

**TOWN OF LUDLOW PLANNING BOARD  
MINUTES OF THE MEETING OF  
March 14, 2024**

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**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Present)  
Christopher Coelho – Vice Chairman (Absent)  
Joseph Queiroga (Present)  
Joshua Carpenter (Present)  
Joel Silva (Present)  
Kathleen Houle, Associate Member (Absent)

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

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**CONSENT AGENDA:**

*The Board approved the Consent Agenda under unanimous consent.*

- ◆ FILE Mail Item 12. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of January 25, 2024 & February 22, 2024
- ◆ APPROVE Change of Occupancy:
  - Diane Modzelewski (Dolce Lashes) – 36 Hubbard Street (from hair salon to lash salon)
- ◆ Release of Covenant – Sodi, Inc. – Lots 3-8 Santana Drive

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**File Mail Item 13 - Legal Notice – Ludlow Conservation Commission – Notice of Intent - Center Street Public Road Right of Way – Ana Huberty, EGMA Gas dba Eversource Energy**

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**File Mail Item 14 - Legal Notice – Ludlow Conservation Commission – Request for Determination – 993 Center Street – Christopher LaRose (Eversource)**

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**Planning application fees**

The Board reviewed the fees from surrounding planning departments that Mr. Stefancik compiled. Mr. Phoenix commented that most of the Ludlow Planning Board fees are not out of line with the neighboring communities. The discussion will continue at the next meeting.

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**PUBLIC HEARING – Special Permit/Home Occupation – Jennifer Wright – 68 Letendre Avenue (Assessors’ Map 11A, Parcel 100) (mental health counseling via telehealth)**

**SEE SEPARATE MINUTES**

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**PUBLIC HEARING – Zoning bylaw proposed zoning bylaw revisions to include the following:  
SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS delete 3.0.2  
Existing Uses Not Affected. Delete 3.0.3 Obstruction at Street Intersection and replace with  
Visibility at Street Intersections and Driveways Street Entries with new text and Figure 1 Diagram.**

**SEE SEPARATE MINUTES**

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Mr. Carpenter **MOVED** to take a four-minute recess.  
**SECOND** Mr. Queiroga.  
**4-0 in Favor.**

*The Board took a recess from 7:25 p.m. to 7:29 p.m.*

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**PUBLIC HEARING – Special Permit/Home Occupation – Kristen St. Germain –  
10 Autumn Ridge Road (Assessors' Map 30, Parcel 209) (home bakery)**

**SEE SEPARATE MINUTES**

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**PUBLIC HEARING – Zone Change – Hajer Brak - 191 West Street (Assessors' Map 2D, Parcel 3)  
(Agricultural to Business A)**

**SEE SEPARATE MINUTES**

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**PUBLIC HEARING – Zone Change – Kevin Lavigne – 8-10 Wedgewood Drive  
(Assessors' Map 11A, Parcel 160) (Agricultural to Residence A)**

**SEE SEPARATE MINUTES**

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**Josh Lavigne – discuss selling alcohol at 227 Center Street & 341 West Street**

*Josh Lavigne – Levine Law was present for the appointment.*

Mr. Lavigne explained that his client is under contract to buy the liquor license from Turnpike Package Store and transfer it to another location. He said that the original intention was to transfer the license to 21 Harding Street, but that his client withdrew that application due to concerns about traffic and parking. He said that his client has an alternate plan which includes upgrading the current beer and wine license to an all-alcohol license at the Shell Gas Station located at 227 Center Street and move that current beer and wine license to 341 West Street. Mr. Lavigne noted that his client would like to close off the car wash bays at 227 Center Street and turn that space into storage. He asked the Board what their thoughts are on the process.

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The Board agreed that an updated site plan or sketch would be required if there are any changes in regard to the number of employees, area to be used for retail, etc. Mr. Phoenix said that his biggest concern for the 227 Center Street property would be the traffic concerns.

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**PUBLIC HEARING – Zone Change – Kevin Lavigne – 8-10 Wedgewood Drive  
(Assessors' Map 11A, Parcel 160) (Agricultural to Residence A)**

*(continued from earlier in the meeting)*

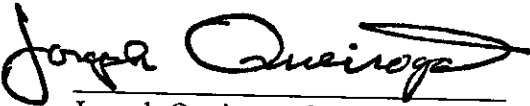
**SEE SEPARATE MINUTES**

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Mr. Carpenter **MOVED** to adjourn.  
Mr. Phoenix: Always in order and not debatable.  
**SECOND** Mr. Silva.  
**4-0 in Favor.**

Meeting adjourned at 8:36 p.m.

APPROVED:

  
Joseph Queiroga, 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 – SPECIAL PERMIT/HOME OCCUPATION  
68 Letendre Avenue (Assessors' Map 11A, Parcel 100)  
Jennifer Wright  
(mental health counseling via telehealth)  
March 14, 2024**

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**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Present)  
Christopher Coelho – Vice Chairman (Absent)  
Joseph Queiroga (Present)  
Joshua Carpenter (Present)  
Joel Silva (Present)  
Kathleen Houle, Associate Member (Absent)

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The public hearing began at 7:16 p.m. in the Selectmen's Conference Room.

