

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
August 14, 2025**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)(7:02 p.m.)
Joel Silva (Present)
Kathleen Houle (Present)

Ken Comia of Pioneer Valley Planning Commission was present for the meeting.

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

File Mail Item 51 – Email to Marc Strange from Gary Provencher re: Abutters to Lyon St. estate lot overhead lines

PUBLIC HEARING – Special Permit/Home Occupation – Ryan Dorcas – 350 West Street, Unit 26 (Assessors' Map 3, Parcel 86) (hair braiding salon)

SEE SEPARATE MINUTES

Mr. Phoenix mentioned the ANR for 0 Lyon Street, Mary & Andrew Nocrasz (Assessors' Map 19, Parcel 17) (estate lot) that was cancelled on the agenda. Mr. Comia remarked that there was discussion with the applicant's consultant, and it will be discussed at the public hearing tonight.

File Mail Item 52 – Legal Notice – Ludlow Conservation Commission – Request for Determination – Lot 52F Moore Street

File Mail Item 53 – Legal Notice – Ludlow Conservation Commission – Request for Determination – 558 Alden Street

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 50. - Legal Notices from surrounding communities
 - ◆ APPROVE/SIGN Minutes of June 26, 2025
 - ◆ APPROVE Change of Occupancy:
 - Joelle Gilliam (Spirit Halloween) 433 Center Street, Suite B (from retail store to retail store)
 - ◆ SIGN Invoices: Turley Publications (3 Legal Notices)
Turley Publications (Planning Member Advertisement)
-

**PUBLIC HEARING – Special Permit/Estate Lot – Mary & Andrew Nocrasz – 0 Lyon Street
(Assessors' Map 19, Parcel 17) (estate lot)**

SEE SEPARATE MINUTES

Review Open Meeting Law Complaints of Robin Wdowiak dated 7/31/25, Christopher Lizzotte dated 8/3/25, Jeffrey & Shirley Webb dated 8/1/25, Linda Gamache dated 8/2/25, and draft responses prepared by Town Counsel

Attorney Steve Chaplin was present for the discussion.

Mr. Phoenix read the open meeting law complaint letters into the record which were all similar. The complaint from Robin Wdowiak read: *Description of alleged violation. A series of public meetings were held to discuss a possible 80-unit storage facility to be located in a 2.77 acre vacant lot zoned in an agricultural moderate density overlay area requiring a special permit. This plot of land sits directly behind single family residential housing and abuts agricultural land. At these meetings, numerous town residents expressed their concerns about placing an industrial type of project in a residential and agricultural area, citing potential disruptions to the community's character and daily life. Many mentioned they would prefer a residential project to an industrial-type storage facility. After several meetings stemming over two years, it was decided that the project did not meet the requirements for a special permit and was denied twice by the Board. Subsequently, the property owner sued the Town of Ludlow Planning Board and its members. The abutters, including myself, were subpoenaed by the plaintiff's attorneys and a court date was set for the case to be heard by a judge in Springfield Superior Court. Two days prior to my appearance I contacted Steven Chaplin, the Town of Ludlow's attorney, to discuss what to expect at court. At that time, he informed me that I may not in fact need to appear as the plaintiff had approached the Planning Board with a proposal to put affordable housing units in this area if he was denied permission to proceed with the storage units. I suggested to the town attorney that the Planning Board members should discuss this new proposal with the surrounding residents as it had been mentioned many times that they would in fact prefer a residential project in this space over storage units. The Planning Board did not contact any residents before holding a closed-door meeting. During this meeting they decided to reverse their decision and allow the storage facility. The next day I received a phone call from the town's attorney notifying me that the court date had been canceled. As a result of this decision, I believe the board had no right to make a decision behind closed doors regarding the development of the vacant lot, especially since so many town residents were in favor of a housing project on that land versus an 80-unit storage facility. Based on my observations and the numerous meetings held, I believe some board members were reluctant to reopen the discussion with residents due to potential opposition. It appears that making decisions behind closed doors was perceived as easier by some board members. Requested action to be taken: I think the residents should have been made aware of this proposal for affordable housing because their input is vital for community decisions. They should have been considered in this decision to ensure it reflects the community's needs and preferences. It should not be up to board members behind closed doors to have the ability to reverse a decision that was previously made publicly. Furthermore, no changes were made to the storage plan, storage unit plan to justify reversing this decision. The Board clearly did not want affordable housing in this area. This was a misuse of power by the Board for not taking the community into consideration and reversing a decision that had already been made. Therefore, I don't believe the decision made in this closed-door session should be allowed.*

Mr. Phoenix then read the draft response from Town Counsel: *Dear Ms. Wdowiak, The Town of Ludlow Planning Board, the Board has received and reviewed the above-captioned open meeting law OML complaint attached here to as Exhibit A in which you state among other things as follows, the abutters, including myself, were subpoenaed by the plaintiff's attorneys and a court date was set for the case to be heard by a judge in Springfield Superior Court. Two days prior to my appearance I contacted Steven Chaplin, the Town of Ludlow's attorney to discuss what to expect at court. At that time, he informed me that I may not in fact need to appear as the plaintiff approached the Planning Board with a proposal to put affordable housing units in this area if he was denied permission to proceed with the storage units. The Planning Board did not contact any residents before holding a closed-door meeting. During this meeting they decided to reverse their decision and allow the storage facility. I believe the Board had no right to make a decision behind closed doors regarding the development of the vacant lot, especially since so many town residents were in favor of a housing project on that land versus an 80-unit storage facility. The OML requires that public bodies post 48 hours in advance of a meeting and include a listing of topics that the chair reasonably anticipates will be discussed at the meeting. General law Chapter 30A Section 20B, public bodies are required to list topics in a meeting notice with sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. 940 CMR 29.031B except when meeting in executive session, all meetings of a public body shall be open to the public. General Law Chapter 30A Section 20A, a public body may enter into executive session for any of the purposes enumerated in the open meeting law see General Law Chapter 30A Section 21A. One permissible reason to hold an executive session is to discuss strategy with respect to litigation. If an open meeting may have detrimental effect to the litigating position of the public body and the chair so declares. Purpose three, General Law Chapter 30A Section 21A3, here the Board met in executive session on Friday, July 11th, 2025. A meeting agenda was posted more than 48 hours in advance of the meeting as the OML requires. The Board met to discuss litigation strategy and possible settlement of litigation with its legal counsel. In fact, the trial for the subject litigation was scheduled to commence the following business day on July 14th, 2025. Convening to discuss possible settlement of litigation is a proper purpose for meeting in executive session see OML 2018-15 page three. Therefore, the Board did not violate the OML. In addition, the Hampden Superior Court's order remands the matter to the Planning Board. The remand hearing was scheduled for an open session meeting of the Planning Board on August 14th, 2025, notice for which was published in the newspaper and sent to you as a party in interest. We trust that this satisfies your concerns and appreciate your efforts to ensure compliance with the Commonwealth's open meeting law.*

Mr. Phoenix read the remainder of the Open Meeting Law complaints and response letters which were all similar in context. He also mentioned that the decisions that the Board made during executive session were related specifically to litigation and that the litigation was ongoing. He said that no decisions were made by the Board during executive session that had to do with the actual approval of what is being looked at tonight. Any decisions that are made on what happens with this property will be made in open session as is appropriate, which is why we have this hearing tonight.

Mr. Phoenix said that he would entertain a MOTION to authorize the town's attorney to transmit the responses as drafted with the addition of the two "ings" that were missing.

Ms. Houle: **SO MOVED.**

SECOND Mr. Coelho.

4-0 in Favor.

PUBLIC HEARING in accordance with the Order of Remand issued by the Hampden County Superior Court – Special Permit/Site Plan – JLL Real Estate, LLC - 590-596 (0) Center Street (Assessors' Map 16B, Parcels 116 & 116A) (Redevelopment of site into a self-storage facility in an Agricultural Moderate Density Overlay District)

SEE SEPARATE MINUTES

James Carvalho – 321-325 East Street (site plan discussion)

James Carvalho – Casa Pizzeria was present for the discussion.

Mr. Carvalho explained that he is requesting a minor amendment to the existing, approved site plan table to restore the first-floor layout to its configuration under the original 2007 approval. He stated that the proposed changes are entirely interior and involve no exterior alterations. The amendment would reallocate approximately 400 square feet from a first-floor residential unit to the restaurant customer area, increasing the restaurant seating capacity from 25 to 49 seats. The first-floor apartment would be reduced from a three-bedroom unit of approximately 780 square feet to a one-bedroom unit of approximately 315 square feet. The total number of residential units in the building would remain unchanged at three units—two on the upper floors and one on the first floor.

Board members discussed the parking calculations shown on the existing site plan table and clarified that the total number of residential units has consistently been three. While the reduction in bedroom count could reduce actual parking demand, the required parking count under the bylaw would remain unchanged. Members noted that the amendment would not increase overall impacts and could potentially reduce residential intensity.

The Board reviewed the site plan history and amendments associated with the property. It was noted that prior amendments were limited in nature and primarily addressed clerical or table-related corrections rather than substantive changes to the site layout or use. Mr. Carvalho stated that no amendments had been requested for approximately 15 years and that a full updated site plan could be provided if required.

Mr. Carvalho formally requested that the Board consider the proposal as an amendment to the existing site plan and requested waivers of both a full site plan submission and a public hearing, citing the limited scope of the changes and the lack of anticipated neighborhood impact. Board members discussed the request and agreed that the proposal effectively represents a reversion to an earlier approved configuration and would not increase impacts on the neighborhood. Members further agreed that a public hearing would not serve a meaningful municipal purpose in this case.

Following discussion, the Board conducted a straw poll and expressed consensus in favor of treating the proposal as an amendment rather than requiring a full site plan. The applicant submitted a written request for waivers of a full site plan and public hearing.

Mr. Phoenix: I'll entertain a MOTION to approve the request for a waiver from a full plan to a sketch as an amendment as well as a waiver of the full site plan given the facts that we've discussed. Namely that this is effectively a reversion to an earlier version of the plan that would likely be less impactful on the neighborhood overall. As well as that the existing amendments are ones that were essentially for clerical errors in the table and not ones that were substantially changing the nature of the business from the original approved site plan, and that there would be no benefit to the town realized by going through either a more formal process.

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

The Board noted that a formal application must still be submitted through normal administrative channels to initiate timelines. It was explained that, once submitted, the amendment could be placed on the agenda for action at the Board's next regular meeting. Due to the applicant's pending building permit timeline, the Board discussed notifying the Building Department of the actions taken that evening.

Ms. Houle **MOVED** to notify the Building Department of the Board's approval of the waivers and its intent to act on the amendment application at the next scheduled meeting. **SECOND** Mr. Coelho. The motion passed unanimously, **4-0**.

The Chair stated that no further action could be taken until the application is officially filed and thanked the applicant.

Documents: Preliminary Site Plan of land in Ludlow, Massachusetts - Surveyed for East Street Investments, LLC (August 12, 2025)

Louis Teixeira – 108 Sewall Street (expansion of business discussion)

Louis Teixeira was present for the discussion.

Mr. Teixeira presented a proposal to take over the adjacent former dance studio space and incorporate it into the existing restaurant operation. He emphasized that the expansion would not increase seating capacity, occupancy, or parking demand, but would allow the business to spread out internally and better accommodate functions, recreational features (such as darts and pool), and a full-size kitchen. Mr. Teixeira noted that the change would eliminate a separate commercial use on the site and could reduce overall parking pressure. He said that all proposed changes are interior; no exterior alterations or structural changes are planned, all bathrooms have already been renovated, and the landlord will address sprinkler system updates as required.

Board members discussed the former use of the space as a dance studio and noted that class schedules had previously created parking challenges. It was observed that any commercial space would eventually be reoccupied, and the proposed use may be less impactful than the former use. The Board reviewed the submitted sketch and discussed internal circulation, entrances, and egress, noting that additional emergency exits would be provided and that all work would comply with applicable fire and building codes, subject to review by the appropriate departments.

The Board discussed the absence of an approved site plan on file for the property. It was noted that changes of ownership alone typically do not trigger site plan review; however, changes that alter the use, square footage allocations, or other elements normally reflected on a site plan generally do. The Board reviewed its standard practice of requiring a site plan less than 20 years old with no more than two amendments and discussed prior instances where applicants were allowed to proceed with a site sketch in the short term, subject to submission of a full site plan within a defined period.

Members expressed a desire to balance consistency in applying the rules with fairness and practicality. It was noted that the proposal does not increase capacity, does not alter parking layouts, and does not change the building exterior. At the same time, the Board acknowledged that the change represents a different use than the former dance studio and that a site plan would ultimately be appropriate for the property.

After discussion, the Board agreed to allow the project to proceed using a site sketch and updated site plan table/chart reflecting the proposed interior changes, including square footage allocations and other standard site plan metrics.

Ms. Houle **MOVED** to allow the applicant to proceed with a site sketch and updated chart in lieu of a full site plan at this time, on the condition that a complete site plan for the property be submitted within one year of the date of approval. **SECOND** Mr. Coelho. The motion passed unanimously, **4-0 in Favor**.

The Board noted that a written request from the property owner is required, acknowledging the waiver of a full site plan at this stage and committing to submission of a full site plan within the one-year timeframe. Staff will provide the applicant with the required chart items. The Board further commented that any requests for waiver of a public hearing may be submitted for consideration once the owner's written request is received.

Documents: Floor plans – Interior Modifications to: The Lighthouse 108 Sewall Street Ludlow, MA 01056 (8/12/2025)

PUBLIC HEARING – Proposed Zoning Bylaw Amendments – SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS. SECTION 3.22 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES. (Remove Accessory Apartment and replace with Accessory Dwelling Units (ADU) allowed through Site Plan Approval from the Planning Board (SPA) in RA-1, RA, RB, A, AMD zoning districts. Add Accessory Dwelling Units over 900 SQ FT, and Additional Accessory Dwelling Units allowed through Special Permit and Site Plan Approval from the Planning Board in RA-1, RA, RB, A, AMD zoning districts)

SEE SEPARATE MINUTES

PUBLIC HEARING – Proposed Zoning Bylaw Amendments (Replace all references of “Board of Selectmen” or “Selectmen” to “Select Board” throughout the entirety of the Zoning Bylaw)

SEE SEPARATE MINUTES

PUBLIC HEARING – Proposed Amendments to Subdivision Rules and Regulations (Replace all references of “Board of Selectmen” or “Selectmen” to “Select Board”)

SEE SEPARATE MINUTES

Confirm requirements for approval of Jersey Mike's Subs to occupy 456 Center Street, Unit C

The Planning Board reviewed a request to confirm approval requirements for Jersey Mike's Subs to occupy Unit C at 456 Center Street. The Board discussed the existing approved site plan on file, noting that it addresses only the Starbucks tenant and does not account for other tenant spaces within the building.

Board members reviewed the site plan history and amendments and discussed that prior changes of occupancy for other tenants were approved despite the site plan not reflecting the full build-out of the plaza. The Board determined that the existing site plan is incomplete and insufficient to support additional changes of occupancy.

It was confirmed that the proposed Jersey Mike's location would not include a drive-through. However, the Board concluded that this did not eliminate the need for updated site plan review, as the current plan does not document parking demand, tenant mix, or site details for the entire property.

