

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 28, 2019**

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2019 APR 12 A 10:59
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

**Board to Reorganize (Appoint John Pedro as Associate Member)
Committee Assignments**

Mr. Phoenix: Just to get rolling on the reorganization issue, since we don't have all five members present this week, I'd like to **MOVE** that we keep all positions the same at this time, and we can consider it again when we have a full board present. All members for chairman, vice chairman, secretary, and all committee assignments to remain the same.

SECOND Ms. Houle.

4-0 in Favor.

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

Mr. Phoenix: And speaking of John, I kind of think he should be included in that, but he's got a letter in asking to be as an associate, and just to make it formal, I'll make a **MOTION** to re-appoint John Pedro as the associate member.

SECOND Ms. Houle.

4-0 in Favor.

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

The Planning Board Reorganized as follows:

Chairman: Joseph Queiroga

Vice Chairman: Raymond Phoenix

Secretary: Kathy Houle

Members: Christopher Coelho, Rafael Quiterio

Associate Member: John Pedro

The Board reorganization will be discussed again at the next meeting in which all board members are present.

**PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION –
Dominik DaSilva – 30 Clark Street
(contracting business – Alliance General Contractors LLC)**

SEE ATTACHED MINUTES

**SITE SKETCH - T-Mobile/American Tower (American Tower Cell Site 9229) –
183 Ravenwood Drive (Assessors' Map 29, Parcel 39D)(install back-up diesel generator for
T-Mobile; includes new concrete pad & H-frame)**

Kailey Blanchette was present for the appointment.

Mr. Queiroga read the comments from the Town Departments. The Ludlow Fire Department commented: *that during the course of construction a Tank Removal Permit must be issued for the existing 370-gallon double walled above ground storage tank that is on the property. This office also requires a Tank Storage Permit be issued for the installation of the new above ground storage tank part of the new generator installation for this site. American Tower Corporation must agree to maintain and permit the AGST on a schedule set forth by this office. Contact information for Cell Site 9229 must be submitted for emergency response and future permitting inquiries. We do however expect all applicable federal, state, and local codes to be followed during the course of construction on this project. All other Town Departments had no comments.*

Ms. Blanchette explained that they are just installing a backup generator at this cell tower in the existing leased space. She noted that it is powered by diesel, holds about 200 gallons, and has two walls to prevent anything from spilling out.

Ms. Houle: I **MOVE** to waive the full site plan in favor of a sketch for property at 183 Ravenwood Drive for T-Mobile, American Tower.

SECOND Mr. Phoenix.

4-0 in Favor.

Mr. Phoenix: And as far as the public hearing, I would **MOVE** that we also waive that, considering there's no substantial change to the site.

SECOND Ms. Houle.

4-0 in Favor.

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

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.

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Mr. Phoenix: Unless anybody has anything else, I will make a **MOTION** to approve the site sketch as submitted in the standard form.

SECOND Mr. Quiterio.

4-0 in Favor.

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

Documents included: Master application; comments from Town Depts./Boards; request for waivers; Letter from Alex Madjeska re: T-Mobile Generator Placement on ATC Site 9229 (Feb. 28, 2019); Plans: American Tower ATC Site Name: Ludlow MA, Site Numbers: 9229, Site Address: 183 Ravenwood Drive Ludlow, MA 01056 (10/29/18 Rev. 01/31/19)

ANR (3) – Paul S. Smith

581 Miller Street (Assessors' Map 25, Parcel 28)(William J. Ellison)(create lot)

240 Ventura Street (Assessors' Map 30, Parcel 120)(Jose M. Alves)(revise lot line)

46 Bridle Road (Assessors' Map 24, Parcels 31, 32)(Paul S. Smith)(create lot)

581 Miller Street (Assessors' Map 25, Parcel 28)(William J. Ellison)(create lot)

Paul Smith & William Ellison were present for the appointment.

Mr. Smith explained that Mr. Ellison owns several acres on Miller Street, and that he would like to separate the existing house from the farmland.

Mr. Phoenix reviewed the ANR checklist.

Mr. Phoenix: I'll make a **MOTION** in the standard form to endorse the ANR.

