

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
February 22, 2018**

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PLANNING BOARD MEMBERS

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

Meeting began at 7:01 p.m. in the Selectmen's Conference Room

**PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Jonathon Burek –
36 Nowak Circle (Assessors' Map 27, Parcel 35J)(chimney business – Thermocrete
Chimney Sweeps)**

The public hearing was tabled until later in the meeting due to the fact that Mr. Burek was not present for the hearing.

**APPOINTMENT – PRELIMINARY SUBDIVISION PLAN – Daniel's Gravel Bank, LLC
- Sofia's View and Rosa's Way (off Miller Street)(Assessors' Map 26, Parcel 36A)**

Donald Frydryk – Sherman & Frydryk, Armandio Fernandes, and Connie Fernandes were present for the appointment.

Mr. Queiroga read the comments from the Town Boards & Departments: Board of Health - *no comments*; Assessors' Office - *no comments*; DPW - 1. *The boundary of the parcel is not well defined. I would think a metes and bounds label of the perimeter would be appropriate to clearly indicate the parcels(s) in question. 2. The stationing of Sofia's View begins with 20+00, I would suggest either 0+00 or start with a station outside the length of Rosa's Way (greater than 31+45); Conservation – As seen on map lots 4, 5, 8, 9 show wetland areas present. These lots are jurisdictional and proper filings will need to be submitted before development. Moreover, Rosa's Way, Lot 1 travels parallel to wetlands and filing is necessary; Doug Stefancik, Town Planner – (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions. Lot 3 and 4 rear lot line dimension needed. (14) Not asking for any waivers.*

Mr. Frydryk explained that the plan is for a 23 lot subdivision, which includes two stormwater parcels on approximately 4,000 feet of road. He noted that the roadway includes a maximum grade of 8%, with a connection to Cislak Drive with Sofia's View, connects to Rosa's Way, which then connects down to Miller Street. Mr. Frydryk said that Sofia's View is about 900 feet, and Rosa's Way is about 3,100 feet, with Agricultural zoning. He remarked that the property is not in the flood plain, but the plan has some preliminary wetland markings on it based on Mass GIS. He said that there will be a filing with the Conservation Commission when they do move into the definitive stage. Mr. Frydryk went on to say that the roadway is 28 feet wide with Cape Cod berm on both sides, and a 5 foot wide sidewalk along both streets. He noted that there will

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be sewer on Sofia's View, and the upper portion of Rosa's Way, which will be served through the sewer that's currently within Cislak Drive, and each lot will have its own private well on it. Mr. Frydryk remarked that in reference to the DPW's comments, they do not have issue with changing stationing, and currently based on the preliminary plan, they haven't completed a full survey of the site at this point, but will have metes and bounds around the entire parcel when they move into the definitive stage. He said the in reference to the comments from Mr. Stefancik, the two dimensions can be added to the plan. Mr. Fernandes explained that in the future, they plan to expand the subdivisions towards Dowd Court and Fox Run.

Mr. Coelho read the Preliminary Plan Checklist:

The Plans shall show the following:

- (1) *The subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan".*
- (2) *The names of the record owner and the applicant and the name of the designer, engineer, and land surveyor.*
- (3) *Names and plan location of all abutters indicating approximate limits of contiguous boundaries and those owners of land separated from the subdivision only by a street, as determined from the most recent tax list.*
- (4) *The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner. The length and the square footage of the new street shall be indicated on the plan. (Amended 3/10/11)*
- (5) *The proposed system of drainage in a general way, the location and direction of flow of adjacent natural waterways, and all water bodies or areas classified as wetlands adjacent to or within the proposed subdivision.*
- (6) *The approximate boundary lines of proposed lots, with approximate areas and dimensions.*
- (7) *The names, approximate location, and widths of adjacent streets.*
- (8) *The topography of the land in a general manner.*
- (9) *The names of proposed streets.*
- (10) *Center line grades of the proposed roadways noted on plan.*
- (11) *A locus plan showing the area of the subdivision and its relationship to the surrounding area and roadways at a minimum scale of 1" = 600'.*
- (12) *In all cases, a statement shall appear on the first sheet of the subdivision preliminary plan stating that this subdivision does or does not lie within the Aircraft Flight Overlay District of the Town of Ludlow.*
- (13) *Statement of compliance with the Town of Ludlow Subdivision Rules and Regulations.*
- (14) *Waivers: All requests for waivers must be submitted on a separate sheet of paper. After the*

*waivers are approved, all approved waivers must be on the approved preliminary site plan.
(Added 3/10/11)*

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Mr. Queiroga mentioned that one of the Board Members did express his concerns over the use of names of streets with apostrophes as the Town Assessors' program drops the apostrophe on the names. Mr. Frydryk said that if they had to, they could take the apostrophes out of the street names.

Mr. Queiroga asked what the timeline is for the subdivision. Mr. Frydryk said that they will be completing the survey in the next month or so, and starting the design. He said that they should have the definitive subdivision plan around May of this year.

Ms. Houle **MOVED** to approve the preliminary subdivision for Daniel's Gravel Bank, LLC at Sofia's View, Rosa's Way, which is on Map 26, Parcel 36A. It's off of Miller Street.

