

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
October 10, 2024**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

**PUBLIC HEARING – Special Permit/Estate Lot – Craig Authier – 0 Kendall Street
(Assessors' Map 11B, Parcel 100) (estate lot)**

SEE SEPARATE MINUTES

**PUBLIC HEARING – Special Permit/Site Plan – Hajer Saad Zaben Brak – 191 West Street
(Assessors' Map 2D, Parcel 3) (proposed auto repair shop on mixed use parcel)**

SEE SEPARATE MINUTES

**PUBLIC HEARING – Special Permit/Home Occupation – Kevin Bradley – 6 Rosewood Drive
(Assessors' Map 17, Parcel 3H) (administrative office for off-site retail distribution & operations,
product design, and real estate management & services)**

SEE SEPARATE MINUTES

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 60. - Legal Notices from surrounding communities
 - ◆ APPROVE/SIGN Minutes of September 12, 2024
 - ◆ APPROVE Change of Occupancy:
 - Matthew Jensen (Matt's Auto) 447 Center Street (from automotive repair & auto sales to same)
 - ◆ SIGN Special Permits:
 - Lukasz Wolanczyk – 218 Lyon Street (landscaping business)
 - Ken Conley – 164 Lyon Street (welding business)
 - Russell Orcutt Jr. – 1087 Center Street (asbestos clerical office)
-

**ANR – Dan O’Brien / John Moltenbrey – 0 Grandview Avenue (Assessors’ Map 12B, Parcel 29)
(reconfigure Lots 432-505 on Land Court Plan 4465D into new Lots 601-608)**

Dan O’Brien – Smith Associates and John Moltenbrey were present for the appointment.

Mr. O’Brien explained that the property is a group of lots from a Land Court plan from the Ludlow Housing Authority which is proposed to be reconfigured into eight new lots which will meet the zoning requirements for building lots for single-family homes. Mr. Phoenix said that one lot will front on Willard Avenue with the remainder having frontage on Grandview Avenue.

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Mr. Phoenix and Mr. Stefancik remarked that everything seemed to be on the plan.

Mr. Coelho: I **MOVE** to endorse the ANR for Dan O’Brien / John Moltenbrey for 0 Grandview Ave., Assessors’ Map 12B, Parcel 29, reconfigure Lots 432-505 on Land Court Plan 4465D into new Lots 601-608.

SECOND Mr. Silva.
4-0 in Favor.

Documents: Master application; Plan of Land Being a Subdivision of Lots 432-505 Shown on L.C. Plan 4465D – Grandview Avenue – Willard Avenue Ludlow, Mass., owned by Moltenbrey Builders, LLC (August 15, 2024)

**File Mail Item 61 - Legal Notice – Ludlow Conservation Commission – Lot 15 Mariana Lane
File Mail Item 62 - Legal Notice – Ludlow Conservation Commission – Lot 56 Knollwood Drive**

Cancel meetings of November 28, 2024 & December 26, 2024

Mr. Phoenix: I’ll entertain a MOTION to cancel the meetings of November 28th and December 26th since one of them is on Thanksgiving and one of them is the day after Christmas.

Mr. Coelho: **SO MOVED.**

SECOND Mr. Silva.

4-0 in Favor.

4-8 White Street

Mr. Phoenix commented that there have still been problems with the parking and traffic on the property for the social club. He also noted that there has been cooking both outside and indoors. Mr. Stefancik said that the Building Inspector has given them ten days to correct the cooking violations on the property. Mr. Phoenix remarked that if they cannot correct the parking, they will be in violation of their site plan and approval may be rescinded.

Town Planner Review

Mr. Phoenix explained that the Town is looking to do a better job of staying up to date on doing reviews for employees. He suggested that for the first review the Town Administrator do the review with the

expectation that in future years the Planning Board Chair will do them independently. Mr. Phoenix will contact Marc Strange and/or Carrie Riberio for the process.

ADU Bylaw

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Mr. Stefancik shared an example of an Accessory Dwelling Unit Bylaw with the Board since the State changed the laws in which the units will no longer require special permits. The Board will continue the discussions for future meetings for bylaw submittal for May 2025 Town Meeting.

Mr. Stefancik also mentioned that the Town just received a \$13,000 grant for a Housing Production Plan update.

Documents: Draft Accessory Dwelling Units Bylaw

Closing Comments

Mr. Queiroga asked Mr. Phoenix about the vote at Town Meeting for the Charter denial. Mr. Phoenix mentioned that all of the Planning Articles went through. He said that there were some concerns about the Battery Storage Bylaw Type 3 & 4 in Agriculture/AMD, and that he amended the Bylaw on Town Meeting floor to change that from Site Plan Approval/Special Permit Planning Board to "no".

Mr. Phoenix talked about how the grant for Whitney Park was denied, and also spoke about how that Charter vote failed.

Mr. Coelho: I'd like to make a **MOTION** to adjourn.

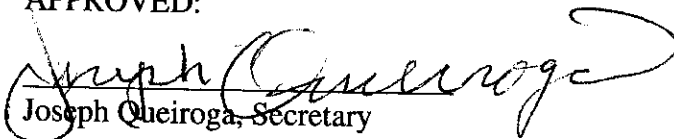
Mr. Phoenix: Oh boy, those are always in order and not debatable. I just need a second.

SECOND Mr. Queiroga.

4-0 in Favor.

Meeting adjourned at 8:53 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
PUBLIC HEARING – SPECIAL PERMIT/ESTATE LOT
0 Kendall Street (Assessors' Map 11B, Parcel 100)
Craig Authier
(estate lot)
October 10, 2024**

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PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Joel Silva – Vice Chairman (Present)
Joseph Queiroga (Present)
Joshua Carpenter (Absent)
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: John Furman – VHB, Craig Authier, 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: Estate lot.

Mr. Phoenix: There you go. As far as comments from other boards, ConsCom says that there are no wetlands involved. DPW says: *We reviewed the estate lot for 0 Kendall Street prepared by VHB with an issuance date of August 21, 2024, and have the following comments. The contractor must obtain a construction within the public way permit for all work within the public way, including but not limited to the driveway, sanitary sewer, storm drainage, water and gas service. If the property is connected to the sanitary sewer, a licensed drain layer will have to take out the sewer connection permit and complete the work. Number two, verify all new water connections with the Springfield Water and Sewer commission. Number three, submit a copy of the NPDES Construction General Permit and the SWPPP when completed and submitted. If you have any questions regarding these comments, do not hesitate to call. Reserve the right to review and comment on revised submittals.* From here in our own office, the first thing on here in bright red letters, one waiver being requested from the applicant. I believe it's on number two. Going through the list I see highlighting in red on number two, which I suppose makes sense under the circumstances. Specifically regarding to access width of not less than 50 feet from the front line to the principal structure, the access width between the pins is only 32 feet. Again, they are asking for a waiver on that, and I believe I saw the --- justification in other correspondence that we have. Fire Department: *The set of plans attached to the special permit request for the creation of an estate lot located at 0 Kendall Street has been reviewed for compliance. The Ludlow Fire Department has no comments at this time. Please note any omissions or missed items during this plan review does not relieve the owner/contractor from meeting all applicable codes, laws, regulations, and standards as they apply to the construction, maintenance or use of this building. Please feel free to contact this office if you have any further questions or concerns regarding this matter.* Building department says N/A. Board of Health says no comments, not on septic/well. Which brings us to the other piece of correspondence which is

rather on the longer side from the applicant's agent. This is from VHB. I'm gonna cut part of the beginning of this, I think, because it lists basically what they've turned in for paperwork.

