

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
April 25, 2024**

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PLANNING BOARD MEMBERS

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

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

CONTINUED PUBLIC HEARING – Special Permit/Estate Lot – Craig Authier - 0 Kendall Street (Assessors' Map 11B, Parcel 100) (estate lot) (request to continue to June 13, 2024)

SEE SEPARATE MINUTES

Mr. Coelho recused himself from the following public hearing at 7:30 p.m.

CONTINUED PUBLIC HEARING – Special Permit/Home Occupation – Christopher A. Coelho - 149 Poole St (Assessors' Map 31, Parcel 93A) (home office for real estate & consulting business)

SEE SEPARATE MINUTES

Mr. Coelho re-joined the meeting at 7:34 p.m.

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent except for the Change of Occupancy for 319 East Street, as per Mr. Phoenix's request.

- ◆ FILE Mail Item 27. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of March 28, 2024 and April 11, 2024
- ◆ APPROVE Change of Occupancies:
 - Francis T Federico (Sewall Street Auto Center) – 330 Sewall Street (from auto sales to auto sales)
 - Luis Fernandez (Elevated Auto Detailing) – 330 Sewall Street (from auto sales/upholstery to auto detailing)
 - Ernesto Quinteros – 319 East Street (from restaurant to restaurant)

- ◆ SIGN Special Permits:
 - Daniel B. Moore – 77 Yale Street (landscaping business)
 - Jan Wojcik – 827 Poole Street (home-based photography studio)

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PUBLIC HEARING – Site Sketch – Jim Blackburn, PE, PMP (Hopkinton LNG Corporation d/b/a Eversource Energy Service Company (Eversource) 76 Ravenwood Drive (Assessors' Map 29, Parcel 41) (Construction of an approximately 12,000 square foot electrical yard with associated work, and construction of a 24,000 square foot electric building inside existing facility fence-line)

SEE SEPARATE MINUTES

Change of Occupancy - Ernesto Quinteros – 319 East Street (from restaurant to restaurant)

Mr. Phoenix asked what kind of restaurant was going into 319 East Street. Mr. Stefancik responded that they are planning to serve tacos and that the site plan has been recently updated for the seating capacity.

Mr. Phoenix: So, on the Change of Occupancy for 319 East Street is there a MOTION to approve?

Mr. Carpenter: **SO MOVED.**

SECOND Mr. Coelho.

5-0 in Favor.

Mr. Phoenix mentioned that he watched the Safety Committee meeting in which they discussed the East Street project and how all of the effort and energy and expense is being put into the beautification without any thought being put into trying to improve the safety of that area. Mr. Coelho said that he believes the plan they reviewed was only a conceptual plan. Mr. Phoenix remarked that he wants to make sure that safety and parking is included as a priority in any future plans for the East Street corridor.

Mr. Phoenix said that the Charter Commission had a conversation about appointed versus elected for various boards and committees throughout the town. He said that he sees merits in either option, and that the commission talked about whether the job requires specific knowledge which would nudge it toward being appointed, or policy making which would nudge it toward elected. He commented that the Planning Board is a policy making board and that he didn't think the Charter Commission was aware of that based on what he heard in that conversation.

Mr. Phoenix said that if the criteria is whether it's a policy making group or not, he would like to make sure that the Charter Commission, that whatever decision they make, that they are at least aware that the Planning Board is a policy making board because they have jurisdiction over the subdivision rules and regulations.

Mr. Carpenter: I'll make a **MOTION** that the Board sends a letter to the Charter Commission stating exactly what you just said.

SECOND Mr. Coelho.
5-0 in Favor.

Mr. Coelho added that he would like the individual board members to sign the letter at the next meeting.

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File Mail Item 28 - Reorganizations of Town Boards/Committees

File Mail Item 29 - Special Permit granted from Zoning Board of Appeals – 681 Center Street

File Mail Item 30 - Legal Notice – Ludlow Conservation Commission – Request for Determination – 562 Miller Street

File Mail Item 31 - Legal Notice – Ludlow Conservation Commission – Request for Determination – 0 Deroche Circle

Mr. Carpenter: Mr. Chairman, **MOTION** to adjourn.

SECOND Mr. Coelho.

Mr. Phoenix: Those are always in order and they're not debatable.

5-0 in Favor.

Meeting adjourned at 7:58 p.m.

APPROVED:


Joseph Queiroga, Secretary

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

**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT/ESTATE LOT
0 Kendall Street (Assessors' Map 11B, Parcel 100)**

**Craig Authier
(estate lot)
April 25, 2024**

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

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

In attendance: attendees

Mr. Phoenix: First order of business 7:00, a continued public hearing, special permit estate lot. This is for Kendall Street. I think the only new thing that I'm aware of is the thing right on top of the packet, correct?