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*In attendance: Jennifer Wright, attendees*

Mr. Phoenix read the legal notice, advised the public that the hearing was being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: mental health counseling via telehealth.

Mr. Phoenix: That said, before I go through any more of the paperwork, if you'd just explain for us what you're looking to do.

Ms. Wright: Yes, so I actually have a permit now because I was renting for six years at my last place in Ludlow and I bought a home. So, I'm just looking to do the same thing I was doing before. It's telehealth therapy or I go to client's houses. So, no one comes to my house, no special vehicle, just same thing.

Mr. Phoenix: Ok, and from the application, we do have the certification of ownership and authority is signed. And on the home occupation supplement sheet we have listed, the total area is 2,040 and you're looking to use 13 x 8. Number of nonresident employees is 0. And then we have a whole bunch of no's to planned signage for the business, customers at the house, deliveries unlike those of a normal residence. Changes to the site that would make it look less residential and no commercial vehicle. And we do have a signed request for a waiver of the full site plan in favor of a sketch and photos that you were able to provide for us. So, I've got that on this side, basically just more or less affirming that what you're looking to do isn't something that's likely to change the residential neighborhood that you're in. It's not gonna, you know, have neon signs with arrows like, call me and I'll help.

Ms. Wright: Nope.

Mr. Phoenix: So.

Ms. Wright: So, it's interesting, 'cause now that we opened up telehealth, most of my clients are actually in other parts of the state, they're in eastern Mass., so a few people in town, you know, acknowledge that they saw this in the paper and all that, but generally just doing the same thing that I was before, mostly via video or I go to their house if they're local.

Mr. Phoenix: Ok.

Ms. Wright: Yup, nothing different about it.

Mr. Phoenix: Does anybody have any other questions? Hearing nothing from the board, this is a public hearing, so I will open it up to the public for any comments, questions, or concerns that you have. If you do have anything, I would just ask that you state your name and address for the record and address anything that you have through myself as Chair. Hearing nothing, the first thing I'm gonna ask for is a finding and a motion on the waiver request.

Mr. Carpenter: Mr. Chairman, I **MOVE** to find that a mental health telehealth office as described by Ms. Wright is a suitable home occupation under the bylaw and further waive the full site plan in favor of a sketch in the standard form.

**SECOND** Mr. Queiroga.

**4-0 in Favor.**

**Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.**

Mr. Phoenix: And I just realized I'm surrounded by a bunch of J names tonight. I don't even have a C name in the mix to break it up with me.

Mr. Carpenter: We could change your name. You could be a J.

Mr. Silva: Could be a lot worse.

Mr. Phoenix: Could be worse. With that, unless anyone has anything else, I would ask for a motion on the actual application itself and possibly pair that with a motion on the status of this hearing.

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the Special Permit under the standard form and close the public hearing.

**SECOND** Mr. Queiroga.

**4-0 in Favor**

**Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.**

*The public hearing was closed at 7:20 p.m.*

APPROVED:



Joseph Queiroga, Secretary

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Documents: Master application

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

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**TOWN OF LUDLOW PLANNING BOARD**  
**PUBLIC HEARING – Zoning Bylaw Proposed zoning bylaw revisions to include the following: SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS delete 3.0.2 Existing Uses Not Affected. Delete 3.0.3 Obstruction at Street Intersection and replace with Visibility at Street Intersections and Driveways Street Entries with new text and Figure 1 Diagram.**  
**March 14, 2024**

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**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Present)  
Christopher Coelho – Vice Chairman (Absent)  
Joseph Queiroga (Present)  
Joshua Carpenter (Present)  
Joel Silva (Present)  
Kathleen Houle, Associate Member (Absent)

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The public hearing began at 7:21 p.m. in the Selectmen's Conference Room.

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*In attendance: attendees*

Mr. Phoenix read the legal notice, and advised the public that the hearing was being recorded. The legal notice included the description of: Zoning Bylaw Proposed zoning bylaw revisions to include the following: SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS delete 3.0.2 Existing Uses Not Affected. Delete 3.0.3 Obstruction at Street Intersection and replace with Visibility at Street Intersections and Driveways Street Entries with new text and Figure 1 Diagram.

Mr. Phoenix: I don't believe we got any comments on these from anybody else.

Mr. Queiroga: Who was this submitted by?

Mr. Phoenix: Who was this submitted by? Us.

Mr. Carpenter: Mr. Chairman, just refresh my memory, we submitted this last year right and it didn't have the diagram?

Mr. Phoenix: So, this is taking care of that. Doug, you think anything else needs to be said on this one or?

Mr. Stefancik: No, just housekeeping. Attorney General kicked it back to us because they put a hold on it. The diagram wasn't included in the town meeting vote, so we just have to send it back to town meeting to revote on this again.

Mr. Phoenix: Anything else from the board?

Mr. Stefancik: This is the diagram up here.

Mr. Phoenix: It's a diagram. Yay.

Mr. Silva: It's so pretty.

Mr. Phoenix: It's even got color. Moving up in the world. Anything? Hearing nothing from this side, I will open it up to the public. If anybody has anything, kind of like you heard me say a few minutes ago, please state your name and address for the record and address anything that you have through myself as Chair. Hearing nothing, is there a motion on recommendation to town meeting and the status of this particular hearing?