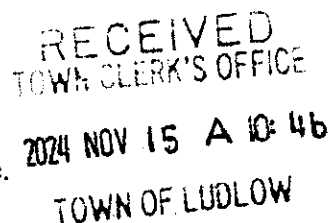
Mr. Furman: The chair, I was actually gonna go through that.

Mr. Phoenix: If you want to do that instead, you can be my guest.

Mr. Furman: As part of the presentation, that would save some time.

Mr. Phoenix: Sure. And then if, as I read it before, if there's anything that I think of, I'll let you know. With that, I think it gives a good enough place to start if you wanna go over what you're looking to do.

Mr. Furman: Alright. Well good evening. My name's John Furman. I'm the office manager for VHB in Springfield with the applicant Craig Authier and a representative of the owner Zane Merkin. And we are here for a special permit for what is now called 0 Kendall Street because there's no building address on it. For the, the board, this was actually previously submitted, and it was withdrawn without prejudice on our previous application. I've gone through all the, the minutes from those all previous meetings. I understand what the concerns were with the abutters, and we're ready to go through those and address what we've done to address the comments that were made at the previous meetings and hearings. One of the biggest items that we saw in that previous application was a concern for stormwater. And one of the first things we did is we hired a sub-consultant, O'Reilly, Talbot Okun. There is a copy of our drainage report floating around somewhere here in all of the paperwork you have. And we prepared a pretty extensive stormwater management system for the project, which is intended to reduce the flow of water off of the site and actually manage it. Our design is based on the soil conditions that we found out there. We submitted that to the Department of Public Works and the Department of Public Works and, and myself, Jim Goodreau went over the design and he issued us the stormwater permit for that, for this project, which is also in your, your packet of information, but as part of the presentation I plan to go over it. So, just in general, this is the site plan that we're looking at here. The site has about 50 feet of vertical change from this corner down over here all the way up into the back. And storm water generally flows in this manner. So, these properties here are actually the ones where they have sheet flow coming off the site and going into, in those properties. This property itself is also getting flow from the properties above. So, it's not that the flow is originating from us, it's originating somewhere outside our boundary and kind of going through. So, what we've done, let me talk about layout first. If just go through this logically. So, this is the frontage for the property. We have a long driveway, 10-foot wide proposed, which kind of snakes around. This side of the site is higher than this side. Just for some numbers, this is 434 and right across from it, --- it's 224. So, there's about 10 feet of difference from one side of the site to the other. The house is designed so that there's a garage that pulls under, so a one-story ranch style home. The garage is under. The retaining walls are just on the other side here. There's some steps and a walkway leading to the front door. What we've done is, we've created a plateau in the middle of the site for the building. These are contour lines. So, what we've done is we've basically sloped down, comes into a little bit of a swale, goes across into this area here. The house itself is going to have gutters and downspouts, which are directed to a low area that we are putting in the front yard. And by low area it's, it's about a foot and a half. Bottom of that low area there's a drywall just to make sure that it works during the winter. Just to know, in talking with Jim, there's three spot grades that are here. You can see them, they're identified as 203.5. Those were mistakes. We actually sent an update to the Planning office and to Jim on that. Those numbers should be 223.5. So, there's a corrected plan floating around somewhere, but it's just, I wanted to point it out here that Jim's concern was that we're digging a 20-foot hole here and we're not. It was just a typo.



So, then the water continues to sheet flow down. The principle of the, of the storm water itself, is that right now the water flow is unchecked from one side of the property to the other. So as a single-family residence, resident, the design itself is actually exempt from the stormwater management regulations set by the DEP. But we followed those regulations in order to come up with this design. So, what we've done is we've introduced two, two types of features to help with the stormwater. The first is, we have dry wells. There's four of them, one, two, three and four. And those are in there, so during the summer months, when rainwater flows across and hits these swales, it has a place to go and it enters the soils down below. So, there's no topsoil, there's no fine material that slows down the infiltration. It just goes right in. These continue to work in the winter as well because they are lower than the frost line and it has access to all the soils down below. So, in addition to those, as I said, the storm water just basically flows right across. So, what we've done is we've introduced features that actually slow the water down, collect it, and then redirect it. And so, all the water that's coming up from this area here goes into this feature here. So, it goes into the grass area, gets treated by a dry well, once a dry well fills up, it has the ability to pond up about a foot and a half in this area. We then, the water from the roadway and from this slope here goes across the driveway and we have a riprap swale basically running around the property that has about a foot and a half to two-foot-deep swale. It's treated with riprap so it won't erode. So, the water basically comes in through here, can't get out because of the high bank on the other side. And then it's hard to see. But at every dry well we have a stone check dam. So as water comes through, what we don't want is to have the water into the swale and then become a raceway kind of coming down to the end. So, these stone check dams are basically little dams made out of a very fine stone. Water comes in, they're at the edge of the dry well, so it forces the water into the dry well. Water can still go through it as it builds up 'cause there's stone, there's voids, it goes through. But then from this point here to the next one, takes this chunk of water from this point here to this one, takes this chunk of water. So, what the stormwater management report shows is that we created two models for the site, an existing model and a proposed model. And in that report, we have two figures. So, the first figure is part of the analysis, and I don't know if you have the report to show, but this is a figure out of the drainage report. So, it shows our design points, 1,000, 2,000, 3,000, and it basically shows where the water leaves the site. And then what we do is, we create a storm water model that analyzes how much water is coming off at those locations. Then we do the same exercise for the proposed conditions. We, but we add in the building and the grading and all the features that we put it in. We have the same, the same requirements. So, what the model shows is that for all the design storms that we analyzed, which are the 2, 10, 50 and 100, all the storm water leaving the site after the development is less than the stormwater leaving the site before development. So, we've met the intent of the DEP regulations, which basically says that a development will not increase the occurrence of downstream flooding after development. And just to throw some numbers out, if you have the stormwater management report, on page four, there's table three, which is a summary of peak runoffs, and I'll just read a couple of them. For design point 1,000, which was near the bottom on a 10-year storm, it had 3.4 cubic feet per second leaving the site, after development, you have 3.05. For design point 2,000, which was down near Kendall, you have 1.66 cubic feet per second, after development you have 1.36. And then for 3,000, which is where the driveway is, you have 0.48 cubic feet per second. And after development you have 0.44. And that reduction is consistent all the way through all the storms we analyzed, which again are the 2, the 10, the 50, and 100 year storm. So, I went through those with Jim. Here's the numbers here. He issued us a permit because we meet the intent of what we're doing, and the stormwater management system will basically better the conditions that are out there. Also included in the stormwater management report is a series of long-term stormwater management maintenance measures, which the homeowner will have to follow. It's how to treat all the stormwater, all follows, how to maintain them, how to inspect them to make sure that they function for the life of the project. So that's included as part of the design as well. So, that's the site, that's an overview of the stormwater management system. If there are no questions on

those, I'd like to go through our cover letter, which basically does a review of the criteria for a single-family dwelling on an estate lot as well as special permit criteria for the, for the permit. Want me to just kick right into it?

