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*In attendance: Joel Belanger, attendees*

Mr. Queiroga read the legal notice, gave Mr. Belanger a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – mobile welding business (JB Welding & More).

Mr. Queiroga: I noticed that Joel did request: is there any planned signage for the business, no; will there be any customers at the house, no; will there be any deliveries unlike those of a normal residence, no; and will there be any changes to the site that will make it look less residential, no. Your vehicle's a 2004 Chevy Silverado?

Mr. Belanger: Correct.

Mr. Queiroga: It's only 2,200 lbs, huh?

Mr. Belanger: Is it? ---

Mr. Queiroga: I think that's what's there.

Mr. Belanger: I think I looked it up on the internet.

Mr. Queiroga: Ok, tell us what you're, this is a welding business, right?

Mr. Belanger: Yeah, I've been working at Kleeburg Sheet Metal for 12 years now, and I just realized it's easier just working for myself these last few months making decent money, not working for someone else. So, just word of mouth. Just friends and family I'm doing right now, and it's working out good, so I figured go this route.

Mr. Queiroga: Ok, and do you, does this require you keeping any kinds of equipment or metal, or?

Mr. Belanger: Just my equipment: my welder, my tank of gas, I can fit enough welding wire in my truck for years. It's, everything can fit right in my truck, so easy.

Mr. Queiroga: Ok, questions from members of the Board?

Mr. Phoenix: Would you be doing any work on site or would it all be ---.

Mr. Belanger: No, nothing is getting done at my house. I don't want no issues like that, so. I'm still trying to get the liability insurance, going through all that and everything, just on site. I don't want nothing done at my house, just paperwork at my kitchen table.

Mr. Phoenix: Ok.

Mr. Queiroga: And I do know you own the house from...

Mr. Belanger: I do own the house, for --- years now.

Mr. Queiroga: Any other questions? Well then, lets...

Ms. Houle: Do we need waivers?

Mr. Queiroga: What?

Mr. Phoenix: We need a finding and a waiver.

Ms. Houle: Need a finding and a waiver.

Mr. Queiroga: Yes, is that? ---

Mr. Phoenix: It's at the bottom. They haven't been done yet.

Mr. Queiroga: Waiver, yeah we need to do that. You have to, we don't, did you ask us for a waiver on the site plan?

Ms. Houle: It's signed on here.

Mr. Queiroga: What?

Ms. Houle: --- right there, then he signed it.

Mr. Phoenix: I'll make a **MOTION** to find that a home office, as described, is a suitable home occupation under the Bylaw.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

Mr. Phoenix: I'll also **MOTION** to waive the full registered site plan in favor of a sketch and photos as prepared by the applicant.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

Mr. Queiroga: Ok, we've taken care of the necessities here. We've got a, as you heard before, we've got a couple checklists that we have to go through. And you're on today Ralph.

Mr. Quiterio: I didn't bring my glasses.

Mr. Phoenix: Want these ones?

*Mr. Quiterio read the Home Occupation Criteria Checklist:*

## HOME OCCUPATION CRITERIA CHECK LIST

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4. No external change is made which alters the residential appearance of the building on the lot.
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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.
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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.
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Mr. Phoenix read the *Special Permit Criteria Checklist*:

### SPECIAL PERMIT CRITERIA

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- 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: Thank you Ray. Before we go any further, just to open it up, as we did on the previous applicant, to anybody in the audience that would like to say anything about this particular request. That being said...

Mr. Phoenix: Hearing nothing, I'll make a **MOTION** in the standard form to approve the Home Occupation.

**SECOND** Ms. Houle.

**4-0 in Favor.**

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

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

**SECOND** Ms. Houle.

**4-0 in Favor.**

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Hearing ended 7:26 p.m.

APPROVED:

Kathleen J. Houle  
Kathleen Houle, Secretary

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Documents: Master application; abutters list

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