Mr. Stefancik: Correct.

Mr. Phoenix: Ok. So, this is an email that we received as a follow up to a phone call, a phone call on the 25th and it looks like so was the email: *Hi Doug. I left a voice mail earlier and now following up in writing to the Planning Board on behalf of the owners of the property, Zane and Brenda Mirkin. I understand their land is on tonight's planning board agenda for the town. Both owners are out of state till June as they reside in Florida. They would like to have a continuance on this agenda regarding the Kendall land until they are back to prepare and attend the town meeting. I have copied them in on this email as well as our attorney for the property. Please respond back to all parties on this email thread acknowledging that we are asking for a continuance. Thank you and have a great day. Andrew Mirkin, President, Associated Building Wreckers, Sent from my iPhone.* So, we've received that, my initial question and the specifics surrounding the continuance, I think, are not super clear for me, but generally speaking when we're continuing something we make sure that the date and time is gonna work for everybody that's in the room at the time. Were there any concerns raised at that time that I am not recalling? Is there something that was brought up about?

Mr. Stefancik: Paul Smith was handling the whole matter at that time.

Mr. Phoenix: Ok, so it was just him.

Mr. Stefancik: The owners had not attended.

Mr. Phoenix: Ok.

Mr. Stefancik: At any of the two public hearings we had.

Mr. Phoenix: Ok. I just, I do have some concerns. I mean we had this public hearing. The original date was January 25th. Here we are April 25th, the day of the continuance and that's when we received something asking us to continue. So, there wasn't even any opportunity to let people know that we might not be talking about this matter beyond the continuance tonight. So, it's been continued to this night for three months. Nobody would expect that conflict in the 90 days? That seems unexpected. I mean, I don't know that I want to try and move this forward without having the applicant here, so I suspect that we're probably going to be looking to continue anyway. But I, it does not leave a particularly good taste in my mouth. I'll tell you that. I don't know if anybody else has any thoughts on it or should we just go forward with it tonight with what we have on file?

Mr. Carpenter: Mr. Chairman, did they, through you to Doug, did they submit the stormwater plan and all that that we had requested?

Mr. Stefancik: No.

Mr. Silva: Everything is still the same.

Mr. Carpenter: So, everything's still the same?

Mr. Silva: There's no drainage plan, there's no wastewater plan, there's nothing?

Mr. Carpenter: Other than it looks like an edit to the driveway.

Mr. Phoenix: So, we've had three months we told them, you know, what we were looking for. We haven't really received anything since the last time we talked. I don't know, what's your, what's your pleasure? Just out of curiosity, of the people that are here tonight, how many people are here for Kendall Street? Can I get a show of hands real quick?

Mr. Carpenter: All but two.

Mr. Phoenix: Okay. So just about everybody that's in the room, which is all that we have seating for, and we got people in the hallway at the moment, and they all came in for it. It's just, it's very frustrating.

Mr. Silva: Well, this was always, even the application was a waste of time right now, even if they came, there was no changes on anything.

Mr. Phoenix: No. If, if they were here tonight, then we would be either looking to continue anyway or we would be looking at what they've submitted, which I think the fairest way I can put it is based on what they did turn in, it was not approvable at that point. So, I mean, we can either review it, make that determination whether it is approvable as submitted or not, and vote on it or we can do the continuance and cross our fingers that by, I think they said June, they can get that information put together and that they'll show up.

Mr. Coelho: We typically do give people the benefit of the doubt when it comes to things like this. I do know it's a last-minute request, I'm kind of at odds myself.

Mr. Phoenix: What time did the phone call come in Doug or Sue, whoever got that?

Mr. Stefancik: At, after two 'cause I told Sue, let's follow up, get an email from them requesting it in writing or, or an email.

Mr. Phoenix: And the email came in at 2:35?

Ms. O'Connor: Can I ask a question?

Mr. Phoenix: Sure. I just need your...

Ms. O'Connor: It's actually because I wasn't able to...

Mr. Phoenix: I just need your name and address for the record first.

Ms. O'Connor: I'm Gail O'Connor, 51 Kendall and I wasn't here in the February meeting, so I just want, and I haven't, I haven't been able to find the minutes online and I couldn't find the video either. She just helped me with that. But my question is, like, for the last meeting is my understanding that the owners were supposed to address this, the, about the runoff, with the water runoff and they were, or they were supposed to do a test or something. Weren't they supposed to present results from a test, a water?