Mr. Phoenix: Yes, please.

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Mr. Furman: Alright, very good. So, as we alluded to it at the beginning of the process, there is a waiver that we are requesting for criteria number two, which is, there's actually two criteria in number two for the single-family dwelling on estate lots. And that's actually a reduction in the width from the minimum of 50 feet continuous from the right of way to the dwelling. We actually have 31.8, and I'll show you where that is on the site plan. But at the bottom of the cover page, starting off with the criteria for the estate lots, no more than two consecutive estate lots should be located in a public way. There are, this is the only one that we know of, and I believe the Town Planner has actually issued his memo and basically said the same thing. So, we get into criteria two, which actually has two items in it. So, the first is, is that the estate lot must maintain a minimum frontage of 50 feet on a public right of way. Our lot has 66.9, so we exceed the requirement of 50 feet. The second criteria is the 50 feet. So, we have 60, 66.9 here. This pinch point between this property line and this property line is where we don't have the 50 feet, and it drops down into 31.8. As soon as we get past that, it opens back up to 50 all the way. So, to offset the reduction in that, what we have done is we have proposed some plantings through here. We've centered the driveway in that right of way so that we can maintain the 10-foot separation between a driveway and the property line. We are proposing plantings on either side of it to shield any lights from the driveway that might shine out as the car is going through. In addition, we added, not so much as a requirement for the 50 foot, but the site in this point is also grading in this manner here. So, we regraded it and created a small little detention basin here. It's about two feet. So, water that was coming from this point across this pinch point onto this property here, now it gets diverted into this and it infiltrates into the ground. So, we've gone a few extra steps to try and better the situation that is here in addition to that 31.8 reduction for the 50 foot. Estate lot should be double the minimum area in the RA1 zone, the minimum area is 15,000 square feet. We have 103,000. So, we more than exceed that. An access strip that is accessible, having a maximum length, not exceeding 400 feet. This is a little ambiguous I guess if you would on what this means, Doug, could you go back to the site plan three please? So, what we've done is we've shot a distance from the right of way of the, of Kendall Street to the front of the house through here. This is the point that sticks out and right now we had 398.7. So, if this lot didn't have this unique configuration and the roadway was to come in through here, which we could do because we do have an access here, even though our access is here, we would meet that criteria. It's the unique shape of this lot. And because this side is higher and having the garage on this side, which helps us to reduce the footprint of the home, this hundred feet is added onto that. So, the length of our driveway is 499. So, the way that we worded that criteria is that in our opinion, because of we're set 400 feet from the roadway, we don't believe we need a waiver of that. But we're leaving that to the board to decide if your interpretation is that it has to follow the roadway, then that's another waiver that we would have to ask for a reduction of 99.3 feet. It's our interpretation because we're still 400 feet from the roadway that, that we're not needing that. The width of the lot where the principal building is to be constructed shall be equal to or exceed the distance normally required for street frontage. The lot across where the building is 145. So, we exceed what's required for frontage. Number six is the setbacks, that they should, must equal or exceed those required for a front setback of 30 feet. We're at 398.7 for a side yard of 10 feet. We are at 30.6 or 52.2 and for a rear yard of 20 we're at 301. So, we exceed all the setbacks for where we're required. I'm sorry, I thought someone said something. Planning Board may require to be maintained or kept a naturally occurring, planted or vegetated strip. We're not intending to cut down any trees other than what is needed to put in the stormwater management features. The site is pretty

much vegetated now. There are trees around the perimeter as we're dialing in the site and we're putting in the stormwater management features. If there's an ability to save a tree, we'll certainly do that to offset any trees that are, that need to come down. The applicant is, is proposing to install deciduous trees around the property line as a buffer. He's done that on a number of projects that we worked with him for, and it actually creates a nice visual barrier when they, when they grow up and the trees that they're proposing are six to eight feet tall and they're shown on the plan. Getting into number eight, the estate lot entrance shall be clearly designated. If you look at the plan, we have a sign that meets that criteria near the driveway. The driveway, number nine, the driveway is to be located and maintained a distance of no closer than 10 feet to any property line. We meet it all the way through, and you can see we're 10 feet on this side and we're 12 feet on this side. So, we meet that criteria as well. And the plan submitted should include the statement that the lot fill, filling the lot number is an estate lot building is required in accordance with the special permit. And we've added that note on the plan. So that is the criteria evaluated for the special permit for an estate lot. So, we really are only looking for a waiver for the reduction in width from 50 feet to 31.8. So now I'm gonna go through the special permit criteria, which is a different category unless you have questions on that.

Mr. Phoenix: Well, I don't have questions so much as I do concerns about time.

Mr. Furman: Okay.

Mr. Phoenix: Because this hearing is scheduled to go until half past and we're pretty substantially into that window at the moment. I don't think that there's any particular meat in the special permit criteria that we need to talk about right now. There was nothing that Doug called out as being clearly wrong. We can circle back to those I think if we need to. Correct. Yep. But in the interest of time, I think the more pertinent ones we've already covered, unless anybody on the board disagrees.

Mr. Furman: I would agree with that assessment. The special permit criteria is very consistent with the neighborhood and the uses around it. So, I would certainly agree with your summary.

Mr. Phoenix: With that said, my first thing that I wanted to mention, actually before I even do that, you mentioned something about having a second access.

Mr. Furman: A second strip that we could use for access if we needed it.

Mr. Phoenix: And is there a reason why the strip that's being chosen is the one that's being chosen instead of that other one?

Mr. Furman: That strip is only 17 feet wide, so we would actually have to apply for a second waiver.

Mr. Phoenix: Okay. So, it exists but it presents additional challenges beyond what this one does?

Mr. Furman: Yes.

Mr. Phoenix: As far as number four, I would tend to agree that there should be a waiver on that. I think part of the reasoning for that was accessibility. I know the Fire Department didn't call out anything as far as a major concern on that, on their letter.

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Mr. Furman: And I actually called the Fire Department, and I talked to their fire inspector on this. I explained to them what the situation was, and he said as far as he's concerned that's a planning issue. That's not their issue.

Mr. Phoenix: Okay. Well, I think our issue when this was put in and those were all being discussed was being able to adequately get services in there. I think especially when you're dealing with flag lots, estate lots, whatever you want to call 'em, that gets a little bit trickier. And this one in particular, you've got access that narrows down a fair amount that goes around a corner on a hill. The idea of getting, let's say, a tanker truck in there seems a little bit scary to me. I'm sure people that do that on a much more regular basis might be more okay with that. But that seems awfully intimidating to me. I know when we were talking about this on the first go round, the two main things that came up, and you definitely addressed a lot of issues as far as storm water, you talked about that a lot, but the other one was that area where the access narrows down, especially because it is on a slope, concerns about cars coming and going, whether they'd be staying on the pavement, especially you get to winter months with ice and snow and all kinds of other fun things. It looks like you've got the trees in there. Is the expectation that those are also to try and help in case of those scenarios, is that just strictly visual buffer? What are we looking at on those? Yeah, let me address two things on it. So, from the tree perspective, it's strictly just visual. They're not meant to corral a car and keep anybody in their lane. Where the site is actually narrowed down is, we've graded this site so that it is a level area and it, and so we have stationing within the roadway. So, from station 100 to station 175. So that 75-foot stretch across there is level, that's how we've designed it because we realize that there's a slope. So, this driveway comes up 200, 204, 206, then it goes 206 all the way through. Then at 175 it starts to drop back down to 204 where there's a low point and then it starts to come back up again. So, we took out the concern by grading of the slope that was previously looked at in that area.

