

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
August 9, 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 (Absent)

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

**ANR – Carlos A. Vaz – 0 Fuller Street (Assessors' Map 10, Parcel 98B)
(divide existing lot for future building lots)**

Kathleen Mateus and Maria Cicchetti were present for the appointment.

Mr. Phoenix confirmed with the applicants that Lot 1 is being split into Lots 6 & 7. He noted that Lot 7 has no frontage on any of the ways and said that if it doesn't have frontage on a way, the Planning Board cannot endorse the ANR. He explained that to create a lot that's not on a way, the Planning Board would require an actual subdivision approval process. Mr. Phoenix said that the plan would need to show that the parcel is being conveyed to another person.

Mr. Stefancik noted that he ran the ANR checklist with the plan. Mr. Phoenix said that if the correction is made to the plan, the applicants will not have to attend another meeting, and that the Planning Board could just endorse the corrected plan.

The applicants will correct the plan to show who Lot 7 is being conveyed to (Castro), and submit the plan before the August 23, 2018 meeting to meet the twenty-day approval period.

Documents included: Master application; Plan of Land – Fuller Street Ludlow, Mass., owned by Carlos Alberto Vaz & Elizabeth Nunes Vaz (July 10, 2018)

Bylaw changes for October Town Meeting

Mr. Stefancik explained that he has three bylaw changes that he put together for the October Town Meeting:

1. *Removing the Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.* He mentioned that the moratorium expired on June 30, 2018, and it was replaced with a Bylaw Prohibiting Marijuana Establishments in November 2017.

2. Mr. Stefancik remarked that the second one relates to the pool bylaw. He said that the Bylaw reads: *in no case shall the pool be located nearer than ten (10) feet to any side or rear lot line. A pool must be located at least ten (10) feet from any and all structures. Exception: Pool*

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decks. He said that it runs counter to having to meet the minimum front, side, and rear setbacks. Mr. Stefancik explained that both the Justin Larivee, the Building Commissioner, and Tony Jarvis of the Zoning Board of Appeals, felt that it was confusing and should be changed. Mr. Stefancik also said that "pool decks" should be taken out, as everything will have to meet the setbacks that are in place. Mr. Phoenix commented that you can't have the pool deck be set back ten feet from the pool, that's why it says "exception pool decks".

Mr. Stefancik remarked that the new section of the Bylaw would read: *The location of a pool and its appurtenant structures on a lot shall conform to the minimum front, sides, and rear yard requirements of the respective zoning district. A pool must be located at least ten (10') feet from any and all structures.*

Mr. Phoenix said that he would be in favor of putting it on the warrant by either putting a period after district and just ending it there or putting it off until another town meeting.

Mr. Phoenix: To keep things, I guess, moving in a forward direction, I'm gonna go back to article number one here, and make a **MOTION** to send that to the Board of Selectmen for inclusion on the October Town Meeting Warrant.

SECOND Ms. Houle.

3-0 in Favor.

Mr. Phoenix: Regarding article two, I'm gonna make a **MOTION** to send that to the Selectmen for inclusion on the October Town Meeting Warrant, with the alteration that the new section end after the word district, period.

SECOND Ms. Houle.

Mr. Queiroga: So, --- looking at it as at least ten feet from any and all structures would not be included.

Ms. Houle: No.

Mr. Queiroga: Which is different...

Ms. Houle: No, it's in...

Mr. Queiroga: So, what would that, for discussion again, so what would that, you wouldn't have a ten-foot minimum?

Mr. Stefancik: I guess you could be as close as you want to these structures, to houses, garages, bath houses.

Mr. Phoenix: Unless there's a standard setback defined somewhere else, like in the --- building code ---.

Mr. Stefancik: But they'd be following whatever the setbacks are for an accessory structure, one story, two story.

Mr. Queiroga: Well, I know it's not, and we've got only three here today, so we can't really flush this out. Do you want to put it through based on the limitation that, Ray's

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Mr. Stefancik: No, I'll do it with the limitation, but then I'll further just see with Justin and Tony how important it is to have that "a pool must be located at least ten feet from any land all structures", is it necessary.

Mr. Queiroga: Ok, you seconded?

Ms. Houle: Yes, I did.

Mr. Queiroga: Ok, then I, with that caveat, I also will vote for it.

3-0 in Favor.

3. *The Planning Board may waive up to 25% of the required parking spaces under Section 6.4 PARKING REQUIREMENTS in the Agriculture Moderate Density District.*

Mr. Stefancik explained that, for example, if you are going to put up a 7,500 square foot building on a 40,000 square foot lot, you would be limited with space for parking. He noted that the parking requirements for a retail establishment would require one space per 200 square feet, or 38 parking spaces. He said that the Board could have in place a waiver requirement that they could act on, on a case by case basis.

Mr. Phoenix asked if there is a place in the Bylaw which defines how calculations like 25% would get rounded. Mr. Stefancik explained that in the parking guidelines, there is an equation where anything over .5 would get rounded up to the next whole number.

Mr. Phoenix: I'll **MOVE** to send that to the Selectmen for inclusion in the October Town Meeting Warrant.

SECOND Ms. Houle.

3-0 in Favor.

Documents included: Draft Zoning Bylaw Changes 2018 October Town Meeting

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

◆ FILE Mail Item 47. - Legal Notices from surrounding communities

Mr. Phoenix mentioned that he came across a book online for another community, and it was written in coordination with their regional planning agency. He noted that we could probably lift almost all of it, the way it is written, and use it for the Town. He said that there were some interesting sections in there, such as a graphical timeline for time to act on a couple different things such as special permits, subdivisions and that sort of thing. He said that if the Planning

Board is looking for something to utilize the PVPC's DLTA program, maybe that could be on the list.

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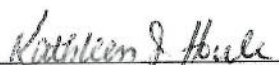
Ms. Houle **MOVED** to adjourn.
SECOND Mr. Phoenix.
3-0 in Favor.

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Meeting adjourned at 7:37 p.m.

APPROVED:



Kathleen Houle, Secretary

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