Mr. Phoenix: I know we were looking for the storm water evaluation. I don't know if we were looking for additional testing. That's not popping to mind. I didn't rewatch this video before tonight.

Ms. O'Connor: This is just hearsay.

Mr. Phoenix: I know we did talk about whether things were perking properly and everything on the property. There was definitely conversation about that. Most of our conversation, as I recall, was about the shape of the roadway as it approaches the narrowing point. Whether it was gonna kind of go diagonal or kind of come straight and go a little bit more perpendicular in order to try and change the way that grading is. I think that was the, the bulk of the conversation.

Ms. O'Connor: It's also my understanding that there's only 30 feet and there should be 50 feet at the, the narrow point. And I don't know if you guys have talked about that.

Mr. Phoenix: Well that got brought up too. That was part of, if, if it doesn't make sense given the topography of the land there to try and put the roadway in, in any which way, then there's no reason to grant that. If they could at least modify the, that geometry there to make it a little bit more sensible, then it makes it more in line with something that we could look at granting a waiver for.

Ms. O'Connor: How could they modify it if there's not enough, they don't own enough land at that point?

Mr. Phoenix: They might not be able to expand it beyond that. But changing the way that the road layout was.

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Ms. O'Connor: So, if they went straight in rather than turning.

Mr. Phoenix: If it was more perpendicular so that it wasn't going like diagonal with the cars, kinda like more flippy. I don't know.

Mr. Silva: There was a drainage plan that we requested as well, I believe. Yeah. And where they're gonna run their, well they have utilities on the road. I think we requested a sewer. Where they gonna do the tie in too. Where are they gonna run it, can't remember exactly. 31

Mr. Phoenix: So is it, does it make sense to everybody, like, I'm, I'm hearing what you're saying Chris. Does it make sense to everybody for us to grant a continuance until June and express to whoever is representing this, the owner, the agent, the whoever, that they need to have all their ducks in a row when they come back in because we're not looking to do another continuance from that point?

Mr. Coelho: I think that's at a minimum. Yeah.

Mr. Phoenix: Does that make sense to everybody?

Mr. Silva: Absolutely.

Mr. Carpenter: Yeah.

Mr. Phoenix: So as far as June, it just says out of state till June. It doesn't say when in June. Was that clarified at all in the phone call?

Ms. Urban: I wrote it on the bottom, 13th.

Mr. Silva: ---

Mr. Phoenix: Oh, June 13th. So, June 13th. What's the next meeting after that?

Ms. Urban: 27th.

Mr. Carpenter: Mr. Chairman, I will not be here on the 27th in case you need me for waivers or anything.

Mr. Phoenix: Well, it's especially for something that requires waivers, I would prefer not to plan to continue it to a time where we might not have all board members. Because if you're not here and then somebody else is out sick or has an emergency, we're sunk. So, if you're not available on the 27th, then what's the first one in July?

Ms. Urban: Eleven.

Mr. Phoenix: Does anybody have a conflict on the 11th?

Mr. Silva: July?

Mr. Phoenix: Yeah.

Mr. Coelho: I can't, I don't have a crystal ball, but I should be pretty good. Good lord willing the creek don't rise, right?

Mr. Phoenix: Okay well, do we have, I'm hearing that we might have somebody that, that won't be able.

Mr. Carpenter: Do we have an issue on the 13th?

Mr. Phoenix: Well, if they're coming back on the, does that mean that they are available on the 13th? They're available on June 13th?

Ms. Urban: Yes.

Mr. Phoenix: Are board members available on June 13th?

Mr. Silva: Yes.

Mr. Carpenter: Again.

Mr. Phoenix: Yeah, I, yeah, I get it. You know, I've been on my way to town hall and had to turn away a minute before the meeting, so I get it.

Mr. Queiroga: Flying away on the 13th to Portugal.

Mr. Coelho: Yeah, that's the day before flag day, so I'm available.

Mr. Phoenix: Well, how about we just do the 13th and buyer beware if we don't have enough people here to be able to do waivers, we don't have enough people to be able to do waivers and that we had people here tonight, we could have done it tonight if they had everything, all their ducks in a row and everything was, was good to go and we felt that the waivers were appropriate, we could have done them tonight. We can't guarantee that we'll have the board members here on the 13th. I think that's the best that we can do.

Ms. O'Connor: I have a question.

Mr. Phoenix: Sure.

Ms. O'Connor: If you don't have enough board members here, that means you can't vote on the, what they're proposing?