Mr. Phoenix: Okay. I think I might have a couple other things but before I hit those, I want to give the rest of the board and then the public a chance to, to ask and speak their mind. Does anybody from the board have anything at this time?

Mr. Coelho: I think the engineering kind of answered a lot of my questions.

Mr. Silva: You addressed the concerns I have. Great presentation.

Mr. Furman: Thank you.

Mr. Phoenix: With that I will open it up to the public. If anyone has anything that they would like to add or ask, I would ask that you state your name and address for the record and address whatever you have through myself as Chairman. I'll do my best to get you any answers that you need. Does anybody have anything at this time?

Mr. Ganhao: What kind of utilities are you planning to put?

Mr. Phoenix: Sir.

Mr. Ganhao: I'm sorry. Helder Ganhao, 71 Kendall Street.

Mr. Phoenix: Thank you.

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Mr. Ganhao: Just what kind of utilities are you planning to put for this structure? Are you going with underground utilities of all kinds or are you planning on using a sewer line in there somewhere? Not naturally, I would think you would want to follow gravity which passes right by my house right there at the bottom left. And I'm the one who raised the issue with the water because I am at the lowest point where I would be most impacted by all of this.

Mr. Phoenix: Could you elaborate on what utilities are expected to be going in there?

Mr. Furman: Sure, so at this point we are not showing any utilities on the site as well. We are toying with having an onsite septic system and a well placed. We have plenty of room either in front or in back where we wouldn't have impact from that. We have to coordinate that with the Board of Health. We are prepared to, to show a water line connected out to the street if we need it. And as far as the sewer goes, this would, because of the change in grade, we would, if we were going to connect with the sewer, we would go gravity to some point come through here and then try and get gravity down through the main access. We would, we're not intending to dig up this access area over here.

Mr. Phoenix: Okay. So as far as some of that goes with the Board of Health, the comments that we got or more specifically the no comment that we got does say not on septic/well. So that implies that they might have comments if they were believing that this would be involving septic or well. So, if it's possible, I think it would be good to get that clarified or to go back to the Board of Health and say, hey, in the event of septic and well what are your thoughts on that?

Mr. Furman: Sure, we could do that.

Mr. Phoenix: Because the letter that we currently have does not cover that scenario.

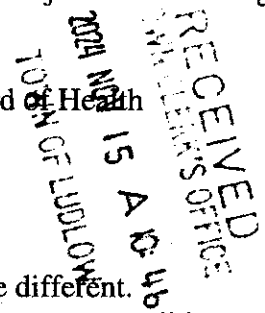
Mr. Furman: Very Good.

Mr. Authier: Hi, Craig Authier, 1421 Granby Road, Chicopee. So, on this I would think that would be in the building permit phase because right now we have access water and sewer are an access, are accessible from the street. But if I decided to go well and septic, wouldn't that just be something I can decide, decide to do later and that's when Health gets involved?

Mr. Phoenix: Well, the issue right now is the letter that we have from the Board of Health specifically states that it's no comment because there's no well and no septic.

Mr. Authier: Correct.

Mr. Phoenix: So, we would need to get something different if that's going to be different. Otherwise, we do this approval, the only way I could be comfortable with it is to put a condition on it that there will be no well and there will be no septic. Yeah, no well and no septic. Otherwise changes to it to add those on would be against what we already got comments from the Board of Health on. So that's why I was saying we could get that cleared up, you know, if there's a path that's already known for what's gonna be happening or just ask them, hey, would this change if they were to be putting those there or were you just writing that to make note that you didn't see anything there now. So, we can ask that question and that might come back as no, we're fine with it either way, but we won't know unless we get that clarification.



Mr. Coelho: Mr. Chairman, for them to get a CO that's gonna have to perc and they're gonna have to do additional engineering for the well and the leach field septic.

Mr. Phoenix: Right. But here's the thing, if we start approving things, right and they start looking to do some of the work, shifting dirt around, digging things out, doing all kinds of stuff and then they go applying for permits, it's a different story. Which is why it's, you know, not to be too glib about it, but the Planning Department, not the reaction department. So, if we can just get that cleared up from the Board of Health as far as what their intention is, I think that's better on the front end than waiting until after.

Mr. Authier: Right now, the plan is to go with the public utilities, but also there is a chance that depending that we, we might go through that 16 feet there, if it's stuck.

Mr. Phoenix: So, why don't I do this for the moment. I'll entertain a motion to reach out to the Board of Health and get clarification on what, if anything, in their notes about having no comment would change if there were well and septic involved on the property.

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

Mr. Phoenix: So, that's hopefully squared away. We can figure out what's going on with that. And it might be as simple as they just say no, we're good either way, but at least we do that I cross that T. Yes ma'am.

Ms. O'Connor: I just have an aesthetic question about.

Mr. Phoenix: Name and address, thank you.

Ms. O'Connor: Gail O'Connor, 51 Kendall, the one right there on the right, on the left. And it's about the bushes or the trees, whatever that you're gonna do, plantings. I noticed that there's a block that there aren't any trees and it's right in my backyard. So, I just wondered. Yeah, right there.

Mr. Furman: That's because the drainage swail goes right up to the property line. So, the trees won't survive in that.

Ms. O'Connor: So there won't be any...

Mr. Ganhao: Trees.

Ms. O'Connor: Trees there. I'll just see the driveway.

Mr. Furman: Yeah, I'm not sure what your backyard looks like, whether you got trees back there or not.

Ms. O'Connor: I mean most of the, I do have some foliage on my property, but the other, the abutting property, it's all, you know, just wild.

Mr. Furman: We can certainly specify some trees in there. I mean you, you're looking like at another four trees. I don't think that's a problem.

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Mr. Authier: I would take a look at the elevation though. I don't think, I think your elevation is much lower than what the tree would be.

Ms. O'Connor: Yeah ---.

Mr. Furman: I don't have, we don't have any elevations on that, that property, but we are certainly lower than whatever the roadway is.

Mr. Authier: Yeah, I would take a look at where that isn't gonna line up with where the elevation is now, because I think with the end result up the road you're not gonna see it, there's a swale and then the road.

Mr. Phoenix: So, I mean you can probably take a look at that while we're getting feedback from Board of Health and have both of those going at the same time.

Mr. Furman: Could I ask a question about that?

Mr. Phoenix: Sure.

Mr. Furman: So, if you make a call to the Board of Health and you find out that they do need additional input, is there any way that that can be conveyed to us prior to the next meeting so we can address it versus coming in here, hearing it, which automatically generates a third meeting?

Mr. Phoenix: In my experience, usually once we get something, we try and communicate it out. I don't know that that's.

Mr. Stefancik: I can copy ---.

Mr. Phoenix: Does that work?

Mr. Furman: That works for me. Just wanna know what's going on.

Mr. Authier: I don't think septic's gonna be anything but well is kind of up in the air to water. So, -- water.

