

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 14, 2019**

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

**PUBLIC HEARING – SITE PLAN – John Margeson / Life Supply Corp. –
280 Moody Street (Assessors' Map 3, Parcel 103)
(dig out and pour a concrete pad for a bulk oxygen tank)**

SEE ATTACHED MINUTES

ANR Procedure / Checklist

Mr. Coelho left the room at 7:12 p.m. and returned at 7:15 p.m.

The Board discussed whether the ANR procedures and checklist should be revised. Mr. Phoenix noted that the checklist was developed by going through what is in the Subdivision Rules and Regulations, and if it was required in there, it went on the checklist. He added that if it's in the Rules and Regulations he thinks it needs to be asked for, however, if there aren't sufficient grounds under the state law to be asking for it, that he thinks it should be removed from the Rules and Regulations. So, if there are items that the Board is requiring that are not part of what the state requires, determining whether it needs to come in as a full subdivision, then he thinks those sections need to be deleted out of the Rules and Regs, which can be done at a public hearing.

Mr. Stefancik explained what an ANR is defined as in the Subdivision Rules and Regs and noted that there is nothing in there that points out the chart that is currently used by the Board. He said that everything in the Rules and Regs is more towards the preliminary and definitive subdivision plans, but nothing about the checklist. Mr. Stefancik mentioned that some of the legal determinations are that it needs to be approved if it's on a public way or you can only deny if it's showing a subdivision.

Mr. Phoenix remarked that if this checklist is included as part of the adopted Rules and Regs book, then it is part of what is required in the Regs, so the Planning Board would need to have a meeting and a vote to amend it. He said another issue is when a plan comes in where the property is being broken off of the rear (such as the Big Y / Colvest ANR), that it wouldn't show adequate frontage on an adequate way because it was a back chunk of the property abutting some other property which itself had frontage. He said that an ANR plan is not designed for splitting

off a back portion of a piece of property, and an ANR plan is not designed to be a perimeter plan, and that the Planning Board does not have a provision for a perimeter plan. Mr. Phoenix suggested that maybe what is needed is a provision for a perimeter plan so that people can add things together when they need to, and maybe also reevaluate the ANR and not use it when removing pieces of land off of a back chunk of property.

Mr. Queiroga commented that he is concerned about the landowner that is cutting off a parcel of land to create some income for themselves and then have to survey the entire large parcel of remaining land as it is costly.

Mr. Phoenix said that he thinks the solution would need to be two or three processes instead of one: have an ANR plan which legitimately divides the property out; have a perimeter or additive plan that adds things together; and then when you do have the ones where you're cutting something out that does not qualify as an ANR, but you're still cutting, that's got to do something different. He also noted that there is still the question of which parcel is the remaining land, and whether it needs to be surveyed. Mr. Phoenix explained that if they cut out a parcel and they have adequate frontage on an adequate way, and they show where the pins are for the new line, he really doesn't care about the rest.

Mr. Phoenix will look into revising the checklist, and Mr. Stefancik will research with other communities, Town Counsel, and State Law what process should be used when cutting land parcels out of the back.

Documents included: Town of Ludlow Requirements for Plans checklist; Pages 4 & 15 from the Town of Ludlow Subdivision Rules & Regulations

File Mail Item #14 – Legal Notice from Conservation Commission – Request for Determination – 644 Poole Street

File Mail Item #15 – Legal Notice from Conservation Commission – Notice of Intent – Lot 14 West Street (Assessors' Map 8, Parcel portion of 1A)

File Mail Item #16 – Legal Notice from Conservation Commission – Notice of Intent – Lot 16 West Street (Assessors' Map 8, Parcel portion of 1A)

File Mail Item #17 – Legal Notice from Conservation Commission – Notice of Intent – Lot 16A West Street (Assessors' Map 8, Parcel portion of 1A)

File Mail Item #18 - Memo from Kim M. Batista, Town Clerk – Reorganization after the Town Election (March 25, 2019)

Mail Item #19 – Housing Production Plan approval letter from Dept. of Housing & Community Development