Mr. Carpenter: Mr. Chairman, I **MOVE** to recommend approval to town meeting of the proposed bylaw change and the close the public hearing.

**SECOND** Mr. Queiroga.

**4-0 in Favor**

*The public hearing was closed at 7:25 p.m.*

APPROVED:

  
Joseph Queiroga, Secretary

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Documents: Article: Zoning Bylaw Amendment – Visibility at Intersections (including Figure 1)

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



**TOWN OF LUDLOW PLANNING BOARD  
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION  
10 Autumn Ridge Road (Assessors’ Map 30, Parcel 209)  
Kristen St. Germain  
(home bakery)  
March 14, 2024**

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**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Present)  
Christopher Coelho – Vice Chairman (Absent)  
Joseph Queiroga (Present)  
Joshua Carpenter (Present)  
Joel Silva (Present)  
Kathleen Houle, Associate Member (Absent)

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The public hearing began at 7:30 p.m. in the Selectmen’s Conference Room.

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*In attendance: Kristen St. Germain, attendees*

Mr. Phoenix read the legal notice, advised the public that the hearing was being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: home bakery.

Mr. Phoenix: Beyond that, if you could explain for us what you’re looking to do.

Ms. St. Germain: Sure, so I started a sourdough baking business when I lived in Wilbraham last year, and so when I moved to Wilbraham, I’d like to continue to do it. I make sourdough bread and sourdough bagels and sometimes sourdough scones. So, my plan or my goal for having this special permit is to be able to do vendor events and farmer’s markets and then just like, you know, special events here and there from not just in Ludlow but everywhere.

Mr. Phoenix: So, you’re just gonna be raising a whole lot of tiny, tiny little creatures.

Ms. St. Germain: Yup.

Mr. Phoenix: Do you do online sales too or just looking to do the local stuff?

Ms. St. Germain: I just, I do a little bit of online sales, but I don’t have people come to my house. I usually go out and deliver. But my goal is just to do like farmer’s markets and special events.

Mr. Phoenix: And on the paperwork side of the house, I do have a signed certification of ownership and authority. And on our application supplement, I have the total area of the home and other buildings is 2,300, the area to be used for home occupation is 50 square feet. I have no non-resident employees. I have no as an answer to planned signage for the business, customers at the house, deliveries made unlike those of a normal residence, and any changes to the site that would make it look less residential. There is a personal vehicle listed that’s an SUV that’s 4,000 lbs. GVW and I do have a signed request for the waiver of a full site plan in favor of a sketch and

photos as you've been able to provide for us along with signed checklists and things like that. So, basically the idea is you're doing the business there and it's more or less transparent to the neighbors. They don't know that there's major industrial shipping business going in next to them or something.

Ms. St. Germain: No, I don't have any plans on making it noticeable in my house or around my house.

Mr. Phoenix: Ok, if at some point you did want to do some things, there are some that are allowed under the bylaw, you know, I don't know whether it's suits what you're looking to do, but we do allow up to a two square foot sign, so pretty small but especially for some people that do have people coming to the house, it's sometimes helpful so people aren't just cruising the neighborhood trying to see the numbers on the house. So, there are some allowances for things like that, but they're all small nonintrusive types of things. And I think you probably saw most of all that when you were looking over the checklists.

Ms. St. Germain: Yes, yup.

Mr. Phoenix: With that, is there anything else from the board at this time?

Mr. Carpenter: It's all sourdough, you're not doing anything?

Ms. St. Germain: Just sourdough, yup.

Mr. Phoenix: Why would something else be a deal breaker for you?

(multiple people talking)

Mr. Carpenter: I'm a muffin guy, you know?

Mr. Phoenix: There's no chocolate chip cookies.

Mr. Carpenter: That's gonna sway my vote right there.

Ms. St. Germain: Can I update my menu?

Mr. Carpenter: Mr. Chairman, I **MOVE** to...

Mr. Phoenix: Well, hang on. I've got to do the public.

Mr. Carpenter: I thought we did that.

Mr. Phoenix: We haven't gotten. So, I will ask if there's any public comments, questions, or concerns at this time. If anyone does have anything, if they could please state their name and address for the record and just address anything that you have through myself as Chair, and I'll try and get you any information you need. I got a thumbs up from the audience. We're batting a record. Other than that, I'm not hearing anything in particular. Can I get a motion on the finding and the waiver request to start with please?

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Mr. Carpenter: Mr. Chairman, I **MOVE** to find that the home bakery as described by Ms. St. Germain is a suitable home occupation under the bylaw and further move to waive the full site plan in favor of a sketch.

**SECOND** Mr. Queiroga.

**4-0 in Favor.**

**Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.**

Mr. Phoenix: On the subject matter at hand and possibly the status of the hearing itself, is there a motion?

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the Special Permit in the standard form and close the public hearing.