The Board discussed consistency with recent decisions requiring full site plan approval for comparable properties and emphasized that prior oversights do not negate current requirements.

Mr. Coelho **MOVED** to find that the existing documentation for 456 Center Street is insufficient and that a full site plan approval is required before any new business, including Jersey Mike's Subs, may occupy space at the property other than the previously approved Starbucks use. **SECOND** Ms. Houle. **4-0 in Favor.**

Documents: Email from Kai Peter re: Jersey Mike's Subs – 456 Center Street, Unit C, Ludlow, MA 01056 (July 7, 2025); Site Plan/Exterior Elevations - Starbucks Coffee Company – Revision 01 – Issued 02-15-2016

Review proposed bylaw (Establishment of the Strategic Planning Committee) from Select Board for October Town Meeting Warrant

The Planning Board reviewed a draft bylaw proposed by the Select Board to establish a Strategic Planning Committee for consideration at the October Town Meeting. Members expressed concern regarding the proposed timeline, noting that requests for inter-board input were being made close to the warrant closing date, leaving insufficient time for thorough review, outreach, and deliberation.

The Board discussed the proposed committee composition, observing that a majority of the seven voting members would either be Select Board members or individuals appointed by the Select Board or by bodies appointed by the Select Board. Members questioned whether this structure would provide an appropriate cross-section of community and departmental perspectives and suggested that broader representation may be warranted.

Additional concerns were raised regarding the expectation that a non-voting community volunteer would serve as secretary and be responsible for meeting logistics, Open Meeting Law compliance, and records management, noting the difficulty of filling such a demanding role even in paid positions.

The Board further discussed reporting requirements outlined in the draft bylaw, specifically questioning why strategic and financial reporting would be tied to the October Special Town Meeting rather than the May Annual Town Meeting, when budgetary matters are typically addressed.

While acknowledging that the concept of long-range strategic planning is generally positive, members expressed concern that the proposal, as drafted, appeared rushed and would benefit from broader discussion among department heads, boards, and the community, as well as additional time for review and refinement.

The Board noted that the Select Board's request was for Planning Board comments on the draft bylaw. Given the late hour and the limited opportunity for full review by all members, the Board agreed that additional comments may be forthcoming after further consideration.

Mr. Coelho **MOVED** to try and figure out what the time codes are for that part of the conversation and tell them, review that, and that there may be more comments coming once the board actually has a chance to review it now that it's been formally presented to the board. **SECOND Ms. Houle. 4-0 in Favor.**

Documents: ARTICLE [X] – ESTABLISHMENT OF THE STRATEGIC PLANNING COMMITTEE

Zoning Bylaw Project/Center Street Zoning/Community Engagement Plan update (Ken Comia)

Mr. Comia reviewed materials previously provided to the Board, including a proposed community meeting agenda and draft survey questions. He explained that he is continuing to work on meeting logistics and potential dates, with October 2 or October 23 identified as initial options. October 23 is a regularly scheduled Planning Board meeting, and the question was raised whether the Board would prefer an off-cycle meeting or to combine the community meeting with a regular Planning Board meeting to ensure Board participation.

Board members generally expressed a preference to avoid extending regular meetings and favored holding the community meeting on a separate evening. October Thursdays that are not regular meeting dates were discussed, with October 30 identified as less desirable due to possible community events. Additional dates in early November were briefly considered, noting potential conflicts. Mr. Comia stated that he had contacted the middle school regarding availability of the cafeteria as a meeting location and would confirm availability once potential dates were narrowed.

He also reviewed draft survey questions included in the Board's packet and requested feedback from members. In addition, he presented preliminary zoning concepts related to Center Street, including discussion of establishing a Center Street district as a base zoning district rather than an overlay. This approach would include a table of uses specific to the district, potentially requiring special permits for certain uses, consistent with prior Board discussions.

Additional draft concepts were outlined, including development standards such as limits on curb cuts, requirements for shared driveways where feasible, and provisions requiring new commercial development to provide paved access stubs to adjacent commercial parcels to facilitate future cross-access, with the ability for the Planning Board to waive such requirements if impractical.

Board members noted that similar cross-access requirements had been imposed previously through special permit conditions and agreed the concepts were generally consistent with past practice. Members indicated they would need additional time to review the materials in detail, particularly regarding the implications of creating a new base zoning district versus an overlay district, and how existing uses and underlying zoning districts would be addressed.

Mr. Comia noted that the materials were provided for Board review and future discussion when time permits.

Documents: Draft Community Meeting Agenda for October 2025 Meeting; Ludlow Zoning Update Project Community Survey; Draft Language: Center Street District (CSD)

Assistant Planner Role

The Chair reviewed a proposal regarding reclassification of the Administrative Assistant position. The initial proposal involved reclassifying the position from L4 to M1, which would shift the role out of the union and into a management classification. This change would eliminate eligibility for overtime and adjust the base salary, with an anticipated net budget impact of approximately \$2,000 annually.

The Chair reported that he had discussed the proposal with the Town's Human Resources Director, who raised concerns regarding whether the position would meet the criteria necessary to be removed from the union. Specifically, it was noted that positions taken out of the union generally must handle confidential information, and most of the duties associated with the Planning Board and the position are subject to the Open Meeting Law and public records requirements, with limited exceptions such as executive session materials. While this creates uncertainty, there may be some flexibility due to the status of the current labor contract.

The Human Resources Director requested that the Planning Board provide a written statement outlining the justification for the proposed reclassification so that it may be reviewed by the Select Board. If removal from the union is not feasible, an alternative option discussed was reclassifying the position within the union from L4 to L5, allowing for advancement on the pay scale while retaining overtime eligibility. Under this option, the job title could still be updated to reflect duties such as "Assistant Planner." The Human Resources Director also requested draft job descriptions to support either option. Mr. Phoenix noted that assistance could be provided using prior job descriptions developed for the Town Planner position.

Mr. Phoenix stated that a written justification would be needed on short notice in advance of upcoming contract-related discussions and asked whether the Board supported moving forward with the request. Board members expressed agreement that the role has expanded beyond its original scope and supported submitting a letter advocating for reclassification.

The Chair noted that if the position remains within the union and eligible for overtime, the Board would need to monitor budget impacts. Possible strategies to manage overtime were discussed, including limiting evening meeting attendance where feasible and allowing certain duties, such as preparation of minutes, to be completed during regular business hours.

Town Planner Interviews & Decision Process

Mr. Phoenix reviewed the upcoming Town Planner interviews and summarized guidance received from the Town's Human Resources Director regarding interview procedures. The HR Director will attend the interviews and assist with logistics, including helping to keep candidates separated to the extent possible in order to preserve fairness and integrity in the process, recognizing the limitations of a public meeting and livestreamed format.

It was recommended that the Board use a standardized set of interview questions, ensuring that all candidates are asked substantially the same core questions. Follow-up questions may be asked as appropriate based on candidate responses, but consistency in the initial questioning was emphasized.

The Board discussed the importance of scoring candidates during the interviews to support objective evaluation and decision-making. Options discussed included ranking candidates at the conclusion of interviews (e.g., 4-3-2-1 ranking) or using a more detailed scoring sheet with numerical values assigned to individual questions and observations. The Board noted that either approach could be effective, provided evaluations are recorded contemporaneously.

A draft list of interview questions prepared by HR was reviewed. Board members agreed that many of the questions were appropriate, but noted that some questions may not align well with the Town's needs or with candidates who may not have prior municipal planner experience. It was noted that one question referencing responsibility for the Community Preservation Committee should be revised or removed, as the Town has not adopted the Community Preservation Act.

Board members discussed additional topics they wished to explore during interviews, including how candidates view the balance between long-term planning initiatives and day-to-day operational responsibilities of the Town Planner.

The Board agreed that members may draw from the provided question list and may also ask additional questions they deem relevant, provided that questioning remains generally consistent across candidates to ensure fairness.

Mr. Phoenix commented that he would entertain a MOTION to reach out to the Town Administrator and voice a concern that we have on at least two meeting nights now, had people reach out to us and say that they were getting locked out of the building during our meeting time and express a concern as to whether or not that is compliant with the Open Meeting Law as well as to express a concern that the Board as a whole doesn't really have appropriate means to be able to have physical access to the building aside from Sue. And that we need to be able to remedy that in some manner in case we have to have

something going on. Like the meeting that we had on a Friday that Sue canceled plans to be able to be at so we could be in the building. **SO MOVED** Mr. Coelho. **SECOND** Ms. Houle. **4-0 in Favor.**

Mr. Coelho **MOVED** to adjourn.

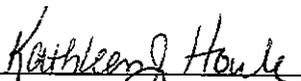
SECOND Ms. Houle.

Mr. Phoenix: Always in order. Not debatable.

4-0 in Favor.

Meeting adjourned at 11:43 p.m.

APPROVED:



Kathleen Houle, Secretary

su

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
350 West Street, Unit 26 (Assessors' Map 3, Parcel 86)
Ryan Dorcas
(hair braiding salon)
August 14, 2025

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joel Silva (Present)
Kathleen Houle (Present)

Ken Comia of Pioneer Valley Planning Commission was present for the meeting.

The public hearing began at 7:05 p.m. in the Selectmen's Conference Room.

In attendance: Ryan Dorcas, attendees

Mr. Phoenix read the legal notice, gave the applicant a copy of the Turley Publications invoice, and advised the public that the meeting was being recorded. The legal notice included the description of: hair braiding salon.

Mr. Phoenix: Would you care to just let us know what you're looking to do at the property?

Ms. Dorcas: Just have braid, African braids though.

Mr. Phoenix: Okay.

Ms. Dorcas: African braids are the cornrows, like you know cornrows?

Mr. Phoenix: Okay, so you're looking to have people just come to the house and, and do braiding?

Ms. Dorcas: Yes.

Mr. Phoenix: Okay. The sheet that I have here, you can sit, you can sit. We're not gonna make you stand. I've got listed here, the total area of the home and other buildings, housing, occupation. It says 154 square feet, is that correct?

Mr. ---: Yes.

Mr. Phoenix: Okay. And area to be of the home, area to be used for the home occupation is 30 square feet.

Mr. ---: Approximately.

Mr. Phoenix: Number of non-resident employees zero. So, it's just gonna be you or other people at the residence who would be doing the work. Planned signage for the business, yes. So, you are looking to have a sign, I know it's covered in some of our paperwork, but the sign has to be under two square feet and cannot be lighted. You would need to get a permit through the building office to be able to have that sign.

Ms. Dorcas: Okay.

Mr. Phoenix: So, you can have it one foot by two foot, whatever configuration satisfies you and the building inspector, but under two square feet. Customers at the house, you already said it's kinda hard to braid people's hair remotely, I suppose, and it's not where you're gonna be going to them. Deliveries unlike a normal residence, no. And no changes that would make it look less residential, and no vehicle in connection with the business. You've also asked us for a waiver of a full site plan in favor of a sketch and photos that you've been able to prepare for us based on the nature of what you're looking to do. So that, that's what I have. That's what you're looking to do. We have not yet made any findings or waivers on this application. I would ask if the Board has any comments, questions, motions, anything they'd like to, to say at this time?

Mr. Silva: I'm good.

Mr. Phoenix: Hearing nothing, this is a public hearing. I will open this up to public comment, question and concern. If you do have anything, I would ask that you state your name and address for the record and address anything that you have through myself as Chair. And I'll do my best to get you any information that you need. Does anybody have anything at this time? Hearing nothing, unless the Board has something else they'd like to bring up, I would entertain a motion to find that this is a suitable home occupation under the bylaw, to waive the full plan in favor of a sketch and photos as prepared by the applicant, and to approve the special permit in the standard form and close the public hearing.

Mr. Coelho: How many customers would you have coming?

Mr. ---: She takes one at a time, usually.

Ms. Dorcas: One at a time.

Mr. ---: They, they're scheduled. She has a pretty, pretty basic schedule actually. Okay. But it, it's one at a time usually.

Mr. Coelho: It doesn't seem like there's much parking over there to stack people up.

Ms. Houle: And it does take time to do.

Mr. ---: Yes, it is like 40, 45 minutes usually at least my, I have a big afro in and it takes about 45 minutes, 50.

Mr. Coelho: Okay, **SO MOVED** as.

Mr. Phoenix: Is there a second?

SECOND Mr. Silva.

Public Hearing – Dorcas
August 14, 2025

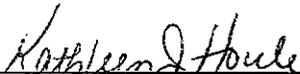
Mr. Phoenix: So, to be clear, the motion is to make the, the finding that it's a suitable use, to approve the waiver, to grant the approval, and to close the public hearing. With that understanding, I'm gonna call the role.

4-0 in Favor.

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

The public hearing was closed at 7:10 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING & ANR – SPECIAL PERMIT / ESTATE LOT
0 Lyon Street (Assessors' Map 19, Parcel 17)
Mary & Andrew Nocrasz
August 14, 2025

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joel Silva (Present)
Kathleen Houle (Present)

Ken Comia of Pioneer Valley Planning Commission was present for the hearing.

The public hearing began at 7:15 p.m. in the Selectmen's Conference Room.

In attendance: Mike Bowen – R Levesque Associates, attendees

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

Mr. Phoenix: And with that I'll turn it over to you if you want to explain what we're looking at.

Mr. Bowen: Yeah. Okay. So, I'm Mike Bowen. I'm from R. Levesque Associates here representing Andrew and Mary Nocrasz for their project on Lyon Street. So, I'll start by explaining the ANR situation. So, it's our understanding that standard procedure was, would be that the special permit would be granted before the ANR be endorsed so that the ANR could be, could mention the special permit on the ANR plan.

Mr. Phoenix: Honestly, I don't know if there is a standard procedure for what comes in first, the chicken or the egg on that one. But ultimately, I mean if the ANR were done first and it were flagged on there as not intended as a building lot and then the special permit came in, that'd probably be fine. But as long as all the i's get dotted and t's get crossed. So, the ANR that got submitted, was that withdrawn or?

Mr. Bowen: So, the ANR we didn't submit yet.

Mr. Phoenix: Okay.

Mr. Bowen: I do have copies and the application here tonight if you guys want to accept that. And we'll...

Mr. Phoenix: So, the bottom line is the 20-day appeal period, the 20-day, 21-day time to act has not started yet. Correct?

Mr. Bowen: Right. So, we would want, want to wait until after.

Atty. Chaplin: That's correct. But as soon as they file it, the clock starts ticking.

Mr. Phoenix: Yes. But it hasn't yet.

Atty. Chaplin: Exactly. Okay. If it hasn't been filed, the clock hasn't started ticking.

Mr. Phoenix: I just saw a look on your face.

Atty. Chaplin: Well, this, this is under the subdivision control law, so it's, it's a little extra quirky so.

Mr. Phoenix: Right. But I think to be submitted, it would need to get stamped in, which we can't do at the moment anyway, so.

Atty. Chaplin: That's absolutely correct.

Mr. Phoenix: Yeah, so we'll hear the special permit and then we'll handle that one separately. So, on the special permit itself, I suppose we can probably look at the drawings as what you're intending to do. And we've got that one over there. Would you care to give us a narrative?

Mr. Bowen: Yeah, sure. So, this is their property. There's a 42-acre property here that they want to ANR into an estate lot for a single-family home. House would be located on the easterly portion of the property with a driveway going down to Lyon Street. Since our last submission, the revisions were, that we added, utilities, we have a proposed well location schematic, septic design and electric line kind of going down beside the driveway there. We did receive a few comments. If it's up to the board, I can read through those.

