

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

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2018 MAR 30 A 9:53

TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

APPOINTMENT – Tony Goncalves – 187 East Street – Site Plan Addendum - Sign

Tony Goncalves was present for the appointment.

Mr. Goncalves said that he is seeking a waiver of the public hearing and full registered site plan in favor of a sketch for his property at 187 East Street. He remarked that he would like to change out the existing sign, and that it would be in the same location, but would be a foot wider, and would be the same distance from the street (60 inches away from the sidewalk). Mr. Goncalves explained that the existing sign is 56 inches wide, and that the new sign would be 69 inches wide, and 20 inches taller. He showed the Board photos of the existing and new sign design. He remarked that the new sign would be located 13 inches closer to the building. Mr. Goncalves explained that the new sign is almost the same as the old sign, with the addition of electronic lettering at the bottom. He said that the lettering would probably not change more than once a week. Mr. Phoenix advised Mr. Goncalves that the sign could not have moving or flashing lights.

Mr. Goncalves presented the Board with a copy of his site plan from 1996, and said that nothing has changed except for where it shows grass around the sign. He remarked that in approximately the year 2000, they got rid of all the landscaping around the sign, and replaced it with pavers to keep it neater.

Mr. Phoenix: I will **MOVE** to waive a full registered site plan in favor of a sketch and the photos provided by the applicant as the change is minor, and further, to waive the public hearing since there's no substantial change to the site and especially since the increase in the width of the sign is extending toward the building and not toward the street.

SECOND Mr. Coelho.

5-0 in Favor.

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

Mr. Phoenix asked that since this site plan is getting cleaned up as an addendum, should they be showing the line of where the pavers are as opposed to what's on the existing site plan.

Mr. Goncalves said that the trees and shrubs would change, and that he'll note it on the updated plan.

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Mr. Phoenix 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.

The Board agreed that Mr. Goncalves could submit an updated site sketch showing any changes in the landscaping, and submit it for the next meeting for approval.

Documents included: Master application; request for waivers; Site plan for Anthonio Goncalves & Joseph Chaves, 187 East Street Ludlow, Ma. (12/16/96)(SM-0337); photos of existing and proposed sign.

APPOINTMENT – Change of Occupancy – Charles Thans (CT Citywide Towing) – 125 Carmelinas Circle (Assessor's Map 26, Parcel 7J)

Charles Thans was present for the appointment.

Mr. Thans explained that he does towing for mostly illegal parking and repo's, and that 90% of the vehicles are gone the next day. He said that there typically will be one or two that end up hanging around for up to 90 days. Mr. Thans remarked that the place will not turn into a junk yard, and that he keeps the property nice and clean. He said that there will be some repair work on his own trucks once in a while. He noted that his employees consist of three drivers, an office girl, and himself. Mr. Phoenix said that the current plan shows ten parking spaces, plus a handicapped spot. Ms. Houle mentioned that the maximum number of employees on the plan states six for the one building. Mr. Thans said that nothing is to be changed on the site.

Mr. Phoenix asked how many cars Mr. Thans expects to have on site at any given time. Mr. Thans responded that he averages between three and six per day, or 25 to 30 cars a week, with the majority of them gone the next day. Mr. Phoenix said that his concern is that there are only 10 spaces plus the handicapped. He remarked that there is a proposed gravel parking area in the back, but the Town only allows parking on gravel for industrial equipment. Mr. Thans said that he is counting on the back lot for extra storage. Mr. Phoenix explained that that would have to

be on pavement for storing actual cars, and that it would be his main concern that if Mr. Thans is storing cars back there, it needs to be paved and indicated so on the plan. He stated that the Change of Occupancy could be approved with the condition that if there is going to be storage in that area, that it needs to get site plan updated to indicate that with the proper type of pavement.

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Mr. Phoenix: But for the time being, I'll make a **MOTION** to grant the Change of Occupancy for 125 Carmelinas Circle, with the understanding that the new occupant will be doing his best to fall within the spirit of the existing site plan, and that before the unpaved area can be used for storage of any kind of vehicles, or before the parking can exceed what's shown on the plan, it needs to come back in for revision of the existing site plan.

SECOND Mr. Coelho.

5-0 in Favor.

Documents included: Master application; Existing & Proposed Site Plan – Carmelinas Circle, Prepared for F & J Construction (12/14/2004)

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

SEE ATTACHED MINUTES

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**SITE PLAN ADDENDUM – John Diotalevi (Polish American Citizen's Club) –
355 East Street (Assessors' Map 15A, Parcel 337) – outdoor smoking area**

Ms. Houle recused herself from the discussion as she is an officer of the Polish American Citizens Club.

John Diotalevi was present for the appointment.

The public hearing was waived for the site plan addendum at the meeting of January 11, 2018.