**SECOND** Mr. Queiroga.

**4-0 in Favor**

**Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.**

*The public hearing was closed at 7:35 p.m.*

APPROVED:

  
Joseph Queiroga, Secretary

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Documents: Master application

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

**TOWN OF LUDLOW PLANNING BOARD  
PUBLIC HEARING – ZONE CHANGE  
191 West Street (Assessors' Map 2D, Parcel 3)  
Hajer Brak  
(Agricultural to Business A)  
March 14, 2024**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Present)  
Christopher Coelho – Vice Chairman (Absent)  
Joseph Queiroga (Present)  
Joshua Carpenter (Present)  
Joel Silva (Present)  
Kathleen Houle, Associate Member (Absent)

The public hearing began at 7:40 p.m. in the Selectmen's Conference Room.

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*In attendance: Hajer Brak, Attorney Carmina Fernandes, attendees*

Mr. Phoenix read the legal notice which included the description of: Zone change from Agricultural to Business A.

Mr. Phoenix: *Mr. Phoenix read the letter from Marc Strange re: Receipt of petition for Zone Change – see file.* And in the application, we do have the reason listed as: I requested to change my zone to Business A so I can open opportunities for myself and my family. I would like to open up a auto repair/dealership for myself and the people around me. So, that's what I have on file here. Just to let everyone know we do have cameras and microphones in the room doing the things that cameras and microphones are known for doing. So, you are being recorded. It will be online and put into minutes form and all that other good stuff. Don't want anybody caught off guard by that. Beyond that, I don't really have any other comments from other boards. I would ask if the applicant can just explain for us a little bit about what you're looking to do with the property. If you want to come on down and have a seat at the table you're welcome to. If you're more comfortable sitting back there, I won't force you. I just want to make sure the microphones have a chance of picking you up. Hi there.

Ms. Brak: So, we want to open an opportunity for us to serve ourselves and our town and we think that opening a car repair shop/dealership would like give us an opportunity and I think it will benefit us and the whole town too.

Mr. Phoenix: Ok, and just to kind of level set as far as expectations go, tonight the public hearing is about the zone change. This is, isn't approval for any particular proposal. In fact, when we're looking at a zone change, we are best off not necessarily looking at it as the specific proposed use of auto repair dealership, that sort of thing. But instead, to look at it in terms of all of the uses that could be done under the existing zoning versus all of the uses that could be under the proposed zoning because there's no guarantee that a year, five years, ten years, twenty years down the line that property's still gonna be used for whatever's on the paper. You know, some people have the best of wishes and then something happens and then even before that business

gets going, things turn in a different direction. So, we want to look at this as a zone change, not in terms of that specific usage, if that makes sense for everybody. So, that's kind of the basics of what we're doing. Other than that, I will say tonight we would be making a motion to make a recommendation to town meeting. Ultimately, town meeting will be the deciding vote on whether this is approved or denied. Sometimes they take our opinion and go with that. Sometimes they go against us. So, if you're not happy with whatever decision we come out with tonight, I would certainly recommend that you show up at town meeting and advocate for whatever your personal opinion happens to be, where that actual deciding vote happens. Anything else anybody can think of that I missed saying or does anybody have any questions at this time?

Mr. Carpenter: Doug, can you pull up the zoning map for that property?

Mr. Stefancik: It's Agriculture.

Mr. Carpenter: What's everything around it?

Mr. Stefancik: Residence A and Agriculture.

Mr. Carpenter: So, everything...

Mr. Stefancik: All the white is Agriculture. All the pink is Residence A.

Mr. Phoenix: What is the nearest Business A?

Mr. Stefancik: It would be up probably...

Mr. Carpenter: Midwoods? No, closer than that?

Mr. Stefancik: ...closer to Holyoke Street.

Mr. Queiroga: Parcel 209 is which? Could you point it out? That's that one right there?

Mr. Stefancik: Yeah.

Mr. Queiroga: How many acres is it?

Mr. Stefancik: Two acres.

Mr. Al Jashaam: Two acres.

Mr. Queiroga: Two acres.

Mr. Al Jashaam: Yes.

Mr. Phoenix: So, this would be Business A with no other Business A around it.

Mr. Stefancik: Correct.

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Mr. Phoenix: Now, typically when we're looking to change the zoning on a piece of property, we're looking to have it be something that is in line with other zoning that it's touching already, so that we're just kind of moving that boundary line a little bit or have it be something, usually like five acres or more, where it's a larger piece of property that we're changing all together. We generally don't, as a rule, change to a zoning that's not conforming with the rest of the neighborhood, especially on a lot smaller. I'm not saying that we wouldn't recommend it or that town meeting wouldn't approve it, but as a general rule, that's atypical. So, I just want to make sure that's also, that you're aware of that. You're looking for it on the map Doug?

(multiple people talking about location on map)

Mr. Stefancik: And then Business A is towards West Street Bridge.

Mr. Carpenter: Ok. What do we have going up, is that ---?

Mr. Stefancik: You have New England Pallet, those areas, Industrial A's and then up towards the top Business A.

Mr. Carpenter: Where the veterans center is and all that?

Mr. Queiroga: Is it joining?

Mr. Stefancik: No.

Mr. Bernardo: ---

Mr. Phoenix: You just kind of need to keep everything straight for the record as far as who's talking. So, that's ok, I appreciate you trying to chime in, I just got to make sure we can get it all straight in the minutes and everything, too.

Mr. Carpenter: So, this is Taft and McKinley here, which is the closest, this bottom is the closest of their parcel. That goes up to the New England Pallet and Midwoods area.