Mr. Phoenix: You can do that. Or as I'll be going through this anyway, I just wanted to give you a chance to let us know what we were doing before I started reading too much stuff here. So, if you want to handle what you've gotten, is there anything new since he was provided the comments? Yeah, go right ahead.

Mr. Bowen: Okay. So, we didn't really receive too many big hitter items here. Fire department issued no comments. There are no methods for waste disposal or similar utilities. We'll handle that with grading, drainage, and septic design at a later date. And you know, after we, you know, know that we have a project with the special permit. Another comment, the access strip appears to be in the 100-foot wetland buffer. So that would just be a small portion of the front side here. The wetland is across the street, but the portion of the wetland buffer comes onto the property a little bit. We are intending to submit a Request for Determination of Applicability to the Conservation Commission. And if required, we can submit stormwater permitting with that as well. Another change that we added and a comment was for the house number sign, we added that slightly south of the driveway along the frontage there and we removed the endorsement blocks on the side here because that was part of the ANR plan. That was just removed from our plan. We didn't receive any comments from the Fire Department, the Conservation Commission, Public Works. Yeah. And so, I guess I'll, I'll send it back to you guys for any questions.

Mr. Phoenix: You know, just to kinda go through and make sure everything did get dotted crossed, et cetera. As you said, nothing from Cons Com, specifically the words no comment. Yep. DPW all set with the estate lot. Fire, special permit has been reviewed for compliance, Fire

Department had no comments at this time. And the bulk of the things that you were responding to, I believe, were the ones from Ken. One of the things I spoke to Rob about submitting an ANR plan, in addition to hearing this item with fee and Form A. The plan sheet submitted may already be the, may already be the ANR plan that was intended based on the facts labeled such at the top right. Include that as a comment at the end of this memo. The plan sheet for the special permit should remove this language and would likely need to be revised to include items that may be discussed at the public hearing. And as far as the individual comments, Planning Board should continue, consider how H, J, K may be applicable criteria to this special permit. And if it is met by this submittal or will be in subsequent supplement submittal items, which would be H the proposal provides convenient and safe vehicular and pedestrian movement within the site in relation to adjacent streets property improvements. The Planning Board or Town should understand if the driveway can meet requirements for emergency vehicles turnaround radius accommodation for heaviest apparatus, et cetera. J the proposal provides adequate methods of disposal, and or storage for sewage, refuse, and other waste resulting from the uses permitted or permissible on the site and methods of drainage surface water. There are no methods of waste disposal or similar utilities on this plan. The Board of Health may render comments. Proposal ensures protection from flood hazards considering such factors as the following: elevation of buildings, drainage, adequacy of sewage disposal, erosion and sedimentation control, equipment location, refuse disposal, storage of buoyant materials, the extent of paving, effect of fill, roadways, or other encroachments on flood runoff and flow. The access strip appears to be in the 100-foot wetland buffer as, as you mentioned. Additionally, if warranted, the applicant should address stormwater considering the additional impervious services from the access strip driveway and single-family dwelling. And then additional comment, special permit plan document should not include ANR language listed at the top right of the plan sheet. And the ANR plan application was requested by consultant with action by the Board to occur prior to special permit hearing. And then this would be following our discussion with counsel and the registered land surveyor, it appears the best approach is to secure the special permit. Let the appeal period pass, then record the decision referencing it on the ANR plan. We'll ensure a copy of the ANR plan is available for this evening's meeting. Additionally, we will bring the Mylar to the meeting, but we recommend waiting to reference the special permit decision. We apologize for any confusion. This procedure aligns with the Registry's preference. Ensuring the ANR plan does not create a lot without a secured special permit if endorsed before the appeal period expires. Again, I think it's kinda chicken and egg. Bottom line is if we approve the special permit and then the ANR ends up not happening because somebody doesn't file for it, anything like that, we're still gonna have a problem. Either way, there's a potential snafu if something doesn't get done. As far as the issues that were raised in the comments, the wetland issue, ultimately, like you said, you're gonna have to file with Cons Com. If they have an issue that's gonna override most of what we'd have to say anyway. As far as the issues with grading and access and things like that, I do have some concerns with those. I also, as I'm thumbing through here, I'm not seeing anything asking for waivers on any of the items. Am I missing that, are there waivers requested as part of the packet?

Mr. Comia: I don't think so. I think if you look at, I do call out the criteria for single family dwellings on estate lots 6.12 and they meet all of one through seven.

Mr. Phoenix: Yes. The one through ten, right? Yeah.

Mr. Comia: One through ten or yeah. It's either met or responded to.

Mr. Phoenix: Oh yeah, I missed the responses I think they're just in line instead of separated on new line. Met, met, met, met, met. Board may determine if existing vegetation is present on plan is sufficient between adjacent lots. Plan does not show a proposed location of house number sign. Met and met. So, those are my thoughts and we can talk about those some more, but before we do anybody from the Board have anything that they'd like to bring up?

Mr. Coelho: I still don't understand why the ANR wasn't done. Is it because it's late on Thursday, or is it complicated?

Mr. Phoenix: I think it's, it said in the letter, it was based on discussion with counsel and the registered land surveyor. Whose counsel, I'm not sure.

Mr. Comia: Likely the applicant's counsel or yeah.

Mr. Phoenix: No, I think it's just the land surveyor.

Atty. Chaplin: Oh, I see.

Mr. Phoenix: Yeah. The RLS.

Atty. Chaplin: Sounds like, and I'm just guessing, it sounds like they wanted a, a certain notation on the ANR plan relative to the special permit, which you can't have on there, arguably if there's hasn't been a special permit.

Mr. Phoenix: Right. But again, the other way is if we approve the special permit, but the ANR isn't in place, there's also a potential issue because then we're recording a special permit for something that is still part of the whole.

Atty. Chaplin: That doesn't exist yet.

Mr. Phoenix: Yes.

Atty. Chaplin: I tend to follow, I tend to conclude, concur with that logic.

Mr. Phoenix: And that's I think what we typically see coming into the board is the ANR first.

Mr. Coelho: Yeah.

Mr. Phoenix: But ultimately the ANR is not in front of us right now and we can't stamp that in and be able to act on it. So, we know it exists. I would submit to the Board that if we are going to move this forward tonight, that we probably do so with a caveat in the motion that includes that the ANR has to be approved before this can go forward, otherwise we could possibly take this under a continuance to give time for the ANR to be submitted, so we could do this the way that we normally would. 'Cause normally they come in kind of the way that it showed on the agenda originally where the ANR happens and then a few minutes later we get the special permit. So, there's not really a lag between the two versus we have one and not the other tonight so.

Mr. Coelho: Well, without the ANR they can't get the land right? They can't possess the land without the ANR.

Mr. Phoenix: Well, they can't transfer it if they, is that they're cutting it out of what they already have.

Mr. Coelho: So, without the ANR, the land doesn't exist.

Mr. Phoenix: Not as described.

Atty. Chaplin: [inaudible] the ANR you cannot identify the parcel for which the special permit is. It's being approved from part of a larger parcel.

Mr. Phoenix: So, it's a weird one. Anything other than that particular issue?

Mr. Coelho: I have one more.

Mr. Bowen: Sure.

Mr. Coelho: Where is 0 Lyon Street? Is this on the Miller Street side?

Mr. Bowen: I'm not too familiar where Miller Street is. It's on the east side of Lyon Street.

Ms. Houle: It's, it's about the middle.

Mr. Coelho: Yeah, oh it's about in the middle.

Ms. Houle: About the middle. Because I was just looking at the names.

Mr. Phoenix: Yeah. Typically, when these come in, we've got the ANR in place. Normally we're, because of the ANR we also have a general idea of all the grading and everything like that. We know whether the access is gonna be sufficient for fire apparatus and things to get in. I'm honestly surprised that there wasn't a comment from Fire or Safety indicating that they'd like more information about that. You know, from our standpoint there's a public safety reason for that. But also, if it's something that compromises the safety of that dwelling, it's kind of a buyer beware weird thing. But we'd really prefer if our fire apparatus also isn't going to slide off of somebody's driveway because it's pitched at a weird angle. That'd be bad.

Mr. Bowen: Yeah.

Mr. Phoenix: So normally we've got that information. We've had somewhere, you know, you've got the driveway coming in and bending. If that's sloped there, that could be a problem. So, without grades and things like that, it's hard to make educated information about, educated decisions on that. Anything else from the Board? Hearing nothing, it is a public hearing.

Mr. Silva: We continue it for another time when the ANR comes?

Mr. Phoenix: That is absolutely an option. Why don't we see if the, the public's had anything first. Does anybody from the public have anything they would like to add or ask? If you do, I would just ask that you state your name and address for the record and address anything that you have through myself as Chair. I'll do my best to get you any information that you need. Sir.

Mr. Donais: My name is AJ Donais. My address is 1024 Lyon Street.

Mr. Phoenix: Okay.

Mr. Donais: I have a number of questions. It's probably easy, first, just want to confirm this is a single-family dwelling that we're proposing on this property?

Mr. Phoenix: Yes.

Mr. Donais: Okay. What is an ANR and why is this particular project require a special permit if it's a single-family dwelling?

Mr. Phoenix: Sure. So, an ANR, it's short for Approval Not Required. Ultimately, it's that subdivision approval is not required the way that things are set up under state law. So, they're essentially not putting in a street to be able to service multiple lots, anything like that. The general thinking is if there's adequate frontage on an adequate way you don't need to put in a street, then we can just carve the lot out and you can do what you want with it. So, if you've got 3,000 feet of frontage and you know, 40 acres of property, you don't need to come in and show how you're gonna build a street to be able to service those lots. So, you're able to just say approval for subdivision is not required. I'm just gonna do this. The Planning Board endorses it, Registry gets it, everybody's happy.

Mr. Donais: Because normally a subdivision wouldn't require a street.

Mr. Phoenix: Subdivision would usually be a street. Yeah. The other piece of this as far as the special permit, because of the way the lot is configured, it's considered an estate lot or a flag lot because it's narrower at the front. So typically depending on the zoning in town, we're looking for 90 feet of frontage, 140 feet of frontage. The town did adopt a bylaw whereby you can do an estate lot and narrow that down for how much frontage you have, but you need to be able to provide that frontage by the time you're building the house deeper on the property. So, if you've got a larger piece of property that's not terribly wide, you can manage to get another house behind a house basically. So, a longer driveway to service it, you know, tends to be, you know, called an estate lot 'cause it has generally to do with, with families passing on property, things like that, just carving things out. But in order to do that, you need to come in, get the special permit, meet the criteria for those special permit. You have to have the hearing, the neighbors get a chance to find out what's going on, ask questions, speak their peace, and we can put conditions on what's going on. So if somebody says, I want to put this in, but I'm looking to do whatever, we can say, okay, but you need to have some more vegetation in order to protect the neighbors from what's going on or whatever the circumstances would make sense to be versus things that are just allowable by right. So, it's a little bit of control on the town side so that people aren't doing them just willy-nilly and interfering with the, the nature of the neighborhood.

Mr. Donais: Lastly, I'd ask if the presenter could point out the exact location of where the house is being built on the lot. We are actually the lot to the east abutting that property, so very curious.

Mr. Phoenix: Can you just point out on the map where the, the building envelope is?

Mr. Bowen: Yeah, the building will be right here in the lot. Go like that. And they'll have an access strip through there.

Ms. Donais: So, 1024 we're right under that.

Mr. Donais: So, it's, it's essentially centered in the back of that lot.

Mr. Bowen: Right. Yeah. Yeah.

Mr. Donais: And do you know the approximate distance from the back of that dwelling to the?

Mr. Bowen: This distance here?

Mr. Donais: Yeah.

Mr. Bowen: Ninety-four feet.

Mr. Phoenix: Anything else we can help you with?

Mr. Donais: Thank you.

Mr. Phoenix: Okay. Does anybody else have anything? Hearing nothing? You know, like I said, this could go a number of ways. We do have a few items that I would at least personally think are outstanding based on the comments that we've gotten during the review process. I would personally also like to see the ANR at the same time or be approved before this. But what's, what's the Board's pleasure? What are y'all thinking?

Mr. Comia: If I, if I may too. So, this afternoon when the revised plans were submitted, there was a set of draft ANR plans just for the Board's, for your information. So, there is, I think you opened it, that item that said draft on it, that's presumably what the ANR plan would look like.

Mr. Phoenix: Does the board want to take that as something, or do we want to get the actual ANR?

Mr. Comia: And a Form A was submitted as well as a check. So, the application, there was something submitted but it wasn't stamped in.

Mr. Phoenix: The stamping is done at the clerk's office, correct?

Mr. Comia: Correct.

Mr. Phoenix: Did it, did anybody bring it to the clerk's office? Do we normally bring it to the clerk's office or is the procedure that they're supposed to bring it to the clerk's office and get it stamped in?

Mr. Comia: I'm not sure.

Mr. Bowen: So, I believe the, I have the application here with the check, not sure if there's miscommunication about where.

Mr. Comia: There was a digital copy that was submitted.

Mr. Bowen: Okay. Okay.

Mr. Comia: A digital copy of the draft ANR plan as well as Form A and a copy of presumably the check that would be submitted.

Mr. Phoenix: Okay. So, we had a copy of a check, so we didn't have funds. So even if the application were turned in, it was incomplete.

Mr. Bowen: And then this gentleman does have.

Ms. Houle: He does have the check.

Mr. Phoenix: Well, he's got a check now, but we didn't have it at a time where it could have been stamped in as a complete submittal. So, it was unacceptable as of the close of business today. So, we don't have an actual ANR submittal right now. We have thoughts of one, but we don't actually have one. So again, if the Board is inclined, we can look at it. I personally would not be in favor unless we had conditions on there that the ANR come in and be approved before anything gets turned over, which, I mean ultimately, we've got the 20-day appeal period anyway. So, if that gets submitted we, it, they're not gonna lose a whole lot of time, more than likely. But I think the cleaner way is if we get the ANR submitted appropriately, act on it and then have that as information that we can act on within the public hearing.

Ms. Houle: I would agree.

Mr. Silva: I agree.

Mr. Phoenix: So, if that's the case, you've got the review comments, I would entertain a motion to continue. Why don't we give about a month.

Mr. Bowen: If I may, are you looking for full grading and utilities like full design for the next special permit or something similar to this just with the ANR plan?

Mr. Phoenix: So, for the ANR, we would need the stuff that's required for the ANR.

Mr. Bowen: Correct.

Mr. Phoenix: Yep. For the special permit we need the items that have been called out primarily by the, the acting planner as far as, I think it was H, J, and K, and.

Mr. Comia: So, Board those comments in that memo were that, it seemed as the applicant met those based on my initial review of the special permit.

Mr. Phoenix: Okay.

Mr. Comia: I think the comments and if, it is if the Planning Board finds that the comments were not sufficient by the applicant, then you can ask the applicant to revise or address them further. I think the biggest thing, as you mentioned, Mr. Chair, is particularly the grading storm water kind of component, how that might be addressed. I know the Planning, the Fire Department did not provide or said that they had no comment, but typically the Planning Board probably would've addressed that.

Mr. Phoenix: Yeah, I'm curious, so if those were comments that you had on the plan, is this a revised plan that's in front of us now or was there just discussion that satisfied you between writing the comments and now?