Mr. Coelho asked if there was any money left from the Housing Production Plan fund. Mr. Stefancik remarked that it would come out of the Smart Growth funding in which there is a large amount of money left. Mr. Coelho asked when moving forward if the Planning Board can engage with our consultant on ways to meet our goals. Mr. Phoenix said that that was a good idea, but that a lot of the ideas in there are fully able to be pursued without needing to pay somebody to help us do it. He said that it probably requires people that live in town to step up to the plate and make some of the changes that are in there, and to work towards some of those goals. Mr. Stefancik mentioned that she (the consultant) would be instrumental in five years when the plan expires, and we can look to her to give an update based on what we've done. Mr. Coelho said that he wants the plan actively managed, with recommendations to the Planning Board on what they can do to get things going, and not have the plan stagnate. Mr. Phoenix remarked that the full-time staff in-house could handle that, with keeping an eye on that and coming up with timely suggestions and bringing forward possible bylaw changes and other things that could be done at the appropriate points, where the Board would be able to review those and go forward.

Mr. Coelho: Ok then, I'm gonna make a **MOTION** that we have a briefing once a month on the status of the plan and what we have done to make it work.

SECOND Mr. Quiterio.

5-0 in Favor.

Consent Agenda:

Mr. Phoenix asked how long the business at 65 East Street (Dave and Diosa's New Age Shop) has been operating at that location. Mr. Stefancik said that the business hasn't been there too long. Mr. Phoenix noted that the sign for the business has been up for a while, and why was the Change of Occupancy just coming in now. Mr. Stefancik explained that if the businesses go in there, and the landlord doesn't tell them to come in, the people don't know that they have to do a planning process. Mr. Phoenix suggested that the landlord be notified that if this happens again, that they will need to come in and do a site sketch or a site plan to update the Planning Board on the entire property and what's going on there. Mr. Phoenix said that ultimately, we can't have these things coming in after the fact and having the property owner still making money off of them with no repercussions, and that they need to be coming in before these people take up occupancy. Mr. Stefancik will send a letter to the property owner.

The Board approved the Consent Agenda under unanimous consent.

◆ FILE Mail Item 20. - Legal Notices from surrounding communities

◆ APPROVE Change of Occupancies:

- Diosa King – Dave and Diosa's New Age Shop – 65 East Street
(medium, tarot card readings & products)

◆ APPROVE/SIGN Bills – Ink Products (Office supplies)

Mr. Queiroga mentioned that the master plan was approved by the Planning Board, and then Town Meeting. He said that according to Mass General Law it didn't need to be brought to Town Meeting or anybody else. Mr. Coelho asked if there is any value to having the Master Plan. Mr. Stefancik remarked that there have been quite a few things done out of the plan. Mr. Stefancik also noted that the Master Plan helped in the approval of the Massworks and EDA Grants for the Mills Project.

Mr. Phoenix: **MOTION** to adjourn.
SECOND Mr. Coelho.
5-0 in Favor.

Meeting adjourned at 7:51 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.)

**TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE PLAN
280 Moody Street (Assessors' Map 3, Parcel 103)
John Margeson – Life Supply Corp.
(dig out and pour a concrete pad for bulk oxygen tank)
March 14, 2019**

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

The public hearing began at 7:03 p.m. in the Selectmen's Conference Room.

In attendance: John Margeson

Mr. Queiroga read the legal notice and reviewed the application. The legal notice included the description of: dig out and pour a concrete pad for bulk oxygen tank.

Mr. Queiroga: There are some, have you gotten some copies of the notices from other boards John? Did you get any copies of?

Mr. Margeson: Oh yeah, --- yup.

Mr. Queiroga: Ok, from the Planning Board, and this one's from the Safety Committee ---; there is *no comments*. And from the Board of Health; *approved* was their comment. Ludlow Planning Board doesn't seem like anything is in red which is a good sign. Unless I missed...

Mr. Stefancik: I think he just needs to sign the waiver request.

Mr. Queiroga: Waiver request? Do you have a pen there, John?

Mr. Margeson: I do.

Mr. Queiroga: And the Department of Public Works; *We have reviewed the site plan for 280 Moody Street prepared for Paul Smith Land Surveying dated December 17, 2018 and have the following comments: Section 7.1.5 Required Site Plan Contents Subsection o. Additional Requirements need to be submitted if not waived by the Planning Board.* Ok, and...