Mr. Phoenix: Yeah so, it's a little ways.

Mr. Stefancik: And this is the former ice cream place, and the business development ---.

Mr. Carpenter: Where the veteran center is?

Mr. Stefancik: Veteran center...

Mr. Phoenix: Well former ice cream, it's ice cream still. It's just different ice cream.

Mr. Stefancik: Cha's.

Mr. Carpenter: Even if you, that means New England Pallet's not even under Business A.

Mr. Stefancik: There's some that are grandfathered business, but then others had rezoned to Industrial A.

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Mr. Carpenter: Ok so that's probably what they are.

Mr. Phoenix: Yeah, so it's, does anybody else on this side of the table have any questions for now or any comments? Hearing nothing, I will open it up to public comments, questions, or concerns at this time. If you do have something that you would like to add or ask, I would ask that you state your name and address so we can keep everything straight in the minutes and address everything through myself as Chair. Hello, I haven't seen you in a while Carmina.

Ms. Fernandes: I know, thank goodness. Not 'cause of you, but.

Mr. Phoenix: So, I was asking if there was any public comments. Did anybody have anything that they wanted to bring up at this time? Ok, hearing nothing, just to kind of catch you up, we went over where the location is. We took a look at it. We discussed that with a zone change we're usually looking at all of the uses of the existing versus all the uses of the proposed, not necessarily one specific proposal 'cause that could always change at some time in the future. And we did discuss that there is no adjoining zoning that matches, and it's about a two-acre parcel so it's not a huge one that we're looking to do as a big change to the zoning map. We kind of looked to see what the closest Business A was to there. And I think that's pretty much the highlights of where we've been.

Ms. Fernandes: Was it pointed out that there are some similar businesses already down further on West Avenue, like Jay's Auto?

Mr. Phoenix: We talked about what's actually zoned as business in that general area, not, I think the only ones that really got brought up by name were New England Pallet and the ice cream place.

Mr. Carpenter: Midwoods.

Mr. Phoenix: Well, it was Midwoods, now it's Cha's. It got mentioned under both, so I just said the ice cream place. I was trying to cover both.

Ms. Fernandes: There's also the farm down on the other side that has some, my understanding, some commercial activities down there. So, just to point out that there are very similar, he wouldn't be the first one doing this kind of business there. So, we understand that the zone is not appropriate, that's why we're here asking for this special permit.

Mr. Phoenix: Well, the other thing that we covered obviously is that whatever decision we make tonight is just a recommendation to town meeting as well. So, I think that's kind of where we're at unless anybody has anything else that they would like to cover at this time.

Mr. Carpenter: My only concerns are one, we're not allowed to look at what the proposal was. That would've decided my vote already tonight. I'm worried that we're gonna get hit with spot zoning.

Mr. Phoenix: Well, it's not so much that we're not allowed to look at, it's not super advisable to take that as what's gonna happen.

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Mr. Carpenter: Yeah, so that's why I'm not even considering that. The other thing is again, the closest Business A is, I don't know the distance from there, but the intersection of those four or five industrial lots. So, it's not really cohesive with the community or with that neighborhood.

Mr. Phoenix: I did see a hand come up.

Mr. Bernardo: My name is Joao Bernardo. I live on 49 McKinley Ave., which I am his neighbor. There's another business of the same type, but right, six houses on the right-hand side of West Street in the name of Jay's Autobody. And it's within throwing a rock from one place to the other, so it's not that far. I'm just saying. I mean, I don't know the ---.

Ms. Fernandes: I think those were grandfather in but there are similar businesses there. ---

Mr. Bernardo: --- He would be fixing cars; those people fix the body work of the cars.

Mr. Queiroga: We all want to know your name though.

Mr. Phoenix: He said his name.

Ms. Fernandes: He said it. John Bernardo, yes.

Mr. Bernardo: --- said my name, so.

Mr. Phoenix: Joe's just on a thirty-second delay, that's all.

(multiple people talking)

Mr. Bernardo: --- address is, so you know, 240 West Street. ---

Mr. Phoenix: And what's the existing zoning on that one Doug?

Mr. Stefancik: The Jay's?

Mr. Phoenix: Yeah.

Mr. Stefancik: I believe that could be agricultural but it's a grandfathered business 'cause that came up before when we had a transfer. I think that was in 1980's that that was permitted when they allowed you to do those type of businesses as a special permit in agriculture.

Ms. Fernandes: But I thought that they were all Residence A now on this side of the street. But in any event, they're probably grandfathered in. But there's the New England Pallets, just down the street there's New England Truck Leasing. Like I said, down this way there's the Turn Around Farms.

Mr. Phoenix: I think, I don't know that anybody would be arguing that there's not business uses in the neighborhood. I think the part we're struggling with is that there's not business zoning adjacent. I think that's really kind of where we're struggling a little bit.

Mr. Carpenter: We had that hearing last year where it was questionable to be spot zoning with the parcel on Shawinigan.

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Mr. Phoenix: Over the years some of the guidance that we've had on spot zoning's changed too, but it's always a little bit rough.

Ms. Fernandes: But our town is growing, so you know, it should be fair to allow others to.