Mr. Comia: Those were the initial set of comments for the initial plan that was submitted, since then, today, there was a revised plan and the comments that were provided by the, by the applicant addressed those comments.

Mr. Phoenix: So, let me ask a follow up question. So, the plan that we're looking at tonight, is this the plan that we had on file during the period where this was published and available for the public to inspect?

Mr. Bowen: This plan was submitted today at, at noon.

Mr. Phoenix: Yeah, we definitely, we're gonna need some time on this.

Mr. Bowen: Okay.

Mr. Phoenix: Because we can't be getting revised plans. If there were any outstanding comments from other boards, we had no time to be able to solicit for any other feedback. The public, if they came in to review this during the notice period, this is not the plan that they were able to see. So that's not, that's not great.

Mr. Bowen: Is there a specific amount of time that you're looking for, for review?

Mr. Phoenix: I mean ideally, I understand the, the impulse to correct deficiencies on the plan, but the time to correct those in my opinion is either before it's submitted or after people have been able to discuss the plan that was published. The time in the middle, if you get comments back and want to tweak things and be ready to present that afterwards, that's fine. And I understand the impulse to try and expedite things, but what's submitted is what people were able to inspect is what we published is what we should be looking at tonight. That's been a longstanding opinion that I've had personally, and I think at least some of the other board members as well 'cause otherwise it's just not fair, not fair to the other departments, not fair to the public, not fair to anybody.

Mr. Bowen: Okay.

Mr. Phoenix: I don't think they were major issues but yeah. So anyway, a month out, what do we have available?

Ms. Urban: So, we have the 11th but Kathy's not here.

Ms. Houle: I won't be here.

Mr. Phoenix: Okay, so if it's not the 11th, the next one be the 25th?

Ms. Urban: Yep.

Mr. Phoenix: Hopefully we're all available. I don't know what I'm doing that night but probably. So, 9/25 what time?

Ms. Urban: 7:00.

Mr. Phoenix: So, I'll entertain a motion to continue to 9/25 at 7:00 p.m. here in the same room.

Mr. Coelho: **SO MOVED.**

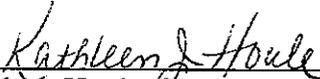
SECOND Ms. Houle.

4-0 in Favor.

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

The public hearing was continued until September 25, 2026, at 7:00 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Special Permit Application – Proposed Estate Lot (including Master Application) (July 14, 2025); Comments from Town Departments/Boards; Plan of Land in Ludlow, Massachusetts – Mr. Stephen E. Nocrasz, Jr. (August 14, 2025); Response Letter to Review Comments from R Levesque Associates, Inc. (August 14, 2025); Email from Rob Levesque Re: REVISED SUBMISSION – 0 Lyon Street (Nocrasz) – Special Permit & ANR (August 14, 2025); 0 Lyon Street, Special Permit - Estate Lot Review from Kenneth Comia, PVPC (August 4, 2025)

(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 in accordance with the Order of Remand issued by the Hampden
County Superior Court – Special Permit/Site Plan
590-596 (0) Center Street (Assessors' Map 16B, Parcels 116 & 116A)
JLL Real Estate, LLC
August 14, 2025

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joel Silva (Present)
Kathleen Houle (Present)

Ken Comia of Pioneer Valley Planning Commission was present for the hearing.

The public hearing began at 8:16 p.m. in the Selectmen's Conference Room.

In attendance: Attorney Steve Chapin, attendees

Mr. Phoenix read the legal notice, gave the applicant a copy of the Turley Publications invoice, and advised the public that the meeting was being recorded. The legal notice included the description of: redevelopment of site into a self-storage facility in an Agricultural Moderate Density Overlay District.

Mr. Phoenix: With that, I see no additional new comments in the file. Is that correct, Sue?

Ms. Urban: Correct.

Mr. Phoenix: Okay. So, I think where I'm gonna start this is I'm gonna ask the applicant to kind of describe what they're looking to do at this point with this specific application, and we can go from there. Does that make sense to the applicant counsel?

Atty. Chaplin: Makes sense to me.

Atty. Tanner: Sure, that's fine Mr. Chair. Mark Tanner of Bacon Wilson on behalf of the applicant. What you have before you is a remand from the Superior Court in Hampden County, basically directing that you reconsider the last application that was before the Board. That was the application that we were set to go to trial on prior to the executive session that you just talked about. I'd suggest to you that it's the applicant's position that the final set of plans that you had voted on and denied the last time, satisfy all the conditions of the Ludlow Zoning Bylaw. And further suggest that if you look at the comments from the various municipal officials around town who are charged with also protecting the public interest and looking to see whether or not there'd be any harms or those sorts of things from projects, all of those comments on both the initial iteration of this project and on the version that was last before you all stated that there was no issues at all from Police, Safety, Fire, DPW, all of those departments. No one had any concerns about the project. The last project, your vote really denied the project, at least in my opinion, based on traffic, light, water, those sorts of conditions. At the trial, we were paired with

experts to show that there would be no light trespass at all off the property. As shown in the plans that are before the Board, there's an expert opinion from a traffic engineer showing that the proposed use is perhaps the least busy commercial type use that you can use the property for and is in fact in a lot of instances, less, creates less trips per day than, for example, the tax preparer whose office is in front. There's fencing, lighting, screening, all those sorts of things. Also, again to, designed to protect the public's interest. With regard to the abutters, most of whom live, I believe to the, is it south?

Mr. Phoenix: I think it's, it's.

Atty. Tanner: Who lives on the street that abuts the property. There's a 20-foot tree belt that's being left in place. There's additional plantings that are going on it. Besides that, there's a fence that goes after that and the backs of the buildings face that side. And so, there's three or four visual buffers that are there, 20 feet of which is the existing buffer. There's no lights on the outsides of the buildings, that would create light trespass. There's just simply not the types of concerns that zoning bylaws are, are designed to address. And I suggest to you again that the applicant was prepared to go to trial. I think we would've prevailed and the plan meets the spirit and the letter of the bylaw and I'd ask that you approve it.

Mr. Phoenix: The buffer that you're describing, the 20-foot buffer, how much of that is on the applicant's property versus on adjoining property?

Atty. Tanner: It's all on the applicant's property.

Mr. Phoenix: So, you're preserving 20 feet of buffer on the edge of the property to the neighbors?

Atty. Tanner: Correct. So, there's a, on the neighbors that are on the street that abuts it, there's a neighbor on the other side where there's just a lot of vacant land back there, that does not have the 20-foot natural buffer there.

Mr. Phoenix: And what buffer would be provided for that neighbor?

Atty. Tanner: There's a, really, I've done a lot of this kind of stuff. There's a lot of plantings that are proposed surrounding basically the entire property. And it's a very dense, very well thought out landscaping buffer on both sides where it abuts residential property.

Mr. Phoenix: And as far as the, the lighting, the luminaire schedule, all that is provided as part of the existing plan set?

Atty. Tanner: It is. And I brought, just because that's always an issue in these sorts of things, and this was a, an exhibit we would've actually used at the trial. If you see everything that I've highlighted in green is a downcast dark sky light fixture mounted by and large, all the bees are mounted to the building itself. And you'll see that there's none on the exterior of the building, there's pole lights where you would expect for there to be pole lights for traffic safety. And if you look, as you look around the luminescent plan, it's all zeros as you circle. Meaning there's no light trespass at all.

Mr. Silva: Is that an approved lighting plan? I don't know. I don't know. Are you forced to have lighting all the way around for safety for the people that you?

Atty. Tanner: So, the, so my understanding, I wasn't here at the last public hearing, but my understanding is that the, the Police Department in their comments said they had no public safety concerns at all because it's really a pretty innocuous use as, as uses go. But that, that lighting is sufficient to ensure that the interior of the project is well lit, but that there's not light that's going outside, which be, which would be an annoyance to the neighbors.

Mr. Silva: Thank you.

Atty. Tanner: There's one place, Mr. Chair, I think back closer to this side. There's one place where it's like a 0.01 or some very, very minuscule amount.

Mr. Cameron: Pardon me? Are you guys allowed to put that up on the board so everybody can see?

Mr. Phoenix: We can. Right now, if I do that, I can't look at it. So, give, give us a moment and as far as if you have any comments, questions, or concerns, please hold those until I do ask for public comments questions and concerns...

Mr. Cameron: You bet.

Mr. Phoenix: ...so that I can make sure I get your name and address for the record.

Mr. Cameron: Yes sir.

Mr. Phoenix: Thank you.

Atty. Tanner: The engineer's testimony would be that that would be, that amount of light is negligible.

Mr. Phoenix: It looks like it's, it's all 0.0 by the time it leaves the property line. It just gets to that 0.1 a couple times as it approaches. This is one I'm seeing. Yeah, there's just a couple of bleed overs here, but that's again, that's into the buffer. That's not into the adjoining property. Chris, Kathy, did you want to. I don't know if we can put that up on the end.

Mr. Comia: Here? This is where you put it up?

Mr. Phoenix: Anything else from the applicant at this time?

Atty. Tanner: Nothing else to add, Mr. Chair.

Mr. Coelho: You wanna look at them?

Mr. Phoenix: Anything from the Board at this time?

Mr. Cameron: I was thinking you could put it up here for all the people that.

Mr. Coelho: Right there, go ahead.

Ms. Houle: We don't have. Yeah, it's right there. Go ahead.

Mr. Phoenix: We can't mount it on the TV, and we can't display it on the tv.

Mr. Cameron: No, I'm not saying to display it on the TV screen.

Mr. Phoenix: We don't have a, we don't have the ability to do that right now. Okay. The last person who was able to do that was our town planner who passed away. We don't have that until we have a new town planner in place.

Mr. Cameron: Okay. Just think it's fair that everybody should see what you're talking about, pass that along.

Mr. Phoenix: You, you can certainly take a look at it. But again, comments when I do ask for public comments and questions.

Mr. Cameron: I get it. I heard you.

Mr. Phoenix: Okay then please respect that then.

Mr. Cameron: It's not a one-way sir, I'm a taxpayer, I own multiple properties. Simple question. Can you put it on the board and don't overstate your position. Got it. Anybody else wanna look in this? I can pass it around or put it back up here.

Mr. ---: No, that's fine.

Ms. Wdowiak: Can I take a look?

Mr. Cameron: Just a simple question dude.

Mr. Phoenix: Okay. But I have a room full of people who, many of whom are gonna wanna have a chance to talk. I need to be able to conduct this in an orderly fashion so that everybody gets a chance and so that things are done in a proper procedure. Okay? So that's what we're gonna do. Okay so, if the Board doesn't have anything else at this time, similar to when we've had discussions on this matter before, I will open this up to public comment, question, and concern. I'll give everyone a chance to state anything that they do have. First thing that I would need from them though is their name and address for the record. And I would ask that we try and, you know, address the existing plan that's in front of us, not necessarily prior iterations, things like that. We're looking at the plan as it currently exists today. With that said, does anyone have anything? Sir?

Mr. Prokop: I would like to revisit why this was denied.

Mr. Phoenix: Name and address please, sir.

Mr. Prokop: Oh, I'm sorry. Ed Prokop, 877 Lyon Street. Why this was denied in the first place. You know, and I believe it was not primarily on the plan. Number one has to be located with similar businesses. There are no similar businesses there, otherwise has to be advantageous or better for the citizens and it's not. So, I don't even know why we're looking at the plan again, Let's, could you please give me the reasons why it was denied in the first place?

Mr. Phoenix: The reasons that were denied, that it was denied were the criteria that at the time it was believed to have not met, which largely are criteria based on opinion. So, like for instance, similar uses, similar is a subjective word. So, depending on what people's opinion of what's similar to a use that can change whether things satisfy or don't satisfy. Sir.

Mr. Ellison: Bud Ellison, 555 Miller Street. Couple of things, with all due respect to all the plans and everything. All the people, you've done a great job, Mr. Kowalski, you guys. Again, to what --- and Mr. Prokop has to say, so we're in the weeds here with the lights and all that and I respect all that, but there's a couple of things I want to point out. By the way, I'm also a member of the Agricultural Commission. So, we had some bylaws in town. We've talked about these before at town meeting, trying to keep certain kind of businesses out of certain kind of areas. I was the chairman of the Open Space Planning Committee with the esteemed Doug who I loved very much. We tried our best with a representative from all of the boards in town to lay out a plan. And it's, the Selectmen have it, it's part of the town, on what the best way to have a plan going forward, in putting certain businesses where, so we all understand that. So again, to Mr. Prokop's point, we said in town bylaws that this is probably not the best thing to do, this type of business in this area. Nothing with Mr. Kowalski putting it someplace else. I hope he puts ten of 'em and pays us great taxes for it. I encourage it. But in this space, we tried to kind of legislate, if we're in want of a better word, this kind of thing from happening to prevent people having this issue. Okay. So, way back when, correct me if I'm wrong, an issue kind of went similar to the same thing over by the Open Door Cafe off Cady Street, the old Del's Landscaping. And if I'm not mistaken, that was a special permit situation. You guys remember that?

Mr. Phoenix: I believe that.

Mr. Ellison: I don't wanna misspeak.

Mr. Phoenix: I believe that one also was a special permit. If I remember correctly.

Mr. Ellison: Okay, so just going on that, what you say, Mr. Phoenix. So, here we are again. Now, I stand here to protect the agricultural land in Ludlow. So, why are we keep doing this? Okay, again, I bet you, Mr. Kowalski and his folks, have done a great job trying to, for want of a better word, put lipstick on a pig. I'm just an agricultural guy. But in, we're trying to not let this happen for a reason. There are great places in town that he could have the Taj Mahal of storage places. We're trying to determine that. That's why we met every day, or I'm sorry, every month for a year with state people, facilitators with us. And by the way, a selectman on the board sat right next to me the whole time trying to come up with a plan to avoid this issue, to avoid putting people in a position they don't want to be in. And to also get good people in here like Mr. Kowalski to build things and bring taxes in. Again, we're not against that, here we are again. So, we have a, the same problem happen over there behind the Open Door, and here we are trying to deal with it in Center Street. We have legislation for a reason and special permits, sure there's gonna be times I get that, but again, without the down in the weeds of the lighting and all this, is it the right place? Is it a good thing for Ludlow in that space? So yes, you guys are great. You ran, you got elected and you're representing all of us to look out for the weeds, you know, to look out for all the details. You're doing a phenomenal job by the way. And I mean that wholeheartedly, my issue is the broad stroke million mile away, look at this, are you really representing us at that level? I'm not sure if you know, you know, sometimes I do the same thing. I get all caught up in this, you're doing a great job, but is this the right thing for Ludlow folks? Is that the right thing for Ludlow's agriculture? If you look at the side of the seal on the fire trucks in town, half of that seal is a plow shear and wheat, okay, and the other half's manufacturing. That was put there a long time

ago by really smart people who built this town. So, they figured agriculture had a lot to do with our town. So, I do on Open Space Planning Committee on, on the Agricultural Committee, as a small business owner in town, as a farmer, and you folks on the Planning Board, we all have kind of an obligation to remember what that town seal is all about and to try to uphold that. And that's put forth in our town bylaws, zoning bylaws, things like that. So, sure special permits come along, but they should be, they should be given out sparingly and with excellent reasons, reasons that are gonna make this town better. Not just because we meet the criteria of all the detail, and it takes a certain kind of person to stand up and represent all the people for big reasons, not just to make sure they have the right setback and stuff. Which again, you guys are smoking great at that.