Mr. Phoenix: It means we'd be able to talk about it. It means that we would not be able to grant any waivers without at least four people. And in the case of this sort of thing, our alternate member would not count. It has to be four out of the five of us. So, if we can't grant the waivers, then we would either need to continue again or close the hearing and take it under advisement and whoever missed it would need to then read the minutes or watch the video and, and sign a thing saying that they caught up on everything that they missed. And then we'd be able to act on it together or deny it outright because it just doesn't meet the criteria. So those would be our three main paths coming out of that next meeting. Either continue, close the hearing and say, okay, we're not taking any more information on it, we're just gonna think about it and come up with how we're gonna vote. Or just, just say no.

Mr. Silva: Can we still join online for the meetings, no?

Mr. Phoenix: No.

Mr. Silva: Okay. No, that will solve my problem absolutely.

Mr. Phoenix: They, they took that away from us. Yes. That was mighty convenient. Okay. So, the 13th, I'm assuming...

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Ms. Pollock: Could I ask something?

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

Ms. Pollock: Ellen Pollock, 68 Michael Street. So, the, that's in back of me, the lot is. Do we have, are we gonna have an opportunity to express or have input into the process?

Mr. Phoenix: I believe we had that open at the last session. I can ask for more comments. The general thing that I would tend to ask, I guess let's, let's just do a round of talking. Normally what I ask is if things have already been covered that we don't keep going over the same ground 'cause that's not super productive. But if you have something new that you'd like to contribute, add, ask, what have you, then.

Ms. Pollock: How do we find the notes of previous meetings? I wasn't able to find that. Sue can they, I don't know if, are those posted on the new and improved website somewhere? Or are those still something they need to ask?

Ms. Urban: All of the videos can be watched, the minutes from the February 8th meeting I'm working on them now.

Mr. Phoenix: Okay. Yeah. So, the, the, the actual video itself, like I was just watching the Charter Commission's video. The cable access has their own website and you can find it off of the town's website if you click on cable access.

Ms. Pollock: Okay.

Mr. Phoenix: And you can go through there and they have playlists for each of the different boards and then you can go to that specific meeting and watch the video.

Mr. Coelho: Which was February 8th right?

Ms. Urban: And we had two meetings prior to that also?

Mr. Stefancik: January 25th.

Mr. Coelho: So, you're gonna wanna watch January 25th, February 8th.

Mr. Carpenter: And then we came to here.

Mr. Coelho: So, those ones you guys are gonna want, unless you wanna watch all of our videos.

Ms. Pollock: So, actual meeting notes aren't something that I could take a look at?

Mr. Coelho: Well they...

Ms. Urban: January is done, I'm still working on February.

Ms. Pollock: Thank you. And that's online or?

Ms. Urban: January should be online. Yeah.

Mr. Carpenter: It's on the town website. Under the agendas there's like a little check mark box and you just click on that, and it shows the minutes for that meeting.

Ms. Pollock: Okay.

Mr. Phoenix: And if you can't find it there, you can reach out to the office. We can make sure you can get the ones that are completed.

Ms. Pollock: Okay.

Ms. Picard: Next?

Mr. Phoenix: Sure.

Ms. Picard: Sandy Martel Picard, it says Sandy Martel I think on the 20 Michael Street. My concern is emergency vehicles going up there too. Ambulance and everything trying to get up there. There's no room for that. And also, that other one that was supposed to be here to prove that the water situation. I just wanna be clear. Nothing heard of at all?

Mr. Phoenix: We have not received anything as far as the storm water.

Ms. Picard: Okay. I'm just making sure. Hopefully our next meeting June 13th, right? They're supposed to present that.

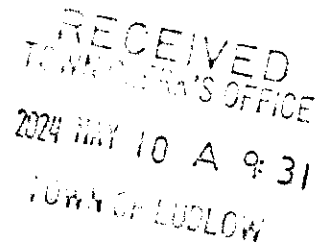
Ms. O'Connor: July.

Ms. Picard: Nope, June 13th, July 13th is a Saturday. That's what they requested. Okay. If they don't, I just wanna be clear, if we have one year to do this and nothing gets resolved, is it a fair or a false statement that they are allowed to build? If we don't come to a conclusion within, I wanna say maybe one year thereabouts.

Mr. Phoenix: So, for, where's the cheat sheet?

Mr. Carpenter: As long as we don't close the public hearing.