SECOND Ms. Houle.

4-0 in Favor.

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

Documents included: Master application; Subdivision approval not required plan – Miller Street Ludlow, MA – owned by William J. Ellison (March 22, 2019)

240 Ventura Street (Assessors' Map 30, Parcel 120)(Jose M. Alves)(revise lot line)

Paul Smith was present for the appointment.

Mr. Smith explained that the ANR is for a one-foot lot line revision to bring the house into conformance with the setbacks.

Mr. Phoenix reviewed the ANR checklist.

Mr. Phoenix: Unless anybody has anything else or sees anything else with it, I'll make a **MOTION** to endorse the ANR.

SECOND Ms. Houle.

4-0 in Favor.

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

Documents included: Master application; Plan of revised lots C-3 & C-5 Ventura Street Ludlow, MA – owned by Jose M. & Maria M. Alves (March 18, 2019)

46 Bridle Road (Assessors' Map 24, Parcels 31, 32)(Paul S. Smith)(create lot)

Paul Smith was present for the appointment.

Mr. Smith informed the Board that the ANR is to cut out one lot to sell, around house #46 Bridle Road.

Mr. Phoenix reviewed the requirements for the ANR.

Mr. Phoenix: So, unless there's anything else, I will make a **MOTION** to endorse the ANR.

SECOND Ms. Houle.

4-0 in Favor.

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

Documents included: Master application; Approval not required plan – Bridle Road, Lyon Street Ludlow, MA – owned by Anne P. Musinski (December 10, 2018)

ANR – John C. Farr – 0 West Street (Assessors' Map 8, Parcel 1A)(Create Lots 14, 16A, & 16B)

John Farr was present for the appointment.

Mr. Farr explained that he is cutting out three building lots to sell.

Mr. Phoenix reviewed the ANR checklist.

Mr. Phoenix: Unless anybody has anything else to add, I'll make a **MOTION** to endorse the ANR in the standard form.

SECOND Ms. Houle.

4-0 in Favor.

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

Documents included: Master application; Lot division plan of land in Ludlow, MA prepared for John C. Farr, Executor of the Estate of Robert H. Farr (owner)(Dec. 27, 2017)

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Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 24. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of February 28, 2019
- ◆ APPROVE Change of Occupancy:
 - Winn Managed Properties LLC – 68 State Street (rental housing)
- ◆ SIGN Special Permits:
 - Alan Kelliher – 25-27 Maple Street (painting business)
 - Linly Kaira – 53 Blanchard Avenue (import agent)
 - Robert Provost – 34 Aldo Drive (cleaning business)

Mail Item #21 – Memo from Kim Collins, Town Accountant – Payroll/Bills Authorization Form

The mail item will be tabled until the next meeting in which all Board Members are present.

File Mail Item #22 – Letter from Ellie Villano, Town Administrator – Public Hearing for Peter M. Ostrowski Inc., 219 Moody Street for a new Class II Motor Vehicle License (A.J. Auto Sales)

Mail Item #23 – Letter from Safety Committee re: request of an update to traffic study on the intersections of Fuller, Cherry and Cady Streets.

Mr. Stefancik commented that he has filled out the request form from the Pioneer Valley Planning Commission for the traffic study, and that it now needs to go to Ellie Villano and the Board of Selectmen for a signature.

Mr. Phoenix: I'll **MOVE** to inform whoever needs to sign it, that the Planning Board is certainly in favor of having that restudied as well.

SECOND Mr. Quiterio.

4-0 in Favor.

File Mail Item #25 – Town of Ludlow Board Reorganizations

Mail Item #27 – Right of First Refusal – Robert H. Farr – Lots 14, 16A, and 16B West Street, Ludlow

Mr. Phoenix: We have no money anyway, so I **MOVE** to notify them that the Town has no interest at this time.

SECOND Mr. Quiterio.

4-0 in Favor.

File Mail Item #26 - Letter from Charles T. Blanchard, Palmer Town Manager re: East-West passenger rail service – Summary of Passenger Rail Charrette

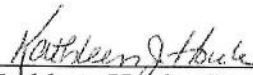
Mr. Phoenix: **MOTION** to adjourn.