Mr. Phoenix: So, I would just say thank you for all of the comments, especially the ones that were nice. But as far as procedural stuff, just so that everyone's on the same page, the way that the, the bylaws are set up in town, the way that our table of uses is set up, there are different types of control that we have over development in town. There's different levels of what's allowed, what's not allowed. So, when you look through that table, the, most of the uses, unless you're talking about like within the Mills, things like that, you're gonna see are either not allowed, are allowed by right, are allowed with a site plan, or allowed with special permit. That's generally what most of it comes down to. There's some weird variations here and there. The ones that require special permit give us the opportunity to put additional controls on that property given what's going on. It's not necessarily that the person is less entitled to do what that item is. It's not like coming in for a variance where you have to make a case for why they should be able to do something outside the scope of the zoning bylaw. It's in order to satisfy what we're looking for, you might need to do a little bit extra in order to protect the neighbors, you might need to give a little bit more vegetative buffer, or we might need to limit hours of operation or any number of another criteria. So, when they come in, special permit itself puts thirteen additional criteria on anything that's coming in. And then we can talk about what else we think needs to happen in order to protect the neighborhood and the total town. And we can go forward with those restrictions on it as well. But it's not that the things aren't supposed to go there. Just to clear that up.

Mr. Ellison: What's the zone?

Mr. Phoenix: This is AMD.

Mr. Ellison: Agriculture?

Mr. Phoenix: Agriculture Moderate Density. So, it's not straight agriculture. It's allowed to kind of be more of a blend into business.

Mr. Ellison: Okay. Do you remember the discussions we had a couple of town meetings ago about that with the Agricultural Commission talking about residents and Agricultural B and about what maybe should go there and what shouldn't? If you, that's okay if you don't, but we did have those discussions. I know you and I did, Chris. And so, then going back to the Planning, the Planning Board, not Planning Board, but the Planning Open Space Planning Committee, I'm sorry, going back to that, does that carry any weight at all? All of that work that we did is, do you folks ever look at that or take that into account when things are being put forth? Like again, is there any overall thought process?

Mr. Phoenix: There, there is. And that gets taken into account in some way similar to the Housing Production Plan that we tried working on that we're currently trying to get a redraft on

because the town is sorely in need of additional affordable housing based on the state's criteria, which is where under state law people have the right to come in and do 40B projects. So, that's not something that the town can directly address. We can create documents, we can ask people to change things around, we can make suggestions, we can bring things to town meeting to address a number of different concerns, whether it's specifically for agriculture, whether it's the density of development, whether it's trying to preserve open spaces, whatever those things look like. Like the Planning Board's brought up open space development/cluster development, whatever label you want to give it. I think we've brought that to town meeting at least twice if not three times. And it's been shot down each time. One of 'em resulted in a project getting approved by the state for 241 units of housing. So, we do what we can, we bring up what we can. Sometimes the town approves it, sometimes the town doesn't. Sometimes other groups in town pay attention to things, sometimes they don't. But whether we're talking about the Master Plan that the town made a few years ago, the Housing Production Plan, the Open Space Plan, any of those, it requires an awful lot of buy-in from various organizations within town in order to actually make those happen. And it's difficult very often to get buy-in in drafting them, let alone people willing to put in the elbow grease to make them happen.

Mr. Ellison: I mean there was a lot of elbow grease put into making that plan. And by the way, I was on that twice, a lot of time. So, kind of what I'm hearing is that that plan really doesn't matter.

Mr. Phoenix: It does as, and we look at it and we try and follow it as best we can. We try and create bylaw opportunities for the town that satisfy the things that have been identified in there. But we're, at the end of the day, we are bound by what the state says that we can do and what our town bylaws say within that structure. So, we can try and move that needle as best we can. Some of it's a very uphill battle, but at the end of the day we have to make decisions that are based off of what the current existing laws are, not just what we would like them to be.

Mr. Ellison: Okay. Real quick and I'll let, leave it everyone else. So, getting past that, just getting back into the weeds, what, from a litigation standpoint, fallback do these folks have that live there, if there were problems with the blasting or any of the geo stuff. So, in other, have you guys, excuse me sir, have you guys done geo work, borings, anything like that to, to, is there anything like that that we have that you guys have for like for the geo?

Mr. Phoenix: We can certainly ask, has there been anything done as of this point?

Mr. Kowalski: Yeah, so we, we've dug nine test pits on the site and have found no, as of right now, five of the nine test pits haven't found any reason for blasting on, on that site.

Mr. Phoenix: Five of the nine?

Mr. Kowalski: Out of the nine none have been identified.

Mr. Phoenix: Oh, none of 'em. Okay.

Mr. Kowalski: Correct. We dug to a depth of 13 feet just to identify where, you know, for stormwater management purposes. But out of those nine test pits, none identified as requiring blasting at all.

Mr. Phoenix: And just, just, I, I think it'd be nice if we could assume things, but it gets dangerous. Those, the test places that you dug, I'm gonna go out on a limb and say those were scattered across the site, they weren't all within like the, the frontage of the property or something like that.

Mr. Kowalski: Yeah, they were kind of outlined kind of on the, you know, strategically placed on where foundations would go. So that'd give us a good idea for, for what, you know, site work would be necessary.

Mr. Phoenix: Thank you. Does that satisfy what you were?

Mr. Ellison: I guess. I guess my point is, is that I was looking for borings, but anyway, so that you guys are here for these kind of questions. So, what are they, what are they gonna do if they have to blast?

Mr. Coelho: Mr. Chairman?

Mr. Ellison: Does that change anything?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I think when it comes to site construction, the abutting properties have a duty to protect themselves and have the ability to litigate should they be affected. I'm not a lawyer, I watch a lot of 'em on tv, but it seems to me that's your first line of defense, you know.

Mr. Ellison: After the fact though.

Mr. Coelho: Why, why after the fact? Shouldn't you be, shouldn't you be worried about how your property is now before something happens next to you so you can?

Mr. Ellison: Well, that's my point. That's my point. See, so what happens? In other words, it doesn't look, it doesn't look like because they did some digging, great, it doesn't look like they need to blast. It doesn't look like there's gonna be ledge. Okay, so is that part of the building permit? In other words, you can't blast without further discussion? So, if they have to blast, what happens? They just go blast and then like how, getting to your point, Chris, I mean when are we gonna litigate?

Mr. Coelho: But you think you can just blast?

Mr. Ellison: Well, my [inaudible]

Mr. Coelho: Can, can anybody just get, just start blasting?

Mr. Ellison: No, we can give you a permit come on down, we'll give you a permit.

Mr. Coelho: What's involved in that permit?

Mr. Ellison: But has that, what's looked at that, what's.

Mr. Coelho: There's seismographs that gotta be taken pre, during, and after.

Mr. Ellison: So, all that happens after, right?

Mr. Coelho: I think Joel can probably explain better than I.

Mr. Ellison: After though, after the project starts, right?

Mr. Silva: If you come to the point that it need to blast, everything needs to be assessed at that time. Fire marshals, fire departments, permits need to be installed, a plan needs to be put in place, seismographs need to go before, during, and after. And all, everything is more if it comes down to the blasting.

Mr. Ellison: So, would you agree that the trees are gone by, when we get to that point?

Mr. Silva: I'm sorry.

Mr. Ellison: Would you agree to me that when all of a sudden we decide we gotta blast and then yes, we go through all that permitting but the trees are probably gone at that point, right?

Mr. Silva: It's called clearing. That happens before anything else, right?

Mr. Ellison: Right. So, the trees are all gone and then we find out, oh, oh no, we can't have a permit, you know, or whatever happens. Seismic, all that stuff. Trees are all.

Mr. Silva: So, it comes down to if they authorized a blast or they have to hammers, but, they might, they might be forced to use hammers to break the rock, one or the other.

Mr. Phoenix: At this point we're, we're starting to speculate.

Mr. Coelho: Yeah, we are.

Ms. Gamache: Can I just say something to that before you move forward? Just it's, it's related to the ----.

Mr. Phoenix: Sure, can I just get your name and address?

Ms. Gamache: Oh, certainly Linda Gamache. I'm at 39 Sroka Lane. I'm one of the abutters.

Mr. Phoenix: Thank you.

Ms. Gamache: I called Dig Safe and I called EAP. There was a very mysterious, mysterious pipe, a big pipe outside my, around my, outside my property line where this is proposed to go. And they've all said the same thing. Even the surveyor was there and I said, what is that? Because it's right next to my pin. He sprayed my pin orange, and this pipe is this big around, it goes this high, it goes this way and then goes back into the ground. And I said, what is that? And he goes, something's been running through that, something. So, when I called Dig Safe, I called EAP and they said the same thing. They gotta get down there and figure out what that is before they start with a hammer or chisel or anything.

Mr. Silva: Can I ask you something? Did anybody from Dig Safe identify who owns the utility?

Ms. Gamache: I can't hear you.

Mr. Silva: Did anybody from dig safe when you made the phone call? Well, did they told you who owns the utility?

Ms. Gamache: They said.

Mr. Silva: It might be a private pipe. Private, private pipelines are, are responsibility of owners.

Ms. Gamache: It might be, I'm concerned. I'm concerned because once they start digging, I don't care if it's with a hammer, a chisel, or blasting whatever, I don't know what that is. It's too close to my property line. So that's dangerous.

Mr. Phoenix: Let me ask this. Do you know what the object is that the resident is describing?

Mr. Kowalski: No, we do not.

Mr. Phoenix: And that's, that's on their side of the property line?

Ms. Gamache: It's on, yes. Yep. I don't know what it is.

Mr. Phoenix: Is there a utility easement or something along there?

Mr. Kowalski: No utility easement there.

Ms. Gamache: But my concern is the surveyor said something has run through that or been running through that. I don't know if it's oil, I don't know if it's gas. I don't, I don't know what it is, I don't know what it is.

Mr. Coelho: Well, if it's something of value, somebody would know what it is.

Ms. Gamache: Well, they're not gonna know until [inaudible].

Mr. Coelho: Oil company's not gonna put, the natural gas company is not gonna put a gas line somewhere and not know that it's there.

Ms. Gamache: We don't know. That's what Dig Safe said. Nothing could happen there.

Mr. Phoenix: Well, they wouldn't be putting a natural gas line somewhere where there's no easement and the applicant is, he's saying there's no, there's no gas running up that area.

Ms. ---: But don't forget there were houses there that were [inaudible]

Mr. Phoenix: Okay again, we've got multiple people talking without having it on the record. I need to keep one person at a time. So, I'm trying to determine for this one person what that object might be. If the applicant, the owner of the property does not know what that is, that presents another series of questions as to what might be going on there. I would personally like to have some clarification on that if possible. And I'm fairly certain that if there's something going on, on the property, the owner would like to know what that is as well.

Ms. Gamache: Now that property used to be a salvage yard.

Mr. Phoenix: So, is this something that had been there right along and it's just become a concern now?

Ms. Gamache: The [inaudible] family has been there forever before I was there.

Mr. Phoenix: So, this is, this is something that's been there right along.

Ms. Gamache: I've noticed it right along, but I just, but I mean it used to be a salvage, so I know there's things buried there, could be gas, it could be gasoline, it could be whatever. And that's why the EAP's gotta go check that out and Dig Safe before anything is touched. They need to go there and dig because I saw the old man bury stuff. There's, there's jars and vials of all sorts of, I don't know if it's gas, I don't know what it is, but I'm concerned. I'm concerned. I don't want any problem when, when they start excavating, I mean we're right there, 20 feet to me is nothing if there's gonna be an explosion or something or if the soil's been contaminated. I watched them dig up two underground oil tanks. I watched them from my bedroom window, so I know there's something under the ground. So anyway, that's what they told me.

Mr. Ellison: So, there should be record. Right? Mr. Chairman?

Mr. Phoenix: Well, so I believe you had something you wanted to add and then I'll, I'll jump to you Chris and then if, if yours is still, we'll come back to you Mr. Ellison.

Atty. Tanner: Sure. Mark Tanner of Bacon Wilson on behalf of the applicant. I guess the first thing I would say is I don't know that any of this most recent discussion has to do with whether or not the project meets the requirements of the zoning bylaw. But certainly, there are other statutes and laws and the people who would be doing the digging in those situations have obligations to report, for example, to the DEP if they find issues of contamination. And certainly, if that's the case, then that would shut down the site. They'd have to bring in site specific experts who would look and see what's going on. They obviously have to call Dig Safe before they can do any digging and get clearance from Dig Safe. So, there are processes already in place to ensure the public safety on those sorts of things. And again, as you said, Mr. Chair, if there was a gas line or a buried electrical line or something of that nature running under that property, there'd be vents, there'd be easements, there'd be something that shows you or tells you that that's there. And I've walked the property several times. I have a pretty good idea where and what she is talking about is located, I don't know what it is either. But again, there are processes in place to deal with all of these sorts of issues. These sorts of things arise every time there's a construction site.

Mr. Phoenix: Mr. Coelho.

Ms. Gamache: Well, I just want to say if there's contamination, it's gotta be taken care of way before.

Mr. Phoenix: Ma'am, I let you finish what you were saying.

Ms. Gamache: I'm done.

Mr. Phoenix: I just let him finish what he was saying. I'm not even putting time limits really on people this evening as long as nothing's going too far afield. But as I said before I went to this gentleman, I was going from him to Mr. Coelho to Mr. Ellison. So that, that's what I'd like to do please.

Mr. Coelho: Was there a 21E done during the property transfer?

Atty. Tanner: Say that again?

Mr. Coelho: Was there a 21E site assessment?

Atty. Tanner: Yes.

Mr. Phoenix: Care to share with the class?

Mr. Coelho: It's the environmental site assessment where they look at the history of the past uses and then they determine the risk of, of contamination and then at which point they bump it up to a phase two for lack of a better term, where they start, they say, hey look it, we found some stuff over here. Based on the history and what we saw we need to drill some holes and take some samples and test the dirt. And then they find specific concentrations of contaminants at which point the landowner is either gonna walk away from, the person buying it is gonna walk away from the deal, the bank's not gonna fund the deal. And then that kicks off some compliance requirements for whoever owns it.

Mr. Phoenix: So, the outcome of one of those reports, what does that normally look like? Is that like a grading system? Is that a numerical score?

Mr. Coelho: Recommendations, professional recommendations.

Mr. Phoenix: Okay.

Mr. Coelho: And a lot of times if it's a phase one, they'll recommend that they go to a phase two if they found something suspicious.

Mr. Phoenix: Okay.

Mr. Coelho: And this is all by, done by licensed environmental site professionals. And it's usually part of a property transaction, especially when a bank's involved. Sometimes if you wanna take the personal risk and you got a half a million dollars in your pocket, you might not do one of those, but then you're stuck with whatever's buried there.

Mr. Phoenix: And regardless of that, again, it goes back to, that's outside the scope largely of the plan as submitted this evening. But it's something that would've, that we hear has been done as part of the transfer property previously. Mr. Ellison, did you have something further?

Mr. Ellison: Just to dovetail in. So, Chris, if that document exists, would it be reasonable with your professional opinion that they would've noticed that big pipe?

Mr. Coelho: Yeah.

Mr. Ellison: Okay. So, it should be at least noted on there.