Mr. Phoenix: So, well it's, we need to act, on a special permit we need to have a hearing within 60 days from when they file it, 65 days from when they file it. And then when we close the hearing, there's 90 days from that closure of the hearing to come up with a decision. But the hearing could theoretically, if there were reason to, be continued multiple times. The way the law is structured though, if it's just being continued for effectively no reason and nothing new is



coming up, then there's a thing called a constructive close where even if we don't vote to close the hearing, it's decided that yeah, that, that was closed. You're just dragging your feet to keep the timeline from expiring. So that's the real key is are we getting information in, are people, you know acting in good faith to generate, bring in and talk about the new information? And if so, then the hearings can keep going. But once we say it's closed or once we stop having anything new, then it's 90 days we gotta decide. That's our timeline.

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TOWN OF DUNSTON

Ms. O'Connor: So, it's not, 90 days from next meeting?

Mr. Phoenix: From, assuming we close next time, then 90 days from next time. One thing, thinking about some of that, especially the stormwater, can we communicate to the applicant just so that we don't have a problem on the night of, that that paperwork, any paperwork that they need to have in that needs to be reviewed, needs to be in with sufficient time for that to be reviewed by the engineering department and anybody else that might need to take a look at it, that day of don't cut it, and that's not gonna work for us. I don't want there to be that as the reason well just haven't heard back from DPW yet, now that it's on the applicant to provide that in a timely manner. And I just wanna make sure that we're upfront with them about that.

Mr. Silva: How much time do you think it's needed for the review? Two weeks prior?

Mr. Carpenter: I was gonna say two weeks.

Mr. Silva: Establish a timeline for them, not just leave it up in the air. Like you gotta be submitted by this time.

Mr. Phoenix: Two weeks works for me.

Mr. Carpenter: It should, it should have already been submitted. So, I think...

Mr. Phoenix: Yes.

Mr. Carpenter: ...I think two weeks is fine.

Mr. Coelho: Yeah, don't give 'em a timeline. No, it's up to them to figure out when the DPW can look at it.

Mr. Phoenix: Well, I think saying two weeks is probably a good idea though, Chris 'cause if we don't say two weeks, then there's a chance they might give it to 'em three days before the meeting and then be calling the DPW and harassing 'em.

Mr. Coelho: But what if two weeks is no good either? You know, that's what I'm thinking.

Mr. Phoenix: If it takes more than two weeks for the DPW to review the, the stuff, then that's a conversation we need to have with the people who are acting as the board of public works.

Mr. Coelho: Okay. That makes sense. I just wanted to make sure that's all.

Ms. Picard: Are we allowed to talk about the situation that has been happening with the water in new, people who came here?

Mr. Phoenix: Wait, let me ask the board. Do we want to go down more conversation now or do we want to get the numbers and everything in and then do that? What's, what's the board's pleasure?

Mr. Coelho: I think any speculative...

Mr. Silva: Is there anything new?

Mr. Coelho: We don't have any, we can't answer anything about drainage now anyway.

Mr. Carpenter: Not without looking at it.

Mr. Coelho: Can't speculate on any of that. It's all design stuff.

Ms. Picard: Oh, I'm sorry. No, it's actual things that are happening now.

Mr. Phoenix: Okay.

Ms. Picard: Not speculate. It's actual things that are happening now without anything else going on.

Mr. Phoenix: Well, what's going on?

Ms. O'Connor: Who me?

Ms. Picard: Yeah. Her house is...

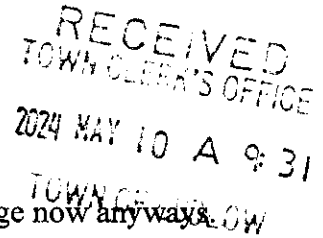
Ms. O'Connor: Well, I mean I get water in my, you know, I have a sump pump in my house, which goes off in the spring. Mainly with the, this year not so much because there wasn't a whole lot of snow, but typically a year I would have a lot of water at the end of that drop and there's a, and it pools there so that's even without anybody doing any construction there. So, you know.

Mr. Silva: So, it's a, a recurring problem or nothing new then? Yeah. It happens all the time?

Ms. O'Connor: It's something that I deal with, you know. But my concern is that it will get worse to the point where it will begin to come ---.

Mr. Phoenix: And, and I think it's a fair concern. That's why we're looking for the storm water numbers because basically the, the way that it's written is that when you're disturbing the land and doing stuff like that and you come under storm water, whatever amount of water is currently falling on your property, you need to keep on your property and manage. So, if they start generating more water, that's a problem. That's why they need to do that engineering plan. That's why the board of public works, the engineers over there, they need to review those numbers and say okay, those do make sense. That's not just something that somebody threw on some paper and, and they're trying to say is fine. So, our engineering department will review those and confirm that based off of whatever engineers do to evaluate those that in fact it shouldn't be generating any storm water running off beyond what currently does.