Mr. Queiroga read the comments from the Town Departments: From Doug Stefancik, Town Planner - *The plan meets the criteria for a site sketch*; Board of Health – *No comments*; Fire Department – *I have reviewed the plans for the creation of an outdoor smoking area located in the front of the Polish American Citizen's Club. At this time it is my recommendation for the construction not to use any combustible materials for the finishing of the building such as vinyl siding adjacent to the designated smoking area. Provide secure disposal containers for the used smoking materials and do not use any bark mulch in the landscaping of the area to the proposed site*; Department of Public Works – *No comments*.

Mr. Diotalevi remarked that they plan to remove the existing window on the building, and replace with a door, install a fence with a gate around the existing area in the front of the building. He also noted, in response to the comments from the Fire Department, that the whole right side is brick, and that the fence will not run up to the vinyl siding which is located on the

other side of the window. He explained that there is currently stone existing there, and that he is not sure if they will be installing patio block or pouring concrete in that area. Mr. Diotalevi also noted that they will be putting up some sort of awning there. Mr. Phoenix said that if they plan on installing an awning, that it should be noted on the site plan, along with everything that they plan on doing, including what kind of surfacing they will be using. Mr. Diotalevi said that he put in on the chart, but didn't realize that it had to be noted on the plan also. Mr. Stefancik said that there is not an approved existing site plan on file. Mr. Phoenix remarked that he feels that the best thing that the Planning Board can do is to recommend that Mr. Diotalevi withdraw his application, and then resubmit when he knows what he is going to be doing such as the awning, what he's going to be doing with the surfacing for that area, if there's going to be tables and chairs, and a gate.

Mr. Diotalevi signed a request for withdrawal without prejudice of the site sketch application.

Mr. Phoenix: Since we're gonna have something in hand momentarily asking for withdrawal on this, I will **MOVE** to accept the withdrawal of this application at this time.

SECOND Mr. Coelho.

4-0-1 in Favor. (Ms. Houle)

Documents included: Master application; comments from Town Departments/Boards; Plan of 355 East Street (Tuesday, Feb. 20, 2018 03:26 PM)

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 19. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of February 22, 2018
- ◆ APPROVE Change of Occupancies:
 - Kelsey Nicholas (Excella Home Health Agency, LLC) – 487 Holyoke Street, #1
- ◆ SIGN Special Permits:
 - Andrew Kessler – 9 Cady Street, Apt.7 (painting business)
 - Joel Belanger – 50 Andrew Street (mobile welding business)

Discussion –Clothing Donation Receptacles Bylaw

Mr. Stefancik mentioned to the Board that someone from Bay State Textiles called and inquired about putting donation boxes at the school, but because the schools are in Residential A districts, they cannot be put there, only in Business districts. He said that a quick fix would be to change the Bylaw exempting municipal properties. Mr. Stefancik said that he was contacted this week regarding this, and has put a call into Dolly Cincone and the Superintendent at the School Department to get their opinion on this.

Mr. Phoenix noted that there is a bylaw in place to allow these boxes at other locations, but they have all been removed due to problems with the donation boxes. He remarked that he thinks that they should still come in for approval as to where they're going to be sited, the same way that boxes on other properties would be required to do. Mr. Phoenix said that having anything that would cause additional congestion or eat up any space at the school properties is just asking for trouble. He also commented that unless the school expresses interest in having these donation boxes, he wouldn't worry about it.

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Documents included: Bay State Textiles Program vs Curbside Collection Program; Proposed Bylaw revision (Clothing Donation Receptacles)

Discussion – Housing Production Plan

Mr. Stefancik said that Karen Sunnarborg will be coming to the March 22, 2018 meeting to discuss the progress of the Housing Production Plan.

Discussion – Colvest Properties – Ray

The discussion was continued from January 11, 2018.

Mr. Phoenix remarked that he's not sure what the best path forward is regarding the traffic issues at Starbuck's. He said that he would like to perhaps have a conversation as the Board or with Colvest to alleviate the concerns he's been hearing as far as the intersection, but he said that he's willing to hold back on that until the new work has been done on Center Street.

Mr. Queiroga noted that he had a conversation with Steve Fredericks of the DPW, and that Mr. Fredericks said that he would like the Planning Board to hold off until the Center Street reconstruction project is complete, as there will be changes in the traffic flow.

The Board agreed to take another look at the intersection after the Center Street reconstruction project is complete.

Mr. Coelho mentioned the mailbox rock on Miller Street that is next to Paradise Creek Condominiums. He said that people from the Paradise Creek Condo Association attended tonight's Safety Committee Meeting in regards to the rock blocking the line of sight on Miller Street when exiting the complex. Mr. Coelho said that a drawing was submitted showing that the rock is over the property line. Mr. Stefancik said that the homeowner has been taken to court for having industrial tree cutting equipment on the property. He also mentioned that the Special Permit for the home business was revoked for noncompliance.

Mr. Stefancik will communicate to Penny Lebel and the Safety Committee that the Planning Board has already pulled the permit for the home business, and does not have any further jurisdiction over the rock situation.