Mr. Phoenix: Yeah. Anything else from the public at this time? Okay, hearing nothing, Doug already kinda went through the checklist for us, I think the, the things that we have outstanding at the moment are figuring out the tree issue for that small stretch, the Board of Health as far as that open question that we already had a motion on, the request for the waiver of number two, and whether the whole board thinks that we need a waiver on number four. I suppose the most logical place to tackle next is do we need a waiver on number four?

Mr. Queiroga: What would be the purpose for that?

Mr. Phoenix: If we believe that number four says that it should be within 400 feet, then we should require the waiver, which they've said that they're willing to submit for.

Mr. Furman: Would it help to read exactly what it says?

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Mr. Queiroga: Sure.

Mr. Furman: So, number four says an access strip that is accessible, having a maximum length not to exceed 400 feet.

Mr. Queiroga: I'm fine with it.

Mr. Phoenix: Well, not on the merits of whether we should grant it or not. I think the question is just, do we need it or not?

Mr. Queiroga: I'm not sure. I would think we would, we need to talk to...

Mr. Phoenix: Well, it depends on, and this is where he was talking about the language gets a little bit wonky because the access strip portion, if we're talking about the total length, then they're at what about five you said instead of the four?

Mr. Furman: 499, yep.

Mr. Phoenix: If we're talking about just the narrower like stem part of the flag, then they're certainly well within that. So, it comes down to a question of interpretation of what that means. I could be mistaken, but my recollection of when we had originally put that in was primarily around the public safety aspect and be able to get the vehicles in there, which it sounds like fire doesn't have a problem with it. So, I don't know that I'd have a problem granting the waiver, but I think one should be requested and on file. I think that's, I am not hearing a whole lot either way though.

Mr. Coelho: Fire doesn't have a problem with it. I think when you're talking about the difference, now you're talking impermeable surface and they've certainly done the drainage to address that. I mean that would be the only real big difference other than emergency services would be impermeable surface. The calcs work out pretty good and I didn't take out my calculator but I think they got a good one over there at VHB.

Mr. Fruman: We do.

Mr. Phoenix: Yeah, they pass that around from desk to desk.

Mr. Coelho: That's where I don't think that it requires a waiver because that would be the only other reason that, that would've been written into the bylaw. I think.

Mr. Phoenix: Well I, and that's where I think we can grant it. I just think it should be requested and just be on file.

Mr. Coelho: Okay.

Mr. Phoenix: If nobody wants to actually ask him for it, then we won't. But I, I'm not hearing anybody, anybody else ask, so we'll just say number four is a wash. How's that work for everybody?

Mr. Queiroga: Yeah.

Mr. Silva: Yes.

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Mr. Phoenix: Okay, so we got the three outstanding issues. I don't anticipate hearing back from Board of Health should take terribly long. The waiver on number two, I think we can discuss probably when we come back together for the second session, and I don't think it would probably take you too long to figure out the tree situation. Is that a fair guess?

Mr. Furman: It is.

Mr. Phoenix: So, our next meeting is October 24th. Unless I missed my guess.

Ms. Urban: Yes.

Mr. Phoenix: Would that?

Mr. Furman: Yes.

Mr. Phoenix: You figure that should work for Board of Health, Doug?

Mr. Stefancik: Yes.

Mr. Phoenix: Okay. What time are we looking at?

Ms. Urban: 7:10.

Mr. Phoenix: So, I'll entertain a motion to continue until 7:10 on the 24th.


Mr. Queiroga: **SO MOVED.**

SECOND Mr. Coelho.

4-0 in Favor.

The public hearing was continued until October 24, 2024, at 7:10 p.m.

APPROVED:


Joseph Queiroga, Secretary
su

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Documents: Master application; Comments from town boards/departments; Stormwater Permit Report (August 20, 2024); Site Plan – Authier - Kendall Street – 0 Kendall Street Ludlow, MA (August 21, 2024)

(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/SITE PLAN
191 West Street (Assessors' Map 2D, Parcel 3)
Hajer Brak
(proposed auto repair shop on mixed use parcel)
October 10, 2024**

PLANNING BOARD MEMBERS

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

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

In attendance: Hajer Brak, Attorney Carmina Fernandes, attendees

Mr. Phoenix read the legal notice and advised the public that the hearing was being recorded. The legal notice included the description of: proposed auto repair shop on mixed use parcel.

Mr. Phoenix: We've got Conservation Commission for comments says no wetlands. Assistant Town Engineer says he's got no comments as well. From our office, I've got a checklist without a whole lot on it. Other than that you're requesting a waiver, excuse me, from o. Additional Requirements 1, 2 and 5; 1. being the lighting plate with luminaire schedule prepared by an engineer, 2. being elevations showing the front, rear and sides of the building design, and 5. being traffic study. So, I read everything in. That's kind of my piece of this. I think the next part is for y'all to explain a little bit of what you're, you're looking to do.

Atty. Fernandes: Maybe she can.

Ms. Brak: Are we gonna put the site plan?

Atty. Fernandes: Doug, can you bring up the site plan maybe?

Mr. Stefancik: Fire had comments too.

Mr. Phoenix: It wasn't in the, did I read it or not? I've got ConsCom, Public Works, Fire was after you. I'm sorry. Normally Doug's is at the end of the stack. There was some more hiding in there. Fire Department: *Site sketch submitted to this office, proposed auto repair shop has been reviewed for compliance following will be required under 527 CMR 1.00. Massachusetts Comprehensive Fire Safety Code Table 1.2.8.50 flammable or class two combustible liquids unattended within cargo tanks, portable tanks, or transfer tanks on a parcel of land less than 15,000 gallons in the aggregate will require a permit for tank storage. The permit will be maintained through the fire prevention office. Listed, approved minimum 10-pound dry chemical type ABC fire extinguisher to be provided for service area. Address number to be clearly posted*

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on the building and visible from West Street. Please note any omissions or missed items during this plan review does not relieve the owner/contractor from meeting all applicable codes, laws, regulations and standards as they apply to the construction, maintenance or use of this building. Please feel free to contact this office if you have any questions or concerns regarding this matter. Building Department says with updated zone changes can repair cars. Board of Health says no comments, concerns. Sorry about that. I think I'm actually done this time unless somebody tells me differently again.

Atty. Fernandes: What was the tank? The first one that you.

Mr. Phoenix: Sure. Under 527 CMR 1.00. Table 1.12.8.50 flammable or class two combustible liquids unattended within cargo tanks, portable tanks or transfer tanks on a parcel of land less than 15,000 gallons in the aggregate will require a permit for tank storage. The permit will be maintained through the fire prevention office. Okay, so basically there's nothing on there that says hey, don't do it. It's just saying you've gotta get that tank permit. You gotta have the minimum 10-pound dry ABC fire extinguisher.

Atty. Fernandes: What are these usually tanks used for? I'm not familiar with these. Do you know?

Mr. Silva: It's up to the business what they use there. It's addressed based on what they use.

Atty. Fernandes: Okay.

Mr. Stefancik: Oil, gas, propane.

Atty. Fernandes: I see. Okay. Gotcha. For the course of, yeah.

(conversation between Atty. Fernandes, Ms. Brak and other applicant)

Mr. Phoenix: Okay, what are we, what are we looking to do? I know we talked about it a little bit before when we were looking at the zone change issue.

Atty. Fernandes: Yeah.

Mr. Phoenix: But just to have it as part of the, the hearing for this thing.

Atty. Fernandes: Yeah. He's planning to have an auto repair business at the property, and they have done the plan where the cars are gonna be parked and maybe she can explain that a little bit more.