Mr. Coelho: If it was perceived to be a hazard.

Mr. Ellison: If there was some type of hazard, right. So is that paper, is that document?

Mr. Coelho: That's not public. That's not usually public information. That's, it's like when you buy a car, you buy something like, you know.

Mr. Ellison: He did that privately and that's between him and the bank.

Mr. Coelho: Probably him, but the bank's probably the one that holds it, I'm assuming.

Mr. Ellison: Okay, I mean, so we're assuming then that there's no hazard because nobody said anything, because again, the public.

Mr. Coelho: Well, no, then the valuation of the property values based on the hazard identified. And then when they identify a hazard, somebody buys a piece of property, they say, well I'm not buying this because it's contaminated [inaudible] I'm walking away. Or they, or they negotiate a price to remediate.

Mr. Ellison: Right. Or they, or they behind closed doors because again, it's private. Right? Or they figure it out between them and the lender.

Mr. Coelho: Usually, yeah.

Mr. Ellison: But it's not up to you guys or us to know what they did?

Mr. Coelho: No, but the Mass DEP gets involved very thoroughly and the fire department.

Mr. Ellison: So, the Mass DEP is gonna see that document?

Mr. Coelho: If there's a problem and they gotta remediate, absolutely because then the Mass DEP's gotta clear, clear the land for whatever remediation approaches they took.

Mr. Ellison: So, we're gonna assume that the Mass DEP based on all that indirectly, I guess is, has cleared this?

Mr. Coelho: No, that's, that's a large assumption.

Mr. Phoenix: Well, I, I just wanna bring this.

Mr. Coelho: They've cleared it if there was a problem.

Mr. Phoenix: Let, let's bring this back to.

Mr. Coelho: You sniffed plenty of holes that they pulled tanks out of. Correct?

Mr. Ellison: I have.

Mr. Coelho: That's part of the process. So, you understand the, you understand the process.

Mr. Phoenix: Let's bring this back to the plan as submitted. So, I think that's good background. It, it's a fair concern for people to have. If there is an issue, it's certainly been raised. I think Mr. Kowalski is well aware that people have those concerns.

Mr. Kowalski: Ray, if I can just for a second.

Mr. Phoenix: Sure.

Mr. Kowalski: So Rich Kowalski. So, we did do a 21E, some people know it as a phase one, it's an additional environmental assessment. It was done by inventor, Environmental Risk Advisors. They're a licensed site professional company that, surveys land for these kind of issues, environmental hazards and, you know, before purchasing a property, it's kind of like doing a, you know, like a Carfax report on your, on your piece. You wanna make sure that this land that you're buying is clean and, doesn't have any issues. We did this phase one, they had multiple people that walked this site, did a bunch of historical assessments and determined that there was no environmental hazards on this site.

Mr. Phoenix: Okay. So, with that, I'm gonna go back for comments again. Is there?

Ms. Martin: Excuse me, I just have a, a quick question. Paula Martin 587 Center Street. I did not realize it was a salvage yard before. And how long was the salvage yard there do you know?

Ms. Gamache: Well, the St. John family had two houses back there. And I've been there for 54 years. They were probably there before that, way before.

Ms. Martin: Because being in Ludlow and I'm, you know, people bury stuff that nobody knows about. For all you know, there could be a car buried back there somewhere. And I hate to say that, but it's a possibility. There's way, way more stuff buried than anybody knows about.

Mr. Coelho: So, is it worse to let it stay buried or develop it and clean it up?

Ms. Martins: No. No. But how are they gonna find that?

Mr. Phoenix: Again, we're gonna try and focus on the submission that we have. If there is stuff buried, then again, you know, probably better to get it remediated, taken out and handled. If there is stuff buried, then there's a good chance that there's not ledge anywhere near the surface that's gonna have to be blasted if they can fit a car under the ground before they hit the ledge. So, you know, there's, there's all kinds of speculation that we can do one way or the other on the property. But what we can do is look at the proposal that we have in front of us and whether that meets what we have in the bylaw or not. So, I'm gonna try and keep everybody as focused on that as I can. Does anybody have anything else?

Mr. Martin: I do.

Mr. Phoenix: Sir.

Mr. Martin: I'd like to ask Mr. Kowalski how many times you've been out to that property.

Mr. Phoenix: Can I get your name and address for the record, please?

Mr. Martin: Dennis Martin 587 Center. I live right across the street. I see that property on a daily basis.

Mr. Phoenix: Okay.

Mr. Martin: I see who comes and goes. And I heard about a traffic survey. You did it in the middle of the July 4th week when there were, everybody's on vacation, no traffic on the road. I can't even get out of my driveway at 5:30 in the morning on Center Street. You're telling me you did a traffic study and you've been out to the property?

Mr. Phoenix: Excuse me. As I said at the beginning, I need any comments or questions to come through myself as Chair please.

Mr. Martin: Because he doesn't take care of the property as it stands right now. I got pictures that I took today. We got weeds growing head high along the sidewalk. He doesn't even take care of the property. So, what makes you think he's gonna take care of it when he puts the storage units there? And if there's contaminated oil or gas under there, it's gonna run off onto Center Street, go down two houses, come into my brook that cuts my property. Then what? You're gonna have a problem.

Mr. Phoenix: Again, if we're, we need to stay on topic for.

Mr. Martin: That's topic.

Mr. Phoenix: The speculation about what may or may not be in the ground is not relevant for whether the proposal is appropriate or not.

Mr. Martin: My point is he doesn't even take care of the property now. We got women that walk that sidewalk, walk down to Randall's with baby carriages, and I got pictures to show you, head high weeds both sides of the sidewalk. My wife had to call the DPW twice to come out and cut it because you don't take care of that property.

Mr. Kowalski: If you like it mowed, we'll mow it tomorrow, sir.

Mr. Phoenix: So, do we have anything else on the submission as it is in front of us at the moment? I'm gonna give each of you one more shot and then if there's, if there's nobody new, we're gonna go back to the Board for any additional comments or questions from this side. I think you've had a couple more bites at the apple, so I'll let you go first.

Mr. Prokop: The 21E, can we get a copy of that? It's private, I know he paid for it. I just wonder what the 21E found.

Mr. Phoenix: We can ask the applicant if he's willing to provide that. Okay. Is that something that you'd be willing to?

Mr. Martin: That's disgusting.

Mr. Phoenix: Is that something you'd be willing to provide Rich?

Atty. Tanner: So, my concern with providing the 21E is it's a proprietary document and there's always hedge language at the ends of those that it's not intended for third parties to rely on. And there's all sorts of issues with releasing that. And so, I would advise him not to do that. What I can say is if the, if, if the phase one found something right, there would've been an obligation to notify the DEP and there would be other more serious things that would've happened as the result of that, which did not happen.

Mr. Phoenix: And just to kind of go back to what I've said a couple times now, I think that's a separate issue from what we're currently contemplating this evening. If that was something that was able to be shared that the applicant was willing to great. But it is a little bit outside of the scope for the evening. Mr. Ellison?

Mr. Ellison: Just on the traffic study. Could you clarify something real quick? So, that's a state road?

Mr. Phoenix: Yes, it is.

Mr. Ellison: Okay. Do they need, do they need a state traffic study? Is that mandated or was that brought up for you guys or in the process?

Mr. Phoenix: Generally speaking, people don't need to do dedicated traffic studies specifically for anything on the state road, otherwise every business along Center Street would be giving us a traffic study for everything that they're doing. And that's, that's simply not the case.

Mr. Ellison: So, it's not required by the state to do a traffic study?

Mr. Phoenix: Generally, the state tends to get more interested and involved if you are adjusting where curb cuts are, things like that. If Mass Highway has a concern, they're certainly capable of bringing that up.

Mr. Ellison: So, that was not, did you guys rule on that or think about that or talk about that as a board?

Mr. Phoenix: We have our own municipal requirements.

Mr. Ellison: Yeah.

Mr. Phoenix: And if, if they gave us a traffic study, there's different levels of that that we can require, you know, but generally speaking they're not, a traffic study isn't exactly what a lot of people think it is. It very often looks at what is the existing level of service and then the anticipated use. What would that, based off of statistical tables, do to that existing level of service? So, if the level of service is already an F, then there's not a whole lot of room to make it worse. If you're a level of service A and you're gonna put something that's really intensive there and move that down to a level of service D that's something that would be flagged more readily. But it's not specifically what is going on for that whole street. It's more what is that particular item likely to do based off of standardized statistical models for similar businesses using square footage, customer traffic, all that kind of stuff. And it usually looks at AM and PM peak volumes.

Mr. Ellison: So, the study that was done, was that mandated by you folks or just out of the goodness of their heart or?

Mr. Phoenix: The, the bylaws do look for a traffic study. Do we have that in the, I don't know if I have it in this file in front of me right now.

Mr. Martin: Ray, I saw that the study in the middle of July 4th week. The guy was out there 'cause my neighbor notified me, was out there doing, my neighbors asked the guy what he was doing. He said he was doing a traffic study. It was the middle of the July 4th week.

Atty. Tanner: Can I, can I address that Mr. Chair?

Mr. Phoenix: Sure.

Atty. Tanner: That was actually me. I was, I was filming how long it took for the anticipated number of trips that would visit the storage unit at a given day. How long, how long it took for that many cars to pass in front of the site and the neighbor across the street asked what I was doing. I was actually preparing an exhibit for trial, but I didn't want to have to explain that to him, so I said that I was doing a traffic study. The traffic study that we provided was actually done way in advance of, of July.

Mr. Phoenix: Do we have a copy of that? Is that somewhere else in the packet I have here for the older submittals?

Ms. Urban: It should be in that green folder.

Atty. Tanner: Ray it'll be noted on by Bowman Engineering

Mr. Phoenix: Drainage report. You wanna take a look through there?

Atty. Tanner: Mr. Chair, can I approach?

Mr. Phoenix: Sure.

Atty. Tanner: Tab 30 in that packet.

Mr. Phoenix: So, we have a received date on this of June 21st, 2022. McMahon Associates has completed a traffic assessment for the proposed storage facility to be located at 590 Center Street, Route 21 in Ludlow Mass. Memorandum provides a project description and reviews the site location, available traffic, data crash analysis, trip generation, and site access and circulation associated with the proposed project. Conclusion, the proposed storage facility, located at 590 Center Street, Route 21, would consist of a 36,000 square foot storage facility. Traffic estimated to be generated by the storage facilities anticipated result in less than a 1% increase in the daily traffic volume along Center Street, Route 21. Access to the site would be provided via the proposed site driveway on Center Street, Route 21, to provide sufficient site distance along Center Street, Route 21 and at the proposed site driveway. It is recommended that the mailboxes be relocated approximately 25 feet north of their existing location, the plantings and signage within the site. Triangles remain at a height of 2.5 feet or less. And we have trip generation data, site distance stuff, proposed storage facility trips for a 36,000 square foot site. Weekday AM is

expected to be two trips in one trip out for a total of three trips altogether, weekday PM, three trips in three trips out for a total of six.

Mr. ---: That per day or per hour?

Mr. Phoenix: Per day. Yes. So, during the a.m. peak and the p.m. peak, essentially three in the a.m. peak, six in the p.m. peak and the weekday total overall would be 26 in, 26 out. As shown on table one, the proposed storage facility is estimated to generate approximately three new vehicle trips to and one exiting during the weekday morning peak hour and approximately six new vehicle trips, three vehicles entering and 33 exiting. I think it's supposed to just be three. There's just an echoed character, during the weekday afternoon peak hour. On a typical weekday, the proposed project is estimated to generate approximately 52 new vehicle trips. 26 in and 26 exiting. So, based off of the statistical numbers that traffic engineers use for a site of that size, they're looking at during any given weekday 26 cars accessing the site. Three of, two accessing during the morning peak hour and three accessing during the p.m. peak hour for a total of three and six trips during those hours.

Mr. Kowalski: Alright. That, that was, that traffic study was done when during the first proposal of 36,000 square feet, we reduced that size down now by 25%.

Mr. Phoenix: Yeah. So, it would be less numbers, not by much. Probably like one trip, probably a.m. one trip p.m.

Mr. Kowalski: 25% reduction from that.

Mr. Phoenix: Yeah. It depends on how that, that table works out. I don't know.

Mr. Ellison: Just clarify, is that reduced units or reduced square foot?

Mr. Kowalski: Reduced square foot.

Mr. Ellison: So, what, are the units the same of the original study to now, what's being done as far as, units?

Mr. Kowalski: The units is less.

Mr. Ellison: There's less, less proposed units now than when that study was done?

Mr. Phoenix: Yeah. Than the original. And anything else on the, the matter at hand?

Mr. Martin: I'm concerned about the hours.

Mr. Phoenix: Okay.

Mr. Martin: I'm against 24/7.

Mr. Phoenix: Okay. And what, what would you?

Mr. Martin: If he's putting it right in the, everybody's back yard, front yard, side yard, I don't wanna listen to people two, three in the morning going in there. And those are metal doors?

Mr. Phoenix: I think we discussed some of this during a prior public hearing, but since this is a new hearing, I, I think it's fair to, to bring it up again. As far as the hours of operation, I think, and correct me if I'm wrong, 'cause it has been a while since we last discussed that, I think what you had provided was that there's not really, again, using statistical models, not that much overnight traffic to these facilities. But is, is there a way to kind of codify that based off of something that like an engineer puts their stamp on and says, this is what we would see.

Mr. Kowalski: I do own a couple other facilities and I'm happy to share data with you, but the, the, at the time I had looked at this, which was roughly a half a year ago or so, the amount of people that come in, let's say after 9:00 p.m. but between 6:00 a.m. is, is less than I would say a dozen per year.

Mr. Phoenix: Less than a dozen per year for, for a similar sized facility or?

Mr. Kowalski: A similar sized facility. Yeah. I'm not gonna pull up the exact data for you. I don't have it in front of me, but it's, it's pretty minimal.

Mr. Phoenix: So, would it be fair to say both ways, number one, that if it were 24 hours, it likely would not be a substantial inconvenience, in your opinion to the neighbors. But similarly, if we were to put hours of operation, it would probably not be a substantial inconvenience to the business since you're looking at 12 trips, it would probably just have to be rescheduled throughout the day instead of during those overnight hours or over the course of a year.

Mr. Kowalski: For me, it's not a big deal. People always like to have access to their stuff or have that mentalness that they can access their goods whenever they like. So, for me, not a huge deal. Sometimes, you know, for the customers, they always like to know that, hey, if I need my whatever memento, I can go get it and I have access to it and this is, you know, an offset of maybe what I would store in my basement or something of that sort. But like I said, those, those trips are far and few in between. I mean they're, I can get you numbers but it, it is absolutely so minimal.

Mr. Phoenix: So, we, we can certainly look at that. We can talk about that as a board. I saw your hand come up.

Mr. Cameron: Name and address please, sir? Don Cameron. I own the property across the street, 583 Center Street. You brought up something about traffic studies that, that intrigued me. I was developing a piece of property in Agawam off Route 57, I think it's called, which is a state highway. And I was working with Mayor Kos and Marc Strange, he was the head planner at the time, who is now here. Of course he's our town administrator. I think that's his title. When I was working on the project, he had informed me that prior to any approval we would need to perform a specific TIS traffic study, which is mandated by the state, not waivable, by the planning board. Kind of like when you mentioned 40B housing. State has precedence over the town, town really has no say. And similarly, the state required traffic study for a highway is required and supposedly not waivable. Which brings me to, you had mentioned a moment ago to Mr. Ellison that it would be, I guess I have to paraphrase, I'm not sure I'll get the word right, like nonsensical to have everybody do a traffic study. But I do recall that this board required traffic studies for Starbucks and the other new businesses several years ago over near the highway.