Mr. Phoenix: Well, yeah but the town's growing but generally it's supposed to be controlled growth in line with what we have on the zoning app, and generally boundaries are expected to shift, not have something new pop up. Of course, that's in a perfect world where uses match the underlying zoning 100% of the time, which, obviously, is not the case 'cause that's this neighborhood in a nutshell. There's a lot of nonconforming there. So, I think there's clearly arguments to be made either way. Our old rule that we used to hold to pretty hard and fast was if it wasn't adjacent or five acres or more, it was a no. We've moved away from that and started having a little bit more discretion. But how far the board wants to take that in its recommendation is kind of the question at hand. And how town meeting wants to handle that'll be the separate one too. If there's nothing else though for discussion on it, do we have a motion on our recommendation or are you looking to say something else on it, Joe?

Mr. Queiroga: I was just wondering if we could get some comments from people in the audience.

Mr. Phoenix: I asked.

Mr. Queiroga: Nothing?

Mr. Phoenix: I'm more than happy to ask again.

Ms. Fernandes: Are these all neighbors?

Ms. ---: We're for the next one.

Mr. Bernardo: Can I just ask a question? His biggest neighbor on the side will be Mr. Partyka and I think he's deceased already, so and then after that there's the old gun club, 'cause I go walking down the lake over there, so that might be wetlands as it is, so. I'm just saying that. ---

Ms. Fernandes: And while these are probably not, they did get a lot of signatures from the neighbors in favor of it.

Mr. Bernardo: I don't have an issue with it.

Mr. Phoenix: So, we have one, two, I'm gonna assume that that's also in favor, it's just the name and address, three, four, five, six, seven, eight, nine, ten, eleven, twelve.

Mr. Bernardo: I guess if your lucky number's thirteen, you can add ---.

Ms. Fernandes: We don't have one from you, that's right.

Mr. Phoenix: So, I guess what I would say is if we're, whatever path we're gonna take, I'm not gonna dictate the actual motion that you guys want to make as far as a recommendation, but I would ask that if we're going to be making a motion to recommend approval at town meeting, that we add into that motion that that is in part due to the extensive amount of nonconforming

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usage in the neighborhood as well as the support from the neighborhood in favor of the zone change. So, if we are gonna move it, recommend in favor, I'd ask that that be included in there. If we're not recommending in favor, then go wild. But I would ask for a motion one way or the other at this time unless somebody has anything else to mention.

Ms. Brak: Can he say something?

Mr. Phoenix: Sure.

Mr. Al Jasheem: (spoke in foreign language)

Ms. Fernandes: Do you want to translate? What is he saying?

Ms. Brak: Sure. So basically, the house that he pointed at, he said that...

Mr. Queiroga: Could you speak a little louder?

Ms. Brak: The house that he pointed at, the woman who lives there, she got a fine for like \$200 because her car and she took it to this place, and we're not gonna name it because that's disrespectful to them, she said that they overcharged her and then she came to my dad she's was like hoping for him to open it and like do the zone change and everything.

Mr. Al Jasheem: (spoke in foreign language)

Ms. Brak: And he feels like that if the zone change happens then we chose the business that we want to, it would benefit like our neighbors mostly 'cause we're like the ones surrounding them and if there's like anything that they need, we're gonna be there, they don't have to go to places, or people that they don't know.

Mr. Al Jasheem: (spoke in foreign language)

Ms. Brak: 'Cause the other place they, I don't know if they asked the town but they said that the town needs her to remove her car because something was wrong with it and it was like affecting the environment.

Mr. Al Jasheem: (spoke in foreign language)

Ms. Brak: And we believe it's like beneficial for like everyone, not only us.

Ms. Fernandes: Yeah, I think what he's saying is probably they're a small business that are going to be not price gouging their neighbors, you know, they're gonna be adding a good business to the community. I think that's probably what he's trying to say.

Mr. Phoenix: Well, I would like to say too, normally when we have a crowd come in for a zone change, it's a lot of people that are against. Having the neighbors come in and have either positive comments or no comments is a different experience than what most of these would come in with even if there was adjacent to whatever they're looking to move to. So, I think that that's, it's telling that there's a difference in the scenario with what we're looking at tonight, so yeah. With that, is there anything that we want to make as the motion?

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Mr. Carpenter: What was your motion again?

Mr. Phoenix: I said that if we were gonna make a motion to recommend against, go wild.

Mr. Carpenter: I remember that part. The long winded one I don't remember.

Mr. Phoenix: Long winded, me?

Ms. Fernandes: Yeah, I think he said to make a motion in favor because of the amount of conforming uses and because the neighborhood is so in favor of it. Is that right?

Mr. Phoenix: Pretty close, so I basically just asked if there is gonna be a motion to recommend approval to town meeting, that we do include in that that it is in part because of the extensive nonconforming uses that this zoning would match those uses if not the actual zoning, and also the extent of support for this zone change coming from the neighborhood itself.

Mr. Carpenter: **SO MOVED.**

Mr. Phoenix: Cheater. Is there a second?

**SECOND** Mr. Queiroga.  
**4-0 in Favor.**


Mr. Phoenix: I'd like to entertain a motion to close the public hearing please.