SECOND Ms. Houle.

4-0 in Favor.

Meeting adjourned at 8:00 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
PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT
30 Clark Street – Dominik DaSilva
(contracting business – Alliance General Contractors LLC)
March 28, 2019

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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 7:03 p.m. in the Selectmen's Conference Room.

In attendance: Dominik DaSilva, attendees

Mr. Queiroga read the legal notice, gave Mr. DaSilva a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – contracting business.

Mr. Queiroga: Dominik, why don't you tell us exactly what you plan to do.

Mr. DaSilva: Ok, with the house, really, just an in-home office, just a computer to do estimates and whatnot. But, yeah, my business, I have a pickup truck, a ladder rack. I do pressure washing, concrete, a little concrete work. And I'm expanding, so I decided, you know, register with the federal, state, town, you know, set up the business bank account and get on, make the business, you know.

Mr. Queiroga: What do you have for vehicles?

Mr. DaSilva: One Ford F150.

Mr. Queiroga: One Ford F150?

Mr. DaSilva: Yeah.

Mr. Queiroga: Ok, that's it?

Mr. DaSilva: Yeah, that's what I'll mainly be using for the company.

Mr. Queiroga: Ok, the...

Mr. Phoenix: Mr. Chairman.

Mr. Queiroga: Mr. Phoenix.

Mr. Phoenix: There are a couple items that I think we can take care of already. The first one is a finding; the second being a waiver. Given the description that we've heard, I **MOVE** to find that the business is a suitable home occupation under the Bylaw.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Phoenix: And also, we do have a signed request for a waiver of the full plan down to a sketch and photos as have been presented, I would **MOVE** that we grant that waiver.

SECOND Ms. Houle.

5-0 in Favor.

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

Mr. Queiroga: Ok, we've taken care of that part of the business. The, so, you only have a 150, right?

Mr. DaSilva: Yeah, that's it, under my name, yup.

Mr. Queiroga: Ok, and I know that's not over 10,000, correct?

Mr. Phoenix: Not unless there's something seriously different done to that one.

Mr. Queiroga: And the home is yours, right?

Mr. DaSilva: Correct, yup.

Mr. Queiroga: Do you have any employees?

Mr. DaSilva: Nope.

Mr. Queiroga: No employees. Ok, and was he given the?

Mr. Stefancik: Yes, he signed the Special Permit and the Home Occ Criteria.

Mr. Queiroga: Ok.

Mr. Phoenix: For the benefit of anyone that hasn't already seen the list, there are thirteen Special Permit Criteria and thirteen Home Occupation Criteria that the applicant needs to meet. He's reviewed those and signed off on them, and basically stating that he will abide by those. If that doesn't happen, then there are enforcement actions, things like that, that --- come into play, but overall there's 26 specific items that need to be met in conjunction with having a home office. Basically, stating that it needs to be transparent that there's a business there; it has to look like a residence as it has been.

Mr. Queiroga: Do you own the house?

Mr. DaSilva: Yes.

Mr. Queiroga: Ok. You and your wife, right?

Mr. DaSilva: What's that?

Mr. Queiroga: You and your wife, right?

Mr. DaSilva: Well, yeah. For now, just me, no wife, close.

Mr. Queiroga: Just to let everybody know, this is a public hearing, and on public hearings we advise people that cameras are recording. And we've already given you a copy of the Turley invoice, we've done the findings and waivers, checklist you've signed off on. At this point, unless there are, I'd like to open it up to anybody in the audience that has any comments or questions about this applicant's...

Ms. Poirier: I have a question.

Mr. Queiroga: Would you identify yourself and your address?

Ms. Poirier: I'm Debbie Poirier, I live at 44 Clark Street. Dominik is our new neighbor. They're nice people, I've just never had this, you know, this happen next door, so I have some questions. What, like are there certain hours that Dominik can do business at his house because we live literally next door? ---

Mr. Queiroga: We allow, we've got maybe 500 of these type of situations in Town where somebody has a small business. They're only allowed to use a certain square footage of their house to have a phone and a desk basically. And there are limitations in terms of, the house has got to stay looking like a residential house. They are, they can have a sign. I don't know if we asked you if you --- a sign.