Mr. Phoenix: ---

Mr. Queiroga: Pardon me?

Mr. Phoenix: Can I see the waiver request?

Mr. Queiroga: *The Ludlow Fire Department has reviewed the site plan as presented: At this time the Ludlow Fire Department recommends a site assessment be performed prior to installation of the proposed tank. The area of proposed tank pad in addition to the six-foot chain link fence will require bollard or crash protection, I'm sure you've been told, we do, however, expect all applicable federal, state and local codes to be followed during the course of construction on this project.* And again, Board of Health to restate approved. First thing I'd like to ask you is, what's the capacity of that tank?

Mr. Margeson: That's 6,000 gallons.

Mr. Queiroga: 6,000 gallons?

Mr. Margeson: Mmmhmm.

Mr. Phoenix: As far as the waiver request goes, you're looking for a waiver of the lighting plan, the elevations of the front, rear, and sides of the building, the signage design, and the traffic study. I'm guessing that's because the expectation is none of those things are changing from current?

Mr. Margeson: No, not at all. In fact, it might be a little more lighting around the tank area. But, the whole properties lit properly. Nothing I can think of.

Mr. Coelho: And what determines the location of these tanks? Is it solely convenience or are there other guidance that has to be put into this?

Mr. Margeson: Good question. The engineers came up from Lindy, who actually own the tank, and did a site survey, and it meets a varied arrangement of setbacks. You can't be within certain distances from anything that's living, anything that has a flammability, all those things, so. Their site survey, based on what they, when they came out, they felt that was an adequate place. That, along with the ability for a tractor trailer to pull in and fill it. And those are the two criteria ---.

Mr. Coelho: Just want to make sure that the other safety considerations are...

Mr. Queiroga: And those bollards are shown all around?

Mr. Margeson: So, the engineers, and I have the, I have a copy of that and I have the plan, the Planning Board, the Building Department has a copy of the engineers sign off. There are bollards in the front where the truck would back into, so you can't get inside there. The pad sits on a 12 x 20 foot concrete monolithic pad, and then from that, in the front of that, is another 12 foot trip pad, they call it, and on that trip pad the bollards are --- in place. There's no way to come near that tank without going through the bollards.

Mr. Queiroga: Ok.

Mr. Margeson: The tank is five feet thick, the pad, with one-inch rebar every foot.

Mr. Queiroga: And it looks like it's, even from there, it's 35 feet to the...

Mr. Quiterio: Parking lot.

Mr. Queiroga: ...to the outer limit. I do want to, as a matter of record, just letting people know this is a public hearing and the legal notice has been put into the record, the cameras are recording. And do you have a, do we have a copy of the invoice from Turley?

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Mr. Margeson: I have it right here.

Mr. Stefancik: He has it, I gave it to him.

Mr. Margeson: I'm gonna pay it directly tomorrow.

Mr. Queiroga: Ok, you'll take care of it?

Mr. Margeson: Unless you take a credit card now. That's up to you guys.

Mr. Queiroga: No, we don't take cash. ---

Mr. Margeson: ---

Mr. Queiroga: Alright...

Mr. Phoenix: As far as the waivers go, I think it sounds like that's reasonable given that nothing's really changing that would affect those things. So, I'll **MOVE** to grant the waiver of o. 1, 2, 3, and 5 as it's in the best interest of the Town and not detrimental in doing so.

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: So, we've taken care of those waivers, I'm gonna open this meeting up to the public. I know we got a lot of people in the audience, and any other questions from members of the Board or concerns?

Mr. Phoenix: No, I think Doug's run through the checklist that we normally we go through, and didn't find anything to be deficient, and my looking over of things didn't really seem to have anything jump out at me either. So, if there's nothing from the zero people in the audience tonight, I'll guess I'll make a **MOTION** in the standard form to approve the site plan as submitted.

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

SECOND Ms. Houle.

5-0 in Favor.

Hearing closed at 7:10 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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Documents: Master application; Comments from Town Departments/Boards; Site Plan – Life Supply Corp., 280 Moody Street Ludlow, MA – Owned by MFB Realty, LLC (December 17, 2018)

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