(applicants talking to each other in foreign language)

Ms. Brak: This is like the first site plan that we did but we upgraded it, updated it. So, there's gonna be three here and then three there so that when a tow truck comes in there's not a lot of traffic and it can stay here, not like on the road or like the driveway. And so, we have the, the place for like visibility over here and then there's gonna be three here and then three like on the side here. And then the front of the house, it was all gonna be empty and we're gonna, we're planning to pave it with asphalt so it's gonna be like smooth and good looking. And then in the back we're planning to put like these or like cars that he already fixed and then already need to

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like get picked up, so he doesn't have a lot of cars in the front. And then here, if like all the cars that are like for parts, if he needs any parts.

(applicants talking to each other in foreign language)

Ms. Brak: And that's basically our plan. And this is an existing garage and that's where he plans to like fix the cars and that's where the office, the bathroom and he's planning to --- septic.

(applicants talking to each other in foreign language)

Ms. Brak: Oh, and he said depending on what the town decides, if they want a septic or whichever one fits the town best, we have a lot of space in the back where we could add it. And so, it basically won't affect the look of like the street in the front 'cause it's not gonna be like full in the front. It's gonna be like mostly in the back. And we have a large land. So basically, we'll have like and a lot of space ---. And that's it.

Mr. Phoenix: Okay. Does anybody from the board have any questions?

Mr. Coelho: What's the zoning over here?

Mr. Stefancik: Business A. You rezoned it.

Atty. Fernandes: We went to a town meeting.

Mr. Phoenix: You remember this was the one that the neighbors were in support of? We actually had people come in for a zone change hearing saying, yeah that's a good idea. Remember that one? Okay.

Atty. Fernandes: The unusual one.

Mr. Coelho: I'm sensitive to auto repair in residential neighborhoods.

Mr. Phoenix: I can't imagine why, can't imagine.

Atty. Fernandes: Oh, you have one in front of you? Different location though. This is wider space. There are some other industrial type of similar businesses in the neighborhood already.

Mr. Phoenix: Yeah, and they actually have parking Chris.

Mr. Coelho: Yeah, well that's the one reason why I'm.

Atty. Fernandes: Yeah, I know the one you're talking about. Yeah, there's, that's very unusual situation.

Mr. Phoenix: That's a good word.

Atty. Fernandes: Yeah.

Mr. Phoenix: No, I think at first I was, I'll be honest, when I was looking at this, I was trying to count cars and there's handy dandy pictures of cars and I was counting those and I was trying to

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figure out where the thirteen was and I realized there's no car on the handicap one 'cause then you probably wouldn't see the handicap signal, symbol. So, I figured out where the last of the spaces was, which was one of my outstanding issues. Beyond that I really didn't see too much jumping out at me. I had gotten a message from Josh, and I know he had mentioned something about the parking as well. Lemme just double check to make sure not missing something that he had. Oh, his concern was that the three in the back aren't striped. So, he just wanted to make sure that those were actually gonna be parking spaces or what was going on with that.

Atty. Fernandes: Those up at the top there?

Mr. Phoenix: Yeah, there's the, the car symbol there but there's no like striped lines or anything.

Ms. Brak: Yeah, we're still like planning that and we already have it planned but it's not shown here. 'cause the updated site plan, I don't know how it's not there but.

Atty. Fernandes: They submitted an updated site plan I believe.

Mr. Phoenix: Yeah, I just have an older version, what I was looking at. Yeah, That is the older version.

Mr. Stefancik: That's all I have too.

Ms. Brak: I don't think the site plan, the person who did it sent the.

Atty. Fernandes: Sent it in?

Ms. Brak: Yeah.

Atty. Fernandes: And it was Smith and Associates I believe, right?

Ms. Brak: Yeah.

Atty. Fernandes: They were supposed to revise where you have the six cars. They, they were supposed to have a little bit more space because of towing the cars in and out, so.

Mr. Phoenix: That makes more sense with the comments that we were hearing before too.

Mr. Queiroga: Can you tell me what the, what the square footage of the, of the entire lot?

Atty. Fernandes: It's large.

Mr. Phoenix: It should be on the table.

Ms. Brak: Yeah.

Atty. Fernandes: Yeah, it's quite large.

Mr. Queiroga: Quite large.

Ms. Brak: Yeah.

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Mr. Stefancik: Two Acres, 87,120 square feet.

Mr. Queiroga: Okay. That doesn't include that house, does it?

Ms. Brak: I don't believe so.

Mr. Queiroga: The house is on the property, the house of 191? I was just curious.

Mr. Silva: The garage, does it need this, so this is the driveway. I assume that was ---.

Mr. Phoenix: Well, I believe what they were saying during the presentation was that the ones toward the back could be ones that were already worked on and ready for pickup.

Atty. Fernandes: And are just ready for pickup, yeah.

Mr. Silva: So, do they need to be marked parking?

Mr. Phoenix: It doesn't really need to be striped. Normally we'd have them striped, so they're called out that they're parking spots, so that it makes it a little bit more defined. They've got the car symbols there, which is something we're not typically seeing. I mean I'm interested to see what the updated plan looks like if that's what they're actually looking to do. I'd hate to approve this and then there'd be something else.

Atty. Fernandes: Okay.

Mr. Phoenix: I doubt there's anything that is gonna be on there that would be a deal breaker, but I just don't want to end up.

Atty. Fernandes: My understanding, they're just going to redraft where the car, those six cars are but it's not. I think you said it's up to the side.

Ms. Brak: ---

Atty. Fernandes: Okay. Here, why don't you draw it here, so, or I can. So, if you have, right now you have 3, 3, 3. So, why don't you draw it?

Ms. Brak: Okay, so this is the one that they have up there. It's all like crowded together. And the new one that we're thinking of was, it would be the ---.

Atty. Fernandes: Handicapped, yeah.

Ms. Brak: Like that. And then it would be three here and then either...

Atty. Fernandes: Or sideways.

Ms. Brak: Yeah. And so, like the tow truck.

Atty. Fernandes: So, instead of being behind the three here would be, these would be like this, and these would be like that.

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Mr. Phoenix: Okay.

Ms. Brak: The tow truck wouldn't be on the road. It would be like behind the car. So, we wouldn't tie up any traffic. So, like.

Mr. Silva: You own the tow truck? It's yours?

Ms. Brak: No.

Atty. Fernandes: No. Anybody that brings it in.

Mr. Silva: In and out. Okay.

Atty. Fernandes: Yeah.

Ms. Brak: So, it wouldn't stay there and make a lot of noise.

(applicants talking to each other in foreign language)

Ms. Brak: Yeah, because a lot of the cars coming to the repair shop, they need to be repaired and so they need a tow truck and so they bring it and then the fixed cars go in the back so they can pick them up.

Mr. Phoenix: Well, before I open my mouth too much more. Anybody else have anything they'd like to add or ask?

Mr. Coelho: I have concerns.

Mr. Phoenix: Sure.

Mr. Coelho: Hours of operation and noise. Air guns are pretty loud. Towing cars is a problem as well, 'cause those tow trucks come at 10 or 11 at night and they have very loud backup alarms and flashing lights, which unless you've had the backing, the flashing lights and the backup alarm in your bedroom window, you probably wouldn't even notice it. But at three in the morning, it's very noticeable. So that would kind of be grouped in with hours of operation. You know, dropping cars off at four in the morning is not really good for a neighborhood. Yeah, and those air ratchets, I mean those are very loud, so.