Mr. Carpenter: **SO MOVED.**  
**SECOND** Mr. Queiroga.  
**4-0 in Favor.**

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*The public hearing was closed at 8:03 p.m.*

APPROVED:

  
Joseph Queiroga, Secretary

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Documents: Master application: Assessors' Map 2D; Letter from Board of Selectmen/Marc Strange re: receipt of petition for zone change (March 6, 2024); Support letters from abutters

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

**TOWN OF LUDLOW PLANNING BOARD  
PUBLIC HEARING – ZONE CHANGE  
8-10 Wedgewood Drive (Assessors' Map 11A, Parcel 160)  
Kevin Lavigne  
(Agricultural to Residence A)  
March 14, 2024**

**PLANNING BOARD MEMBERS**

Raymond Phoenix – Chairman (Present)  
Christopher Coelho – Vice Chairman (Absent)  
Joseph Queiroga (Present)  
Joshua Carpenter (Present)  
Joel Silva (Present)  
Kathleen Houle, Associate Member (Absent)

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The public hearing began at 8:05 p.m. in the Selectmen's Conference Room.

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*In attendance: Kevin Lavigne (8:31 p.m.), attendees*

Mr. Phoenix read the legal notice and advised the public that the hearing is being recorded. The legal notice included the description of: Zone change from Agricultural to Residence A.

Mr. Phoenix: *Mr. Phoenix read the letter from Marc Strange re: Receipt of petition for Zone Change – see file.* So, it's earlier in May than you said Josh. So, in about two months. So, we have that, and on the application itself, looks like: No zone change from Agriculture to Residence A. I'm not sure if that's supposed to be something different or that was just the start of something that didn't get scribbled out. Reason for request, my property is currently Agricultural and Residence A. I would like to complete parcel to be Residence A for a future building lot. And we have a signed certification of ownership and authority. And that's what we have in the file. Do we just check and see maybe if the applicant called and left a message? I would think unless there's some strange extenuating circumstances, they would be here.

Mr. Silva: It's a weird day today. We have neighbors and no applicant ---.

Mr. Carpenter: I thought everybody was here for the first hearing ---.

Mr. Phoenix: There was a fair number of them though. Nothing? So, we don't have the applicant in attendance. We do have the application though, so I suppose it's just gonna have to sink or swim on its own merits. So, the board can't really ask too many questions at this time but do we have any comments that we'd like to make? I suppose the main one that I would make as I said in the last hearing, is that when we're looking at a zone change, we're looking at a change from all of the existing allowed uses to all of the proposed allowed uses, so it's not just a matter of what somebody's looking to do. Of course, in the case of something going to Residence A, that's pretty prescriptive as far as what they're allowed to do, especially as opposed to Agricultural which does have some business uses mixed in to a much larger extent. So, it's a little bit more tightly controlled in that way.

Mr. Carpenter: Actually, it looks like the whole neighborhood is Residential A.

Mr. Phoenix: Anything else from the board at the moment? Did you have something Joe?

Mr. Queiroga: No, I just, you know, usually when you go from Agriculture to Residence A, in a way it kind of almost...

Mr. Stefancik: --- He'll be here in five minutes, the applicant.

Mr. Queiroga: ...in a way almost looks like a reduction in use as opposed to ---.

Mr. Carpenter: That's what I was thinking too. Usually in Agriculture to Res A is usually they're planning to build a house, not always do you see a structure there already.

Mr. Phoenix: While we're waiting, I mean it would be nice to be able to get the input from the applicant, but I don't want to hold up everybody else that is here at the moment. What I would say is if you do have anything that you would like to add or ask, I can certainly take notes and we can ask the person when they come in. Just state your name and address for the record, and address anything that you have through myself as Chair, and I'll do my best to get you any information that you need. Does anybody have anything that they would like to bring up?

Ms. Bramucci: I just want to know how close it is to our property?

Mr. Phoenix: I just need your name and address please.

Ms. Bramucci: Maryanne Bramucci, 115 Letendre.

Mr. Phoenix: Ok, so 115 Letendre to...

Ms. Bramucci: To where he's trying to.

Mr. Silva: It's all the way up there.

Mr. Carpenter: Is that Letendre the next street north?

Ms. Bramucci: We did get the paper so I'm just trying to see, you know.

Mr. Carpenter: What was the address?

Mr. Phoenix: 115 for that.

Mr. Carpenter: Right on the corner.

Mr. Phoenix: And this is 8-10.

(multiple people talking about location on map)

Mr. Phoenix: So, basically what they're looking to do, if you see all of that pink zoning, that's all residential zoning currently.

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Mr. Bramucci: All of that big area?

Mr. Phoenix: All of that pink is residentially zoned. And that one white lot that he's on is Agriculture. So, he wants to make that pink just like everybody else.

Ms. Bramucci: So, the big pink areas behind us, he doesn't own that?

Mr. Carpenter: I think zero is owned by the town, if I read the abutters list right.

Mr. Stefancik: No, this is privately owned by somebody else, yeah. Because they've asked about that parcel.

Mr. Carpenter: Right on the end of a dead-end street too.

Mr. Phoenix: Any other questions?

(discussion about parcel number)

Mr. Phoenix: Anything else?