Mr. Phoenix: Yep.

Mr. Cameron: And that held up things and there was changes and they had to do multiple traffic studies. And from what I understand from my experience and working with Mr. Strange is that whenever there's a change, meaning a new business, each one is required to do that traffic study. You can't rely on the previous, you know, if, if I want to build the storage facility next to Mr. Kowalski, you know, next month I can't rely on his traffic study, I have to do an additional one because everyone is specific to their business and their traffic counts. So, what I guess I'm alluding to is, I didn't have a question about this until you brought it up and I felt as though there was, you know, you were an error with all due respect about this study. So, are you familiar with the TIS and if so, get to that in a second. My second question is, what is, what is the level? Is it, are they an A or F, A, B, C, D, or F what is the current on file representation of the traffic? As you mentioned, it's alphabetical.

Mr. Phoenix: Well, typically that's what we get. In this case what we got was a percentage of change, which is less than 1%. But as far as.

Mr. Cameron: --- question, what is the, what is the current number because.

Mr. Kowalski: So, could I just address that?

Mr. Cameron: Gimme one sec, please, Rich. Thank you. Just wondering because once they get to E or F, that is full congestion, which means there's no room for any additional traffic. So, the point is, before you make a move to allow anybody else, whether it's a house or a housing project, 40B, storage, you know, an amusement park like Chris alluded to two years ago, we can allow a amusement park. Before we allow anything, we have to know the current number because we can't know where we're going if we don't know where we're at now. So, the simple question is, what is the number on that road? A, B, C, D, E or F?

Mr. Phoenix: Well, that traffic study did not provide a letter score. I don't know if you've got one as well, but as far as like level F, that would be something like the.

Mr. Cameron: Well, we're getting into conjecture again. No, no, just simple question. What's the number?

Mr. Phoenix: I'm trying to answer your question either let me answer or I can't answer your question.

Mr. Cameron: [inaudible] the letter.

Mr. Coelho: Mr. Chairman point of order.

Mr. Silva: Just calm down. He's trying to answer.

Mr. Phoenix: So, if you'd like me to answer please, please let me do so.

Mr. Cameron: Go ahead.

Mr. Phoenix: Excuse me?

Mr. Cameron: Go ahead. I'll, I won't interrupt, I apologize.

Mr. Phoenix: So, level of service F would be something we would expect at an intersection like the Turnpike with Dunkin Donuts, things like that.

Mr. Cameron: I know all the, I know the, I'm more educated. I just want to know if you know the.

Mr. Phoenix: Sir do I, do I need to see if I can get you removed from the room because that's, that's the next step. I'm trying to answer your question and you're not letting me.

Mr. Cameron: Go ahead.

Mr. Phoenix: So, in a case where there is a level of service F, a property owner still has a right to develop their property if it is allowed to do so by the town. We have the ability to put certain controls on as is appropriate to handle whatever is being added by the applicant. We can't require any kind of offsite improvements. Generally speaking, what it ends up telling us is that the infrastructure that already exists is failing. Which, and I'll, I'll get into this even though it's way out of scope for what we're talking about now, because you opened the door with talking about the Starbucks property. When we did get involved with Mass Highway, first of all, if Mass Highway wants a separate traffic study that's up to Mass Highway, that has nothing to do with the town bylaws. But when Mass Highway did get involved, they're a big part of the reason why that street intersection is functioning the way that it is. Why we couldn't close down curb cuts that would make that safer. So, I'm not really, we are not interested specifically in a lot of that unless Mass Highway asserts that there's a concern that they have with what's going on. And that has not happened in this case. That hasn't happened in the case of any of the other properties along that area. Quite frankly, I think Starbucks is one of the only ones where Mass Highway showed any interest. And I think it was because the applicant wanted Mass Highway to make certain assertions. So, we are looking at the proposal that we have in front of us tonight, the numbers that we have that were prepared by a certified engineer give us an idea of what's going on there and the number of trips that are expected to be generated. As far as your experience with Marc Strange, I can't attest to anything that happened with that. I can't attest to anything that he said. He's not here to vouch for what he said. I can certainly say that Agawam is not the same as Ludlow, and I can certainly say that I don't always agree with Marc on his interpretations of things. But as far as, you know, our traffic studies, we got one, it came in and it was sealed by a, an engineer.

Mr. Kowalski: So just, just to clarify and help you with that, so you're asking about the classifications. The classifications are A through F, they're primarily designated to intersections. They are not designated to straightaways on roads. So, that designation that you're looking for doesn't apply here because we're not at an intersection.

Mr. Phoenix: No, but we, I mean you're right next to Chapin and Center. So, we could pull, you could pull that and it'd still be incredibly relevant to the overall conversation. But again, if we're looking at a trip generation of...

Mr. Kowalski: Less than one.

Mr. Phoenix: ...three to six during a.m. or p.m. peak, it's not gonna move that needle. The number of trips through the Center and Chapin intersection is far and away above that. And that, that's a drop in the bucket so.

Atty. Tanner: Can I just add one thing, Mr. Chair?

Mr. Phoenix: Sure.

Atty. Tanner: There's two reports that are part of the record, both from the Police Department to the Planning Department where Brian, I can't pronounce it...

Mr. Phoenix: Shameklis.

Atty. Tanner: ...says, I don't see any issue with traffic or safety as a result of this having looked at the traffic study.

Mr. Cameron: Mark, may I ask a, may I ask a question to Mark if you don't mind? Sure. What, what department was he again?

Atty. Tanner: He's the Ludlow Police Department, police. Did he, does he have background in traffic studies? I don't, I don't know him from a hole in the wall, Don.

Mr. Coelho: Is this a cross examination of a published report?

Mr. Phoenix: No, I allowed him to ask a, a direct question and, and I think we got the answer as far as who Mark is and it's Sergeant Shameklis who, and you know, who Brian is and that, that's, we got that, so.

Mr. Martin: Ray, Center Street is the most heavily trafficked road in Ludlow. I'm telling you, I've lived there for 41 years, I've seen the traffic increase. I cannot get outta my driveway, again, at 5:30 in the morning. And by eight o'clock you have a line from the light almost backed up to Randall's.

Ms. Martin: And that's when school is out.

Mr. Martin: Yeah. So, imagine when school's in.

Mr. Phoenix: No, I know.

Mr. Coelho: Imagine when the alternate is developed here.

Mr. Phoenix: And, well.

Mr. Coelho: I didn't wanna go there, but that, well, that's gonna end the traffic study.

Mr. Martin: I'm just saying.

Mr. Phoenix: Whether it's another project that could be suitable under the bylaw that might not require a special permit, there are definitely more intense uses that would have higher peak volumes than what we're looking at tonight. Similarly, I can tell you, you know, as far as Center Street as a whole, because we did have a, a conversation about, you know, what we're looking to do on a, a more holistic level. The Planning Board's been putting together for a little while now a proposal to require special permit for everything along the majority of Center Street because a lot

of those uses are currently allowed, again, going back to what levels of control we have through either by right or by right with a site plan, which doesn't allow us to put any conditions on. So, we are acutely aware of the traffic along Center Street and we're trying to do something to address that on more of a systemic level. Trying to restrict the usage on this property is, is again, not gonna really move that needle much. If we're looking at three trips in the morning peak and six trips in the afternoon peak, I think that's a lot better than many of the alternatives. And it's, it's still, it's not zero, but it's never going to stay zero. So, we need to try and do whatever's gonna be best for that neighborhood, the total town, everybody that's trying to drive through that area and try and mitigate that as a whole because that is a heavily trafficked area. I mean, you've got the traffic that's coming off the Pike and going to Belchertown.

Mr. Martin: Oh yeah.

Mr. Phoenix: You've got a lot of cars going through there. You've got a lot of cars going through there.

Mr. Martin: And even on the weekends, Ray, you wouldn't believe the traffic.

Ms. Martin: Belchertown, Granby, and Chicopee.

Mr. Martin: Chicopee, yup.

Mr. Coelho: I use the entrance of the Pike in Palmer.

Ms. ---: Then that says it all, doesn't it?

Ms. Gamache: I wanted to mention something that you mentioned actually, and when I heard that during the executive meeting, you had a right to have that meeting. The draft stated. I couldn't understand why you did a 360 and denied affordable housing at that meeting. So, I understand, but approved the storage facility. So, what, what I want to say is, you touched on it, I went back and looked at that meeting where the second denial took place and I was a little taken back by what two board members mentioned during that meeting. And it was that if further denial, I'm not the exact word, but if further denial took place on this project, that it would require further litigation and fees, and fees and expenses for the Town of Ludlow and the Planning Board budget. Now I took real offense to that, and the reason I say that is that particular rationale, that particular, if that's, if that's what you meant, but I watched it twice and it's, that rationale is not in the best interest of the neighborhood or the neighbors. This rationale has no consideration to the detrimental effects on our property values. This project would likely, likely, and I've been told by two realtors and a land attorney that this project would likely be a deal breaker if I decided to sell my house. That's very, very, and I haven't heard anything yet on anybody talking about what happens to the value of our property. It's going to devalue it, somebody will look at my house and say, it's really beautiful, my God this landscape, this and that. And they're gonna say, what's that? And I'm gonna say, oh, it's only a storage facility. They're gonna walk away. It's gonna be a deal breaker. Who's gonna be accountable for my property...

Mr. Phoenix: Okay.

Ms. Gamache: ...being devaluated?

Mr. Phoenix: So, as far as comments that may have been made along the lines of what you're saying, I don't have a recollection of those. Clearly, you've reviewed that more recently than I have for the specific language that may have been used.

Ms. Gamache: Yep.

Mr. Phoenix: You know, I can't speak to that at the moment because I haven't reviewed those specific words. So, I'm, so. Ultimately, as far as property value, things like that, the proposal that we have in front of us right now does provide a substantial vegetated buffer along the vast majority of the property boundary. Other proposals that might come in would very likely not have that, and the whole property would very likely be clear cut and there'd be no visual buffer whatsoever.

Ms. Gamache: That's what if, what if, we're talking about.

Mr. Phoenix: Well, I mean you're talking about what if as well as far as what may happen to your property value, things like that. So, until it gets there, we, you know, if we can't do some what ifs and not others. Okay. So, what we're trying to look at tonight is the proposal in front of us and whether based on what we have for current information, this project satisfies the bylaws of the town. Whether the Planning Board feels that it is the appropriate plan for that area, given the information that we have available, whether it is suitable to get a special permit and site plan approval. And quite frankly, when this came back through remand order last time, we ended up voting against it a second time. And that's where we're still at tonight is it's come back on another remand order. There's been no decision made yet as far as whether this is gonna be approved or not, regardless of any supposition to the contrary. I think, you know, we need to look at what's in front of us tonight and make a decision based on that. Okay.

Ms. Gamache: One more comment and then I'm done. And that is, in my opinion, in my opinion, you the Planning Board failed, you failed to consider the impact this project would have on the neighbors in the neighborhood. Overall, we should not have to endure the consequences of a bad decision.

Mr. Phoenix: And you are, you are entitled to, to your opinion.

Mr. Coelho: I have an opinion, Mr. Chairman.

Mr. Phoenix: I'm afraid to ask Chris.

Mr. Coelho: There's currently one open seat on this board and one alternate seat on this board that's remained open. There's also several elections that run uncontested and you know, it's only a problem when it's in your backyard. That's, that's, that's what I have to say and it's probably not the best thing to say.

Mr. Phoenix: Regardless of that Chris, we're, we're getting super far off topic. I'm trying to keep things focused on the proposal in front of us as best I can. And it, it's really a wrestling match this evening. And I, I'd like to try and keep it focused if I can please. I think, I think you had your hand up next and then I'm not sure, I think it was a toss up between the, the two of you.

Mr. Ellison: Oh, go ahead.

Mr. Prokop: I'll, I'll try and be quick here. I heard one of the abutters say that they witnessed two underground storage tanks being removed. Does Mr. Kowalski have knowledge of that or was that prior?

Mr. Phoenix: We discussed that all. We discussed that the, the stuff that may or may not be in the ground already.

Mr. Ellison: They were oil tanks.

Mr. Prokop: I'm just wondering if there was, they were done on their, the authority of a permit from the fire department and if proper procedure was as far as measurement for the presence of release, all of that was followed, which could affect, you know, if they didn't go in with a permit and they didn't come out with a permit, a 21E is not gonna show those things.

Mr. Phoenix: Well, we, we can, we can certainly ask.

Mr. Coelho: 21E reviews the permit pulls in the fire department, correct. By, by hand.

Mr. Prokop: Correct. But if they didn't go in with a permit, they may not have come out with a permit and then they wouldn't show up and then it wasn't measured for the presence of release, which is required.

Mr. Phoenix: And Rich, I think you were trying to respond.

Mr. Kowalski: Yeah, so the tanks were removed at the time that the demolition permit for the building was taken. The fire department was present for the removal of both tanks.

Mr. Prokop: That answers my question.

Mr. Kowalski: And that demolition permit was ultimately closed and, and signed off the, the tanks were signed off by the, by the local fire department. Those are public record.

Ms. Gamache: I watched. Asked and answered. I watched them from my bedroom.

Mr. Phoenix: Robin, I think you were next.

Ms. Wdowiak: I'm Robin Wdowiak, 588 Center Street. My question is, in the meeting on 9/14 of 23, you guys voted and denied based on four points, what has changed between then and now with respect to this project going into that, that parcel of land, other than the whole litigation issue that brings this back to open meeting. What, what has changed of these four items that were not met for special permit?

Mr. Phoenix: So, I would say there are a few things that have changed. Number one, some of the makeup of this board has changed, number two, time has changed. There's been more time to contemplate decisions that have been made in the past. Number three, yeah, the litigation happened. We're not operating in a complete vacuum here and the Planning Board in whatever decision that we do decide to make, needs to try and make the best decision that it can for the neighborhood and the total town within the scope of the existing bylaws.

Ms. Wdowiak: Okay. I, I recognize that there are a couple of board members here that were opposed to this project who are no longer here. So, that does make sense.

Mr. Martin: Ray. Final thing, do we have an ordinance in town about noise after say 11:00 and before 7:00 a.m.? Is there a town ordinance for that?

Mr. Phoenix: I know we had a quality of life bylaw that went to town meeting, I think it got heavily discussed. I can't remember did that end up going through?

Mr. Martin: Because the fire station.

Ms. Houle: Mr. Chairman, I don't believe so. I don't think it was approved.

Mr. Martin: The fire station on the corner and the police, they don't use their sirens at night. So, we're gonna allow people to go in there at two, three in the morning make noise because if that happens, I'll be calling the police every night.

Ms. Martin: It's, you know, it's kind of like an echo chamber. Chamber is what it's gonna be up there, right. So, you're gonna hear it.

Mr. Martin: You're gonna hear it, where we are. [inaudible] housing surrounds that property. It's going to happen.

Mr. Silva: If your neighbor comes home 12 o'clock at night, he opens the garage door. Are you gonna call the police on them?