Mr. Phoenix: Well, I think where that kind of comes in though is we do have this under special permit.

Mr. Coelho: Right.

Mr. Phoenix: So, I mean I don't know that it makes a whole lot of sense to just say, well if somebody's car breaks down, they can't have AAA drop it off in the middle of the night either because that's not.

Mr. Coelho: No, and this is far enough away from the road where maybe it's not that terrible.

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Mr. Phoenix: I think we're, we have our protection is that they have to keep everything in harmony with the neighborhood, otherwise we're gonna end up hearing it from the neighbors. And then they're gonna be in violation of the special permit and then we have that whole conversation with them. I think that's...

Mr. Coelho: Have they given any thoughts of hours of operation?

Mr. Silva: It's nine to five.

Ms. Brak: Yeah. So basically, my dad, he wouldn't work midnight, more in the morning 'cause he'd probably be sleeping. So, the hours of operation would probably be, (*applicants talking to each other in foreign language*) from 9:00 PM till 5:00 PM well 9:00 AM till 5:00 PM. So, it's basically when people are at work already, so we wouldn't bother a lot of neighbors.

Mr. Coelho: And weekends?

Ms. Brak: He is not planning on doing Weekends.

Mr. ---: --- Saturday.

Mr. Coelho: Saturday, and it would probably be maybe like 10:00 to 3:00 would be nice.

Ms. Brak: Yeah. --- that's what he was planning to do.

Mr. Silva: That area behind that says gravel all the way on the back. That's the part of the property?

Atty. Fernandes: Yes.

Ms. Brak: That's the part of the land that we already have. It's already done. Like it came like that when we bought it.

Mr. Silva: Can you drive over there?

Ms. Brak: Yeah. It's Pretty smooth.

Mr. Silva: Can we make, it's like tow trucks that come in instead of backing up to the street, go turn around and come back so the backup alarm doesn't get activated?

Ms. Brak: Yeah. That was his plan in the first place. (*applicants talking to each other in foreign language*)

Mr. Coelho: Yeah, this is what it looks like now. So, I have a feeling they're not gonna be dumping a whole bunch of money into concrete and pavement, you know.

(*applicants talking to each other in foreign language*)

Atty. Fernandes: Is it doable or is it very expensive to get that?

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Ms. Brak: It's already, it already has asphalt.

(applicants talking to each other in foreign language)

Atty. Fernandes: I think it might be easier to work on when it's closer to the garage is the only.

(applicants talking to each other in foreign language)

Mr. Phoenix: Well, I think it's not so much about where they get dropped off. I think it's just trying to eliminate as much of the backing up as possible.

Atty. Fernandes: Yeah.

Mr. Phoenix: Which, I mean, if they're not, if somebody's dropping off a car for AAA, it's not always that there's somebody there telling them, hey, do this, drive this way. So, you're gonna kinda be stuck with however the drivers are gonna do it anyway. You can kind of tell 'em and nudge 'em. But there, there's only so much I think we can expect out of that kind of situation. But any, any little bit can be, can be helpful.

(applicants talking to each other in foreign language)

Ms. Brak: He's saying basically the situation with the tow trucks, that's like very rare 'cause that's like when the car like doesn't work at all. But usually, the cars come for like brakes and all that and if the tow truck does come they can go through the gravel that's over there so they wouldn't make any noise. And we usually make the appointments for the tow trucks so we can like assign them.

(applicants talking to each other in foreign language)

Ms. Brak: And my dad limited the cars like at the front and the back so that the tow trucks have enough space not to make a lot of backups.

Mr. Phoenix: Okay.

Ms. Brak: And lessens the traffic.

Mr. Phoenix: Okay.

(applicants talking to each other in foreign language)

Ms. Brak: Like it's like a one in a 100 chance that a tow truck will come because not a lot of cars don't work. Like they wouldn't come.

Mr. Phoenix: Okay. So, I think where that kinda leaves us for the moment, we've got the issue of getting the updated plan, which sounds like it's minor updates.

Atty. Fernandes: Yeah.

Mr. Phoenix: Along with the waiver on 7.1.5 o 1, 2, and 5, I believe were the three. I think that's what those were, 1, 2, and 5. So, why don't we take a look at the waiver request for now. Try and

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button that up and see where we can land on with this. So, on 1, that's the lighting plan with luminaire schedule prepared by an engineer. Are you making any changes to the lighting at the site or is all of the lighting staying as is?

Mr. Coelho: The exterior, the outside lights.

Atty. Fernandes: Exterior lights, they're staying as is.

Ms. Brak: They're saying the same.

(applicants talking to each other in foreign language)

Ms. Brak: No, there's no addition. Because when my dad's gonna work it's gonna be the daytime, not nighttime, so.

Mr. Phoenix: Elevations showing the front, rear and sides of the building design. You're not changing the building design, correct?

Ms. Brak: No.

Mr. Phoenix: Okay. And then 5 is a traffic study, which we always can kinda go either way on those. So, I'll ask the board, do you think we need a traffic study on this one?

Mr. Silva: I don't think so.

Mr. Queiroga: Not in my opinion.

Mr. Phoenix: So, with that I'll entertain a motion to grant the waiver of 7.1.01, and as most of these don't involve any change to the property and wouldn't have much impact, granting the waiver would be consistent with the best interest of the town and that neighborhood.

Mr. Coelho: **SO MOVED.**

SECOND Mr. Queiroga.

4-0 in Favor.

Mr. Phoenix: So, that part's all set. So, I think the housekeeping at this point is just getting that updated plan in.

Atty. Fernandes: Yeah. And again, it's gonna be minor changes. It's just designing it.

Ms. Brak: It's only the front that's gonna be changed, which is gonna lessen the cars, and like the, so the tow truck doesn't take a lot.

Atty. Fernandes: Yeah, it's, from my understanding, they're gonna just take these three cars here and put 'em this way so that there's more space for the tow truck to move. I mean, we have.

Mr. Silva: They fit like that?

Ms. Brak: Yeah, we already talked to the site planner, and he said everything was good.

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Mr. Phoenix: So, I mean, we have a couple paths forward. One's kind of the, the murky path of doing a conditional approval. The other is the more straightforward path of doing a continuance of the hearing and then take a look at that plan, verify, hey, yeah, that looks like that's still fine, and then we can do the approval then. Does the board have a preference on which path to take or does somebody have a curve ball to throw me?

Mr. Coelho: I wouldn't mind doing a conditional on this one. However, have we heard from the public yet?

Ms. Brak: Yeah, so basically the whole...

Mr. Phoenix: Oh sorry, good call.

Mr. Coelho: Sorry, well, you know.

Mr. Phoenix: It's fair. I mean I'm...

Atty. Fernandes: Somebody's paying attention, huh?

Mr. Coelho: Well, no. Ray pays attention.

Mr. Phoenix: I sometimes forget when there's nobody really that looks like they're here for that. I'm pretty sure he's here for the next one.

Mr. Coelho: He might be, but I didn't want to assume.

Mr. Phoenix: You're right. You are correct. So, I will ask if anyone from the public has anything that they would like to add or ask at this time.