Mr. Ganhao: Helder Ganhao, 71 Kendall Street, I actually was the one okay, who requested the water drainage study to make sure okay that the land could even be managed properly. Because I



have the worst problem with the water other than my neighbor because the land does slope diagonally sideways or actually the west boundary of Overlook Drive in itself, okay, is the lowest portion of that hill where the water actually does run up. I happen to live at the corner of Overlook and Kendall and because I am the western most, I mean the eastern most abutter, a lot of that water does come in right off that hill during the storms.

Mr. Phoenix: Right.

Mr. Ganhao: And everything else. And yeah. Even if the driveway could be approved, everything else going into consideration, you have to take a lot of precautions because there's already a problem there to begin with.

Mr. Phoenix: Right.

Mr. Coelho: But that, isn't there a beaver problem up there too?

Mr. Ganhao: Not beaver okay, but there's a lot of water and a lot of underground springs and stuff like that you get natural water runoff, okay, underneath the soil. And I have had ponds in my yard as a result of all this development, okay, when Overlook was built and now we're talking about affecting the other side. Those on the west side of Overlook will also end up with a lot of the soil and water runoffs. This is why we need to protect that land to begin with. Even if it can be built. That's, water has been an issue up in that hill, okay, for years.

Mr. Silva: Depending on what they can present, if they present the proper drainage system might solve all the problems right there.

Mr. Ganhao: Maybe. Okay. If they can do it and think ahead, okay, and not just go and haul off and just start building just for the sake of building.

Mr. Silva: No, nobody's doing that. It's like that's why we.

Mr. Ganhao: Exactly. Okay. We still need to make the plan.

Mr. Silva: We haven't seen anything yet. We haven't seen anything yet. But it was, sounds like all the issues that we had on the other meetings are exactly the same ones we hearing again, nothing changed. Right. So, there's nothing new to have.

Mr. Ganhao: --- become a problem with that land.

Mr. Phoenix: I just want to try and keep us moving forward though 'cause we do have other items, we're already running over on this. And it sounds like the conversation that's going on now is about issues that we have talked about before for the storm water and everything. As you were talking though, it got some wheels turning for me and looking through the packet, do we actually have a signed waiver request 'cause the waiver thing that's in here is not signed?

Mr. Stefancik: Oh, a waiver request for what?

Mr. Phoenix: To waive number two, which is estate lots shall have a minimum street frontage of not less than 50 feet and access width of not less than 50 feet from the front lot line to the principal structure. Front lot shall meet all the zoning dimensional requirements normally

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TOWN OF WAVERLY

required in the district. And number nine, the driveway is to be located, constructed and maintained a distance of no closer than 10 feet to any abutting property line. We have those items circled on this sheet, but nobody's signed it. And I know I mentioned it at a prior meeting and we haven't really had a chance to discuss it. But the problem that I have with like form waiver things is waivers should be granted not just because somebody asks for it and we think hey they're nice people, why not? It should be granted because it's in the best interest of not just the applicant but also of the total town and the neighborhood. And there should be some justification given as to why it's in the best interest of the town and the neighborhood to grant those waivers. And with like a form thing where it's just circle it and sign it, there's nothing there as far as an explanation of why we should contemplate granting that waiver. So, I don't see a signed request for that waiver. So again, as we're communicating back to the applicant, I would ask that we inform them that if they do intend to have that waiver, that we need to make sure that we have a signed waiver request that explains why we should be entertaining granting that waiver other than just so that they can move forward with the project.

Mr. Carpenter: Mr. Chairman, would you like to have them include the two waivers on the plan?

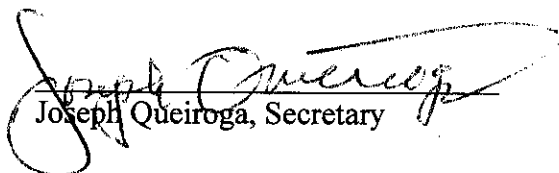
Mr. Phoenix: Let's not go beyond the letter of what we've got for now. I think. So, with that, not hearing anything really substantially new, I'm gonna ask for a MOTION to continue to June 13th at 7:00 PM Sue?

Ms. Urban: Yes.

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
5-0 in Favor.

The public hearing was continued until June 13, 2024, at 7:00 p.m.