SECOND Mr. Coelho.

4-0 in Favor.

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

Documents included: Master application; Comments from Town Departments/Boards; Plan: Daniel's Gravel Bank, LLC Preliminary Subdivision Plan, Miller Street, Ludlow, MA (1/4/18)

**APPOINTMENT – DISCUSSION – Larry Hitchcock – Unity Athletic Club –
161 State Street – Outside Smoking Room (Assessors' Map 14B, Parcel 174)**

Larry Hitchcock was present for the appointment.

Mr. Coelho abstained from the discussion.

Mr. Hitchcock explained that the Unity Athletic Club would like to propose a fenced in outdoor patio, so that they can eliminate smoking at the Club. He said that the patio would be located off Hampshire and State Streets. Mr. Hitchcock showed the Board where the proposed patio would be located, on the GIS map. Mr. Stefancik remarked that if the patio is covered with an awning, they would have to follow dimensional regulations for the setbacks, but if the patio is not covered, they would not have to follow the regulations.

Mr. Hitchcock said that they plan to put some picnic tables out on the patio, and to allow people to go out there with alcohol. Mr. Stefancik said that the setbacks for the Business B location is 20 feet for side, 25 feet for rear and front. He noted that since the property is preexisting nonconforming, they may have to go to the ZBA if the setbacks cannot be met. Mr. Stefancik also mentioned that the fence has to be 6 ½ feet or under, or they will have to go to the Zoning Board of Appeals.

Mr. Queiroga said that he understands that there is not a current site plan on file for the Unity Club. Mr. Hitchcock said that he still needs to do some investigating to see if there is a site plan in existence. Mr. Stefancik said that there is not anything on file in the office. Mr. Queiroga explained that a few meetings ago, the same issue arose with the Polish American Club with the

fact that there wasn't a site plan on file, and that they wanted to create an outdoor smoking area. He said that some motions were made to help them, due to the fact that there's a bigger good in getting smoking out of the building.

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The Board suggested to build the fenced area first, and then deal with the covered awning at a later time.

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Mr. Stefancik told Mr. Hitchcock that a site plan application would need to be filed for a site plan amendment, and gave him an application.

Ms. Houle **MOVED** to waive the need for a full site plan in favor of a sketch, for work to be done at the Unity Athletic Club, 161 State Street, as it's in the best interest of the Town and, but the fact that they are trying to move smokers, provide them a place to be able to go outside and enjoy the facility.

SECOND Mr. Quiterio.

3-0-1 in Favor. (Mr. Coelho)

Roll call vote: Mr. Quiterio – yes; Ms. Houle – yes; Mr. Coelho – abstain; Mr. Queiroga – yes.

Mr. Stefancik remarked that there needs to be a vote of four for a waiver.

Mr. Coelho asked if he can vote out of necessity indicating that he has no financial interest in this situation at all.

Mr. Coelho voted yes.

4-0 in Favor.

**PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Jonathon Burek –
36 Nowak Circle (Assessors' Map 27, Parcel 35J)(chimney business – Thermocrete
Chimney Sweeps)**

Mr. Stefancik asked the Board if they want to reschedule the public hearing to March 8, 2018 since Mr. Burek is not present.

Ms. Houle **MOVED** to reschedule the special permit home occupation hearing for Jonathon Burek at 36 Nowak Circle to March 8th.

SECOND Mr. Quiterio.

4-0 in Favor.

The public hearing was rescheduled to March 8, 2018 at 7:20 p.m.

Mail Item #15 - Response letter from Erin J. Meehan - Town Counsel in response to Cease and Desist Order at 658 Center Street (Armand Nunes)

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The letter stated that the Cease and Desist Order is and continues to be in full force. It also noted that the property is zoned Business B, and that the storage of multiple commercial vehicles, dumpsters, and manufacturing equipment are prohibited. In addition, the letter said that it has recently come to the Town's attention that the subject property at 658 Center Street, is listed as the principal office and registered agent's office for The Nunes Companies, which is engaged in the business of "road and site construction, roll off dumpster rental" as per the annual report filed with the Secretary of the Commonwealth on January 28, 2018, is a prohibited use for Business B zoned districts and in violation of the Ludlow Zoning Bylaws.

Mr. Queiroga said that he and Mr. Coelho both attended the Board of Selectmen's meeting, and that they think that the six months that the Building Commissioner gave Mr. Nunes to get the stuff out of there, is the best that could be expected.

Discussion – Housing Production Plan (sign contract)

The Housing Production Plan contract with Karen Sunnarborg Consulting was presented to the Board for their signatures.

Mr. Coelho **MOVED** to sign the Housing Production Plan contract.

SECOND Ms. Houle.

4-0 in Favor.

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

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 16. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of February 8, 2018
- ◆ APPROVE Change of Occupancies:
 - Jessica Libiszewski (Timeless Radiance – rotor & dermal fillers) – 200 Center Street, Unit #18
 - Joseph Batista (Joey Bats – small pop up café) – 285 East Street
- ◆ SIGN Special Permits:
 - Dean Dandy – 18 Pond Street (Accessory apartment)
- ◆ APPROVE/SIGN Bills – Ink Products (2 bills)(office supplies)

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

Meeting adjourned at 7:43 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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