Ms. Murphy: --- next door neighbors at 24 Wedgewood Drive, Karen Murphy. I want to know how we're gonna get a house in there. I want to know where the driveway's gonna go. I want to know how he's gonna be able to put all of that in, in that tiny area.

Mr. Murphy: That's a duplex that's right next to him.

Ms. Murphy: They already got a big duplex on it, and it's got a huge barn.

Mr. Murphy: And a barn that's attached to the duplex.

Ms. Murphy: So, he cleared out a bunch of trees and now he wants to put a house in. I just want to know where, how that's all gonna fit.

Mr. Murphy: That building that you see right there, eight and ten, that's a duplex right now. And then literally right behind the house --- ten is a barn, a three car barn garage kind of thing.

Mr. Phoenix: 'Cause I'm trying to think, is that Natario's property?

Mr. Stefancik: Yes.

Mr. Murphy: 'Cause that's where it is right now, and that garage is attached to those two supposedly where he runs his business out of.

Mr. Phoenix: Well, we can ask. Ultimately, he doesn't have to provide those answers, it comes down to that zoning question, but we can certainly ask. Do we want to, we have one other thing on the agenda. I don't want to end up doing a motion to continue for like five or ten minutes then he walks in the door 30 seconds into that. What does the board want to do?

Mr. Silva: We can take care of that at 8:20. We'll take care of it while we wait.

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Mr. Phoenix: Ok, is that agreeable to everybody that's here? We just kind of hold this one off for ten minutes and then come back to it? Ok, so I'm gonna entertain a MOTION to continue this public hearing until tonight, ten minutes from now, so based on that clock, I'm gonna say that's 8:27 here in this same room, in this same building, etcetera, etcetera.

Mr. Carpenter: **SO MOVED.**  
**SECOND** Mr. Queiroga.  
**4-0 in Favor.**

*The hearing was continued at 8:16 p.m. and reopened at 8:31 p.m.*

Mr. Phoenix: Just to get us caught up on everything, if you want to come forward, sir, and have a seat with us. We did open the public hearing. I did advise everyone before you got here, there are cameras, microphones doing the things that cameras and microphones do. And we read in all the legal notice. We do have a copy of the bill for Turley Publications, and that's payable directly to them. If you've got a check that you want to leave with the office, they can facilitate that for you, otherwise that's between you and the newspaper. We looked at the existing zoning map. We saw that everything that's surrounding the property is residential, that this is the kind of stand out in the neighborhood of being agriculturally zoned. We did have a question in particular about if you have any ideas as far as how you're gonna be able to site a building in there. And we also talked about how we're looking at this as a zone change not necessarily as a specific proposal, that it's gonna go to town meeting and get their thumbs up or thumbs down, and then it'll allow you to take care of business from there. It's not necessarily a binding business, but like a proposal for what you're looking to do but we did have an inquiry from one of the neighbors as far as how you're looking to make that happen.

Mr. Lavigne: Ok, maybe I don't understand the question.

Mr. Phoenix: So, are you looking to, are you looking to put another dwelling on that lot?

Mr. Lavigne: Yes. So, exactly how Wedgewood is lined up now, 90 feet of frontage pretty much every lot has, we're looking to split that in half and put a single-family home. So, line up with exactly how the neighborhood is already set up.

Mr. Phoenix: Ok.

Mr. Queiroga: What street, both of them will be facing the same street?

Mr. Lavigne: Yes, that's what ---. Yes, both houses will face Wedgewood, just like the ones across the street.

Mr. Phoenix: Because before Wedgewood went in, the house that's there was kind of sideways and then Wedgewood came in.

Mr. Lavigne: Yeah, it would fit right in perfectly. The house would be, you know, similar size of what's already in the subdivision, same frontage, same everything. It wouldn't look any different than what's there, other than an empty lot.

Mr. Phoenix: Does that adequately address your question? Ok.

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Mr. Queiroga: You got 180 there, right?

Mr. Lavigne: Yeah, there's more than 180, 190-something.

Mr. Stefancik: The house would be for you, right?

Mr. Lavigne: Yes, and we're not selling the lot or doing anything. I want to eventually, I live right on Allison Lane, whoever has the questions, and eventually I'd like to put my daughter or someone into that. So, and we own the duplex, obviously. We've cleaned it up a lot. The previous owner hasn't, and we have more to do there, so.

Mr. Phoenix: So, with that, are there any other comments from the public? Any questions, anything like that? Any other comments or questions from the board? Anything else that you think we need to know before we take a vote on our recommendation to town meeting?

Mr. Lavigne: No, I think it'd be a benefit to the street over there. Another house would look perfectly in line and would clean up that lot. There's a couple sheds on there that don't look too great so I think a house will be very appealing to the neighborhood.

Mr. Phoenix: Ok, with that said, is there a motion on the recommendation to town meeting and possibly also on the state of the hearing that we're currently in?

Mr. Carpenter: I **MOVE** to recommend approval to town meeting and close the public hearing.  
**SECOND** Mr. Queiroga.  
**4-0 in Favor.**

*The public hearing was closed at 8:35 p.m.*

APPROVED:

  
Joseph Queiroga, Secretary

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Documents: Master application: Assessors' Map 11A; Letter from Board of Selectmen/Marc Strange re: receipt of petition for zone change (March 6, 2024)

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