APPROVED:


Joseph Queiroga, Secretary
su

Documents: Master application; Comments from town boards/departments; Estate Lot Plan – Kendall Street Ludlow, MA owned by Brenda K. Mirkin, Trustee (December 27, 2023 – Driveway & House Location Revised: 2/1/2024); Request for continuance from Andrew Mirkin (April 25, 2024)

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

**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
149 Poole Street (Assessors' Map 31, Parcel 93A)
Christopher A. Coelho
(home office for real estate & consulting business)
April 25, 2024**

PLANNING BOARD MEMBERS

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

Mr. Coelho recused himself as a voting board member since he is the applicant.

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

In attendance: Christopher Coelho, attendees

Mr. Phoenix: And while he's doing that, I believe I read in the legal notice last time and we just had to continue because we didn't have enough people in the room and now, we do. So, to kind of go over what we have, here we have name of business Corry Real Estate Holdings/C². Detailed description, home office, to organize business, bookkeeping, file storage, report writing, real estate/consulting. And we have the signed certification of ownership and authority. The checklists have been signed off on. The supplement sheet we've got down that the total area of the home and other buildings housing occupation; 1,856. Area to be used is 200. Number of non-resident employees; 0. We have nothing as far a planned signage, customers to the house, deliveries unlike a normal residence or changes that would make the site look less residential. And as far as a commercial vehicle we have 2003 Toyota Tacoma, 5,100 lbs. GVW. And we do have a signed request for a waiver from a full site plan in favor of a sketch and photos as prepared by the applicant. So, that's what I have on file. Would you care to explain for us what you're looking to do?

Mr. Coelho: I'm just looking to run a small real estate business and my consulting businesses. They're kind of complimentary to each other. Nothing is ever done at my house. I do get some shipments of Amazon boxes once in a while, maybe twice a year. None of the work I do is impactful enough that requires anything other than a regular car or a small truck.

Mr. Phoenix: We do have one guy on the board who generally likes to ask, do you have any hazardous chemicals you're gonna be storing in connection with the business?

Mr. Coelho: No, my job's to help get rid of those.

Mr. Carpenter: You beat me to it.

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Mr. Coelho: They're gone before they get anywhere near my house.

Mr. Phoenix: So, you don't just take them from there and bring them back to your place and.

Mr. Coelho: No, no. DEP tends to frown on that kind of.

Mr. Phoenix: You don't just have like a thing on your mantel with like samples from every site that you help out with?

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Mr. Coelho: Properly preserved I might keep a couple.

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Mr. Phoenix: With that said, is there other questions, comments, or concerns from the board at this time? Hearing nothing from the board, is there anything from the public? I would, number one, advise you that we do have cameras and microphones doing the things that cameras and microphones do, and I would ask that if you do have anything to add or ask, that you state your name and address for the record and address it all through myself as chairman. I'll do my best to get you any information that you need. Does anybody have anything at this time? Hearing a resounding silence, I will ask if anyone would care to, number one, make a motion on the finding and the waiver request.

Mr. Carpenter: Mr. Chairman I **MOVE** to find that a home office for real estate and consulting business as described by Mr. Coelho is a suitable home occupation under the bylaw and further, I move to waive the whole plan in favor of a sketch.

SECOND Mr. Queiroga.

4-0 in Favor.

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

Mr. Phoenix: On the subject of the special permit itself and whether or not we should close the public hearing, is there any kind of motion on that?

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

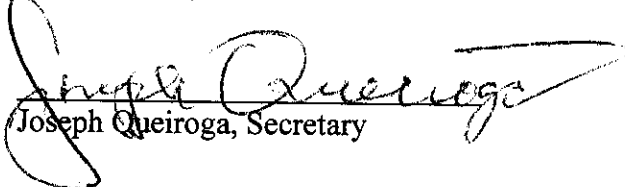
SECOND Mr. Queiroga.

4-0 in Favor.

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

The public hearing was closed at 7:34 p.m.

APPROVED:



Joseph Queiroga, Secretary

su

Documents: Master application

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

Public Hearing – Coelho
April 25, 2024

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**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SITE SKETCH**

76 Ravenwood Drive (Assessors' Map 29, Parcel 41)

**Jim Blackburn, PE, PMP (Hopkinton LNG Corporation d/b/a
Eversource Energy Service Company (Eversource))**

**(Construction of an approximately 12,000 square foot electrical yard with associated work,
and construction of a 24,000 square foot electric building inside existing facility fence line)**

April 25, 2024

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PLANNING BOARD MEMBERS

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

The public hearing began at 7:36 p.m. in the Selectmen's Conference Room.