Mr. DaSilva: I don't plan on it, no.

Mr. Queiroga: Ok, and if you do it's...

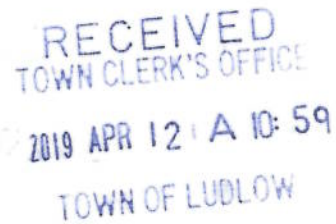
Ms. Houle: Very small.

Mr. Queiroga: ...it's two foot square and cannot be lighted or anything. Ok so, and it allows them to be set up by getting this permit, allows them to be set up with their bank and with their, and be in business and have a track record that people can access.

Ms. Poirier: I just want to make sure there wasn't like ongoing construction outside in his backyard, where we saw or heard it seven days a week. I wasn't sure what the plans were. So, we just want to find out. In the summer we enjoy our backyard. We have a pool and kids, so we were just wondering.

Ms. Houle: Essentially, you're using the office, is it an office to book your people to do your billing?

Mr. DaSilva: Yeah, no, if there's any construction in the backyard, it would actually be just really to just home improvement on my own house.



Ms. Houle: You're not gonna be doing anything at your house and then taking it over? That's your concern.

Ms. Poirier: I didn't know. I didn't know how this works.

Ms. Houle: Some people, it depends on the type of business. Some people do more things in their home. The impression I have, you're using this for your billing, for your estimating, for ---.

Mr. DaSilva: Yeah. Yes, I think she's concerned what which I do plan to abide by, the time that, you know, is there a set time in the town for like, you know, going out in your backyard and using a power tool, like for noise, you know, 7:00 I was told. I'm not sure if that's accurate.

Mr. Queiroga: I don't know if that's...

Mr. Phoenix: I don't believe there is a bylaw as far as noise, would be in the general bylaw, not the zoning bylaw. I know there was a quality of life bylaw that was attempted to be passed a few years ago, and that did not go through Town Meeting. So, I don't think that there's hours as far as just general noise.

Mr. DaSilva: Yup.

Mr. Phoenix: In connection with the business that you're proposing, we could put hours of operation and other restrictions on being, have the business there, but as long as you're not doing anything at the house that's generating noise in conjunction with the business, it wouldn't really fall under what we'd be regulating anyway.

Mr. DaSilva: Ok.

Mr. Phoenix: 'Cause what we'd be looking at is, you know, if you're, let's say you're doing something that involves, I think we had somebody that came in for, what was it, machining like springs and things and finishing some pieces, things like that, that might have some noise associated with it, there might be hours on that, or if there were customers coming to the house. We've had some people set up where they're teaching some crafting classes or doing some other things like that. We tend to restrict that so that it keeps it still residential in the neighborhood, not, you can't have more than two cars more than normal, that sort of thing. But, if he's not looking to have customers come to the house, you're not looking to have materials delivered to the house and then moved to any work sites, right? That'll be all delivered where you're gonna be using them?

Mr. DaSilva: Yeah, absolutely, yup. Any construction, you know, done at the house would be home improvement on my residence, that's all.

Mr. Queiroga: Ok and use your common sense. Be reasonable. You're not gonna be up at 5:00 in the morning hammering next door, right?

Mr. DaSilva: No.

Mr. Queiroga: That's all we ask you ---, 'cause our number is posted, so.

Mr. DaSilva: Yes, yup.

Ms. Poirier: Alright, thank you.

Mr. Queiroga: You're welcome. Well, we need to finish up here.

Mr. Phoenix: If there's nothing else from the Board, I'll make a **MOTION** in the standard form to approve the special permit as requested.

SECOND Ms. Houle.

5-0 in Favor.

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

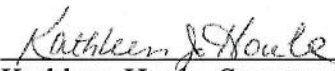
Mr. Phoenix: **MOVE** to close the public hearing.

SECOND Mr. Quiterio.

5-0 in Favor.

Hearing ended 7:14 p.m.

APPROVED:



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).

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