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Mail Item #17 - Notice of Suspended Cease & Desist @ 658 Center Street – Dept. of Inspectional Services

The letter stated that the Cease and Desist Order has been suspended for a period of 6 months, and by August 20, 2018 Mr. Nunes must obtain permission to run the construction business, with site plan approval from the Planning Board, contact the Board of Health to obtain a permit for one dumpster to remain on site, and the following must be removed from the property: all storage containers, all jersey barriers, all non permitted dumpsters, all construction equipment and materials, all trailers, tractor trailer truck, anything associated with a dumpster company excluding personal vehicles. The letter went on to say that failure to comply will result in retroactive fines that will revert to the original date of January 12, 2018.

File Mail Item #18 - Memo from Ellie Villano, Town Administrator – Articles for the May 14, 2018 Special Town Meeting within the Annual Town Meeting Warrant

Mr. Phoenix **MOVED** to adjourn.
SECOND Ms. Houle.
5-0 in Favor.

Meeting adjourned at 8:23 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
RESCHEDULED PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT
36 Nowak Circle – Jonathon Burek
(chimney business – Thermocrete Chimney Sweeps)
March 8, 2018**

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PLANNING BOARD MEMBERS

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

The public hearing was rescheduled from February 22, 2018.

Hearing began at 7:30 p.m. in the Selectmen's Conference Room.

In attendance: Jonathon Burek, attendees

Mr. Queiroga read the legal notice, and reviewed the application. The legal notice included the description of: Home Office – chimney business (Thermocrete Chimney Sweeps).

Mr. Queiroga: So the, by the way, I assume Nowak Circle is your home?

Mr. Burek: Yes, sir.

Mr. Queiroga: You're the owner?

Mr. Burek: Yes.

Mr. Queiroga: This is a special permit and home occupation, any request for any variances?

Mr. Phoenix: Well, he's got the signed request for the waiver of the full site plan down to a sketch and photos, which have been provided. We have not yet granted a waiver or made a finding on this. What exactly are you looking to do on the property?

Mr. Burek: It's literally just a home office for my chimney company. I have a warehouse in Chicopee, so I basically just need to make my phone calls out of my house at the end of the day, and all my paperwork.

Mr. Queiroga: Do you have any employees?

Mr. Burek: One part time employee. It's my father.

Mr. Queiroga: Your father?

Mr. Burek: Yeah, one part time.

Mr. Queiroga: And does he live with you?

Mr. Burek: No, he does not.

Mr. Queiroga: Ok, this is a picture of the house.

Mr. Burek: Yes.

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Mr. Phoenix: And just to run down the information you provided to us, you're looking to use a 10 x 10 section in the basement, as you said, one non-resident employee, no signage planned, no customers at the house, no deliveries unlike a normal residence, no changes made to the site that would make it look less residential, and one commercial vehicle which is 8,500 lbs.

Mr. Burek: Right. One pick-up truck, yup.

Mr. Coelho: Mr. Chairman.

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the business as described by Mr. Burek, and the use for this house as a home office, is a suitable home occupation under the Bylaw.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Phoenix: And I would also **MOVE** that given the nature of the business, because we do have a signed request for the waiver of the full site plan to a sketch, I **MOVE** that we grant the waiver.

SECOND Mr. Coelho.

5-0 in Favor.

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

Mr. Queiroga: You already paid this?

Mr. Burek: I did not. I brought a check.

Mr. Queiroga: What?

Mr. Burek: I brought a check. I was told to bring a check.

Mr. Queiroga: Where's the other copy?

Mr. Stefancik: The blue copy?

Mr. Queiroga: Yeah.

Ms. Urban: I mailed it to him.

Mr. Burek: Oh, I have the blue copy at home --- for my records, yup.

Mr. Queiroga: Oh ---. Ok, I don't know who wants to go first.

Mr. Phoenix: That one goes first.

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Ms. Houle read the Home Occupation Criteria Checklist:

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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

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- 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: Thank you Ray. At this time, I'd like to open up the meeting to any public comments. Anybody here like to comment on this application? No? Ok. I'd be looking for a motion.

Mr. Coelho: Mr. Chairman.

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I'll make a **MOTION** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1- 6.2.13 for Mr. Jonathon Burek at 36 Nowak Circle, with the conditions that the special permit will run with the application and not with the property, with the applicant and not with the property, that the relationship with the accessory apartment...

Ms. Houle: No.

Mr. Coelho: Oh, sorry. Wrong one, too far.

Ms. Houle: ---

Mr. Phoenix: Yeah, you hit the period in there.

Mr. Coelho: Yeah.

Ms. Houle: With the applicant and not with the property.

Mr. Coelho: Not with the property.

Mr. Phoenix: Just to be clear, that's just the standard form motion?

Mr. Coelho: Yes.

Mr. Phoenix: Ok. **SECOND.**

5-0 in Favor.

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

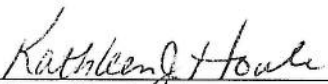
Mr. Phoenix: **MOVE** to close the public hearing.

SECOND Ms. Houle.

5-0 in Favor.

Hearing ended 7:38 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).