In attendance: Tim Grace – Tighe & Bond, attendees

Mr. Phoenix: Again, we do have cameras and microphones being cameras and microphones. They stubbornly refuse to be anything other than cameras and microphones. Top of my stack today I do have correspondence. *Hi Doug, we talked with our company's attorney and they don't see this as a problem from a public notice perspective because it advertises a project which seems more impactful than it is. We don't think it should have to be re-noticed.*

Mr. Stefancik: If you go to the next page I asked counsel, counsel responded. That was Eversource's response.

Mr. Phoenix: Ok, I just started at the top, I should have started at the bottom. That's my bad, I started at the top. So, at the bottom, yeah there's the thing from Doug asking *Hi Brian, We advertised a public hearing based on the square footage of a building being 24,000 square feet, but the building is actually 2,400 square feet. See attachments. We had the public hearing last night. No abutters showed up. But the Board wanted to check with you to make sure this is not a problem. Let me know what you think. And the response: Please advise the applicant and see what they want to do. It's their risk to bear. Personally, I think it would be hard to argue that the defect was prejudicial since you would think you would get more attention for a 24,000 sqft notice than a 2,400 and you still didn't get any.* Which is pretty much what we thought, but after having multiple lawyers look at it, I suppose that clears us of any comments from anybody else about it.

Mr. Carpenter: Mr. Chairman, my concerns of the typo are appeased.

Mr. Phoenix: Ok, and we do also have in here, April 1st, waiver request. *Dear Chairman Phoenix and Planning Board Members, I'm asking the Planning Board for a waiver of full registered site plan in favor of a site sketch. Thank you for your consideration. Jim Blackburn,*

Eversource Energy. So, I'm trying to remember, I think that was the main thing that we were holding off on was number one, not having enough people to vote on a waiver, and number two, figuring out the issue with the size. Is that everyone else's recollection as well?

Mr. Carpenter: Correct.

Mr. Phoenix: Ok, so if that's the case, does anyone still have a concern about the legal notice situation? Ok, hearing nothing, is there any discussion on the waiver request? Do we need any kind of elaboration on why we should be in favor of granting the waiver of the full plan in favor of a sketch or is that one routine enough that we can kind of understand what they're looking for in this situation?

Mr. Coelho: Not only is it routine enough, but it's remote and non-impactful. --- is that logical?

Mr. Phoenix: I mean, it makes sense to me, I'm just asking the questions. Ok, so I think those being the two things, does anybody have anything else that they wanted to bring up on this? Did you have anything else you wanted to bring up on this?

Mr. Grace: Nope.

Mr. Phoenix: Does anybody else in the room have anything they wanted to bring up on this one?

Mr. Carpenter: I honestly think Mr. Chairman, it was just the one zero that prevented everything.

Mr. Phoenix: Well, that and the number of people we had here that night. So, it was just kind of kismet that we couldn't handle one because of the other. Sure.

Mr. Carpenter: Mr. Chairman, I'm going to grant approval of the waiver of the registered site plan in favor of a sketch.

SECOND Mr. Coelho.

Mr. Phoenix: Because of the reasons that Chris talked about?

Mr. Carpenter: Yes.

Mr. Phoenix: Ok, and those would be the remoteness and the minimal impact etcetera?

Mr. Carpenter: Correct, correct.

Mr. Phoenix: Ok, and the second's good with that?

Mr. Coelho: The second's fine with that.

5-0 in Favor.

Mr. Phoenix: So instead of a full plan we're looking at a sketch. On that sketch, is there a motion and is there also possibly simultaneously a motion on the public hearing status?

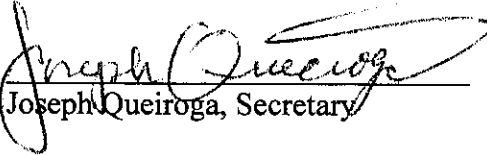
Mr. Carpenter: Mr. Chairman, I MOVE to approve the site sketch for Jim Blackburn and Hopkinton LNG and close the public hearing.

SECOND Mr. Coelho.

5-0 in Favor.

The public hearing was closed at 7:40 p.m.

APPROVED:


Joseph Queiroga, Secretary

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Documents: Master application (Site Sketch Application – Ludlow LNG Facility Improvements Project Ludlow, Massachusetts (March 2024); waiver request; comments from town departments/boards; Permit Drawings – Eversource Energy Ludlow LNG Facility Improvements (March 22, 2024); Email from Brian Winner re: Typo on legal notice (April 12, 2024); Email from Jim Blackburn re: Typo on legal notice (April 15, 2024)

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