Atty. Fernandes: You're on the hot seat.

Mr. Bradley: It looks great.

Atty. Fernandes: There you go.

Ms. Brak: Thank you.

Mr. Phoenix: Okay, thank you for catching that for me. I appreciate it.

Mr. Coelho: We Wouldn't wanna be under surgeon, surgeon general, attorney general scrutiny, you know?

Mr. Phoenix: I wouldn't want to be under the scrutiny of either one, to be honest with you. So, I heard conditional approval might be okay with somebody. Anybody have a differing opinion? With that I will entertain a motion in the standard form with the, to approve the site plan and special permit with the added condition that we receive the updated plan and that the only modification to that plan be that the parking spaces, the front three, I guess you could call 'em, are rotated 90 degrees and that that still allows for safe access on the site.

Mr. Queiroga: **SO MOVED.**

Public Hearing – Brak
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Mr. Coelho: **SECOND** for discussion. Would we have hours of operations added to the plan as well normally?

Mr. Phoenix: We can, but not typically for this. Again, I think it's gonna come down to if the neighbors have a problem, then we can look at that. Nobody came in to raise concerns.

Mr. Coelho: Alright, that's logical. That makes sense. You're right. Okay, **SECOND** then.
4-0 in Favor.

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

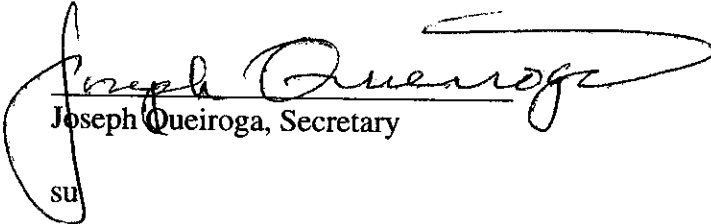
Atty. Fernandes: She just wanted to mention that she had, they had showed the plans to the neighbors, and they were okay with it, so.

Mr. Phoenix: Okay, good. And we do need to close the public hearing.

Mr. Coelho: So moved. I'll make a **MOTION** to close the public hearing.
SECOND Mr. Queiroga.
4-0 in Favor.

The public hearing was closed at 8:07 p.m.

APPROVED:


Joseph Queiroga, Secretary
su

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Documents: Master application: Comments from Town Departments; Proposed Conditions Site Plan – 191 West Street Ludlow, MA owned by Hajer Saad Zaben Brak (9/9/2024)

(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
6 Rosewood Drive (Assessors' Map 17, Parcel 3H)**

Kevin Bradley

**(Administrative office for off-site retail distribution & operations, product design,
and real estate management & services)**

October 10, 2024

PLANNING BOARD MEMBERS

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

The public hearing began at 8:07 p.m. in the Selectmen's Conference Room.

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In attendance: Kevin Bradley, 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: administrative office for off-site retail distribution & operations, product design, and real estate management & services.

Mr. Phoenix: So yeah, the detailed description you kinda heard in the legal notice. There's a whole bunch of stuff going on, but I think basically it boils down to home office.

Mr. Bradley: That's it, yep.

Mr. Phoenix: From the sheet. I don't believe I saw anything out of line here, total area of home and other buildings housing the occupation, 2,356; the area being used for the business, 114; no non-resident employees; no vehicles in connection with the business; also no to planned signage, customers at the house, deliveries unlike a normal residence, or changes that make it look (less) residential. And we do have a signed request for the waiver of the full plan in favor of sketch and photos prepared by the applicant. And we have a photo showing what the front of the property looks like. So, if he puts up a whole bunch of neon signs, we can say you didn't have those before.

Mr. Bradley: So, the LED billboard's out.

Mr. Phoenix: I mean it depends. It's gotta be under two square feet and can't be lighted so the LEDs can never get turned on, but maybe otherwise.

Mr. Bradley: Or something else.

Mr. Phoenix: With that. I don't know that I saw anything else, which is kind of typical for a home occupation special permit. So, I will turn it over to you if you want to just explain a little bit more of what you're looking to do.

Mr. Bradley: Sure. Just, I have a small office in the house. I run a few different businesses outside of my traditional day job. I have a concession, an airport concession, like a Hudson News out of Martha's Vineyard. I do a lot of product design and development there in my home. It's produced, you know, offshore and brought back into the country for resale on Martha's Vineyard. Have employees there. So really just the management of that. I have a winery on the island, so you know, work through the management and procurement and things like that. But again, the wine's produced in Napa. It's brought in directly into Martha's Vineyard, into the warehouse out there. And then I have some real estate that I manage again just out of my home. So, it's a telephone and a computer. That's about it, so.

Mr. Phoenix: Sounds pretty straightforward to me. Any questions for anyone on the board?

Mr. Queiroga: What kind of wine? Is the wine good?

Mr. Phoenix: It's all Port Joe.

Mr. Bradley: It's very good, yeah.

Mr. Coelho: He makes wine. Whenever you make it, and I've done it several times, it's always good to the maker. Sometimes it's vinegar to the other people.

Mr. Bradley: That's true.

Mr. Coelho: But to the maker it's always good.

Mr. Phoenix: Maybe I should start making wine then it'll all taste better.

Mr. Coelho: It's been a couple years but I wanna get back to it soon.

Mr. Phoenix: I know a place that used to sell wine grapes.

Mr. Coelho: No, I go else I go elsewhere.

Mr. Queiroga: ---

Mr. Bradley: Not, not for this purpose.

Mr. Phoenix: If there's nothing, nothing else from the board at this time, I will open it up to the public before I get caught not doing that again. Anybody from the public have anything to add or ask at this time?

Mr. Silva: Everybody thinking about the same.

Mr. Phoenix: Okay, with that I will entertain a motion in the standard form to approve the special permit home occupation and to close the public hearing.

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

Mr. Coelho: Did we find that it was suitable?

Mr. Phoenix: Oh, you are correct. And we didn't grant the waiver.

Mr. Coelho: Right. So, with that being said...

Mr. Phoenix: --- all over the place tonight.

Mr. Coelho: So, I'll **MOVE** to find that the home occupation for offsite retail distribution and operations, product design and real estate management as described by the applicant at 6 Rosewood Drive, is a suitable home occupation under the bylaw. and additionally, I will add to that motion to waive the full registered site plan in favor of sketches and photos as prepared by the applicant as it's in the best interest of the town.

Mr. Phoenix: So, since we were in the middle of a motion, can I just take that as an addition to the existing motion?

Mr. Coelho: Yes.

Mr. Phoenix: And the second's fine with that as well?

Mr. Queiroga: Yes sir.

Mr. Phoenix: So, for clarity it's the finding, the waiver, the approval and the closing all in one motion. Everybody on the same page?

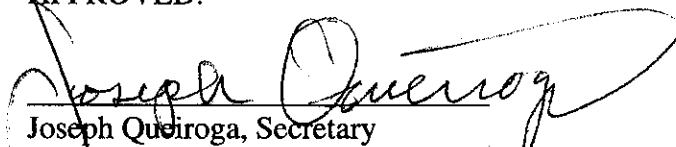
Board Members: Yes.

Mr. Phoenix: Okay. All those in favor?

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

The public hearing was closed at 8:13 p.m.

APPROVED:


Joseph Queiroga, Secretary
su

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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).

Public Hearing – Bradley
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