Ms. Martin: None of them have put their vehicles in the garage. Not an issue.

Mr. Silva: [inaudible]

Mr. Martin: Is your house there? I'm just, I'm telling you, I've lived there 41 years.

Mr. Silva: I understand that. I heard that.

Mr. Martin: The police and fire don't use their sirens at night.

Mr. Silva: I understand.

Mr. Martin: Between 11:00, 11:00 p.m. and 7:00 a.m. So, we're gonna allow people to go into that facility.

Mr. Silva: We haven't got to that point yet. Nobody's [inaudible] with the, times need to be discussed, everything.

Mr. Martin: Are we, are we gonna set new time limit? I'm not opposed to this guy having a business in town, but I'm opposed to noise and whatever over in that property.

Mr. Phoenix: Well, as I said, we have the option of looking at restricting hours of operation. Quite frankly, we haven't had the chance to bring the conversation back to this side of the table since I opened it up to public comment. So, we haven't had a chance to have any conversation on

any of that stuff yet. And whether that ends up happening now, whether a decision ends up happening after the fact, you know, I think we'd like to have this moved along as far as we can this evening to be in everybody's best interest. But we also have to be somewhat aware that we have five other appointments that we're already at least an hour late for. Not to mention other items on the agenda, but we have other people for separate issues that would like to be heard and seen this evening. So, if there's nothing new and just repetition of issues that we've already heard, I would like to bring the discussion back to this side and see where we can move this to in the course of this evening.

Mr. Martin: Are we gonna be called back?

Mr. Phoenix: Well, let's, let's see where things, where things go. So, is there anything new?

Ms. Gamache: Yes, and it wasn't discussed at all, but one of my neighbors who was not able to be here tonight mentioned it. I hope it doesn't get approved, but the work to get approved. Can the lights be put on a timer to go off at a certain time and not?

Mr. Phoenix: Based on the luminaire schedule that I think ended up over there. None of the light actually leaves the edge of the property.

Ms. Gamache: Doesn't matter, it's still, 2.77 acres is gonna be all lit up. Can it be put on a timer and at nine, nine o'clock they're gone? A motion detector or something like that. That's never discussed. But my neighbor's very concerned because it's shining right in his 95-year-old mom's house in her bedroom. And I mean it's, it's a legitimate concern.

Mr. Phoenix: So again, the, the lighting as is shown on that plan, none of it is on the exterior of the buildings. It's all pointed downward and according to the lighting engineer, none of that light leaves the edge of the property. So, we could talk about restrictions on lighting, things like that. I think the other side of that coin would be the argument that if we're gonna talk about some of the things that we've heard not so much tonight, but in prior conversations, if we're talking about security, things like that, having this with no lights on throughout the whole night is a lot less safe than having lights on. So, if somebody's doing something, they can be seen. So, we can't have it both ways. Either there needs to be light within the site to preserve security or there has to be no light within the site because even though there's nothing leaving the edge of the site, we just want it dark. But it, it just can't be both at the same time.

Mr. Martin: Would there, would still be restriction on hours? If there is.

Mr. Phoenix: Again, if we get a chance to discuss that, there, there may be. But if, if we don't have a chance to discuss that then you know, we're kind of at an impasse for the evening. So that's why I asked for if there's anything new. She brought up something new. So, I'm gonna ask again, is there anything else new or can we begin bringing it back over this way?

Ms. Gamache: There is such a thing when you talk about safety, there's motion lights. So, they could only go on when there's motion. I mean that, everywhere. Everybody has a motion light on their garage door, what have you. So, instead of it being lit up 24/7 or safety issues and the, the applicant mentioned that because that was brought up and he says we need to have the lights on for safety and security. But there is such a thing as motion lights.

Mr. Phoenix: There are motion lights and again [inaudible] things have drawbacks, things have, you know, pluses and minuses. If you have like my neighbor has motion sensitive lights when a cat runs through their yard, the light comes on.

Ms. Gamache: That's alright.

Mr. Phoenix: And that's more distracting than if the light were just on all the time and you just get used to the light being there and not really entering my property in the first place. You can put, just like a street light becomes noise versus a light that's coming on and going off. So, I mean there's conversations that can happen. We can discuss what would be appropriate things. We've heard about the lights, we've heard about a lot of the other things. I saw your hand come up Mr. Ellison. Is there something new?

Mr. Ellison: Just the storm water plan. It's new. We haven't talked about that tonight.

Mr. Phoenix: Correct.

Mr. Ellison: Just refresh my memory 'cause I remember it was brought up previous meetings quite a while ago. So, all that storm water is staying on that site?

Mr. Phoenix: Any water that's falling on that property needs to be handled on that property.

Mr. Ellison: So, we won't get anything down the driveway entrance?

Mr. Phoenix: Well, let, let me rephrase. Nothing that wasn't already leaving that property should be leaving that property. So, if there's already water that's sheet flowing off, then you know, we don't want to be really changing things like that either.

Mr. Ellison: Right. And that just dovetails into a recent conversation at the fire department. We're dealing with some parking stuff and whatnot. But anyway, the, the issue with Con Com is that they don't want to add to that intersection specifically with additional storm water. And it was specifically brought up that, you know, paving, parking lots, entrances, et cetera is worse because it's gonna channel the water rather than it's just going into the ground. Right?

Mr. Phoenix: Yep.

Mr. Ellison: So, my question is, is there any chance, have we thought about the impact of storm water with that driveway area impacting? Because as you know, that is downhill Center Street leading down to [inaudible] bridge. So, have we talked about that, looked at that in terms of?

Mr. Phoenix: So, the storm water would've been reviewed by public works, but can you speak at all to the way that's being handled? Is there a knife drain or anything at the, the edge of the property? How is that being handled there?

Mr. Kowalski: So, yeah, so 99% of all the water generated by the site is being handled by the storm water management system that was designed by the engineer. Yes, there is a small amount by the edge of the driveway that does run off, but that is ultimately less than what is running off right now. So overall from a, from a project design standpoint, we're actually capturing more water and keeping it on site than is currently being allowed to enter the road.

Mr. Phoenix: And that's, that's per the plan that was reviewed by the Engineering Department?

Mr. Kowalski: Per the plan that was engineer, per the plan that you have in front of you.

Mr. Ellison: So that was, excuse me, that was pushed by Con Com? That's, that statement that there's less gonna go into the street?

Mr. Phoenix: The stormwater plan is something that we require as part of projects over a certain size, things like that. And that would end up being reviewed by Engineering, not through Cons Com. If there's an issue with wetlands, then that would come in through an RDA, things like that, an NOI, something like that that they would handle.

Mr. Ellison: So, Con Com never saw this, is that?

Mr. Phoenix: Con com should have gotten a copy of the plan for review comments. I believe they're a part of that list. I can double check.

Atty. Tanner: Mr. Chair, their comment was that there were no wetlands on the site, so they had no concerns.

Mr. Phoenix: Which is a, a fairly standard comment under similar circumstances.

Mr. Ellison: And so, who, who made the comment on stormwater DPW?

Mr. Phoenix: That would've been through engineering yes.

Mr. Ellison: And they said it's all set?

Mr. Phoenix: They, they have to review that. Yeah. Yep.

Mr. Ellison: Time will tell.

Mr. Phoenix: So, unless there's anything new, any comments, questions, concerns from the Board at this time?

Mr. Coelho: We're here to do what's best for the town. Show of hands who here is a direct abutter or has a commercial interest with a direct abutter?

Ms. Gamache: Some people aren't here tonight. [inaudible]

Mr. Coelho: You a direct abutter you live right across the street?

Ms. Martin: Across the street.

Mr. Martin: We're across the street.

Ms. ---: No, on Sroka on the other side.

Ms. Gamache: We, we're all abutters.

Ms. ---: No.

Mr. Coelho: Everybody is a direct abutter?

Ms. Gamache: No, no, but some are not here today.

Mr. Phoenix: What, what are you going for here Chris?

Mr. Coelho: I'm going that with what we know choice between A and B, A is better for the town in general. Is it better for the people that live right next door to it? No, nothing ever is, nothing ever is. The amount this is gonna tax the services of the town is a lot less than this is gonna tax the services of the towns again, and this is what I've been maintaining since day one. And you can look at all the old meetings. It's gonna tax the services of this town a lot less than what could go there without any local controls applied to it at all. Zero, zero setbacks, zero traffic studies. You know, that, that's the fact of the matter. And unfortunately, everybody doesn't see how these things work and when it is in your backyard it is difficult and it's tough and nobody wants it. And the only way to control what's in your backyard is owning your backyard. And it doesn't work like that in America. This is a development problem that's been happening throughout the ages. And can I say I feel for you? Sure. Should every tree be left alone? Absolutely. The fact of the matter is property owners have rights, neighbors have rights and we're in the middle of all that. So, we gotta look at what's best for the town as a whole. And for people to say that we're taking the easy way out, it's really disheartening to me 'cause I've been coming to these meetings every two weeks for 15 years on Thursday nights. I pay a lot of money to have people looked after that I can't look after when I'm at this meeting every two weeks, every night. It's just those kinds of things that wear on you, you know, that, that's all I wanted to say.

Mr. Phoenix: Okay. Anything else from the Board?

Mr. Martin: But you do see our concern?

Mr. Coelho: I get it. I get it. And you're not the first person with these kinds of concerns. This happens everywhere. But our job is to balance what's overall better. It's like King Solomon cutting the baby in half.

Ms. ---: Yeah. You're in a lose-lose situation regardless.

Mr. Coelho: There's no question. And I hate that because I like to win, you know, but we gotta think about the big picture. The big picture isn't necessarily our backyard.

Mr. Phoenix: No, I, well, before I open my mouth anymore, let me, let me just ask if, if Kathy, Joel, if either of you have? Anything? I would like to discuss with the Board whether we wanted to look at anything relevant related to hours of operation or lighting as brought up by the, the public. But before I do that, I, I'd just like to kind of build off of some of what you said 'cause to me this isn't just AB, this is A, B, C, D, E, F, G, H.

Mr. Coelho: Yeah, technically you're right. But in all reality, it's AB.

Mr. Phoenix: It's all, it's all of the things that are in the table of principle uses that are allowable very often without special permit. This or 40B. I don't like 40B. I don't think anybody on this side of the table really likes 40B. I think it's necessary.

Mr. Coelho: There's zero local control.

Mr. Phoenix: It's necessary to some degree because let's face it, housing affordability is an issue. I don't think it goes about it the right way, but I'm not part of the state government that can control that. As long as we don't have enough affordable housing in town. Which is why we have a Housing Production Plan that we're currently paying a consultant money to redo for us to hopefully help facilitate that. And we'll bring up things like open space zoning to town meeting again in the future and hopefully people agree to it. We'll bring up increased densities of development to try and do some of that stuff. Hopefully people go for it. But ultimately, you know, if we don't meet those thresholds, that's going to remain something that we need to be cognizant of because we're not operating in a vacuum and whether it's 40B that's gonna result in things getting clear cut. Whether it's a site plan that's gonna be for something else that isn't necessarily gonna provide as much vegetative buffer for the neighbors. Whether it's any of a number of different variants, whether it's the original proposal that we had that came in front of us before this got remanded back to us the first time. None of those would be as, would, would be the same as what we're looking at again this evening. What I would say though is even if I were a direct abutter to this, knowing the things that I know, I don't know that I agree with you about this proposal being a bad option. Is it preferable to things remaining green space indefinitely? No, but that, like you said, that's not, that's not a reasonable option. So, it's not just a matter of balancing a handful of neighbors versus the total town. Even for that handful of neighbors, I think there's a good chance that this proposal is the one that's most in their best interest. Even if it's unpalatable, I think it may be the best of the options that's available. Even if it's not perfect, if it meets the law then we need to treat it as such. As far as the, the lighting thing. Let me ask, does anybody on the Board have a concern with the lighting beyond what the lighting engineer has shown indicating that there's no spillover? Did we want to contemplate things like motion sensitive lights or hours on the lights or anything to that effect? Is that of interest to anyone on the Board?

Mr. Coelho: Maybe I just trust engineers too much.

Mr. Ellison: [inaudible]

Mr. Coelho: You can't challenge an engineer. It's like law, you can't challenge it until you go to court. That was an [inaudible]

Mr. Silva: The trees, that was also, there's also a lot of other. That they don't have to wait for them to grow for the light impact and whatnot, or we're gonna have to wait for the trees to grow?

Mr. Phoenix: That's a good question. As far as the vegetative buffer, the ones that are gonna be that 20-foot buffer, those are the existing trees that are gonna remain, correct?

Mr. Kowalski: Correct. Yeah. So, from the property line 20 feet back, nothing's gonna be touched.

Mr. Phoenix: And then where it's not covered by that 20-foot existing buffer, there's still gonna be fencing and plantings. What kind of planting are we looking at?

Mr. Kowalski: So, it's laid out right here. So, 20 feet back, nothing. We're not touching any piece of that. And then beyond that line, vegetative buffer up against the building that virtually will, I

mean it'll mimic what's there, even offer more coverage than what's there right now. So, you can kind of see it on this side. So, this strip is untouched. So, nothing, no trees removed there, no nothing. And then vegetative planting all along that side to virtually completely black out that building.

Mr. Phoenix: Does that answer your question, Joel?

Mr. Silva: He's gonna, there are gonna be adult trees already that will be planted, or we'll have to wait for them to grow?

Mr. Kowalski: We're planting, we're planting them at full building height.

Mr. Silva: Here we go. That's my, that's my answer.

Mr. Kowalski: So, so everything that's proposed there is coming in at eight feet. So, full building height, you don't have to wait five years for this to come in. We're gonna, it'll be covered on day one once it goes in.

Mr. Silva: Correct. Thank you.

Mr. Phoenix: I saw a, I'm hesitant.

Mr. Martin: Yeah, I, I just want to, I don't want to beat a dead horse, but if this is gonna go through, there's going to be a need for restriction of hours.

Mr. Phoenix: Yep. We haven't, we haven't gotten to that yet. Oh no, I'm, I'm trying to get there. I'm trying, I'm trying to get there.

Mr. Martin: Okay, I want to just make sure that point gets across because he wanted 24/7.

Mr. Phoenix: Right. No, we heard you, I mentioned that we wanted to talk about it, we just haven't got there yet. I started with the lighting thing and I'm, I'm trying to work through those. So, is there a desire to do anything or, or make a restriction on the lighting from the Board at this time?

Mr. Silva: On the lighting?

Mr. Phoenix: On the lighting.

Mr. Silva: No.

Mr. Coelho: I don't think until they're proven wrong that we should, and I think that we can, we can take certain actions should that lighting schedule not perform the way it's designed is my opinion.

Mr. Phoenix: We can, we have certain things that we can do. I would also say too, like in the case of Dunkin Donuts, because of the way that the drive through there is elevated, there was a concern that was raised after the fact by the across the street neighbor about headlights that were coming into their house, which is what resulted in us talking to the owner and them coming back with a proposal for those sections of fencing there to stop the lights from going across the street

because that wasn't something covered by the lighting plan. At that point, I don't even know if we were requiring a lighting plan back then 'cause that happened so long ago. But it certainly wasn't something that was contemplated during the hearing and then it became an issue and we were able to get a remediation for the neighbor in that case. So, I think your point is fair that if there is an unforeseen issue that can be handled after the fact, whether that's repositioning a light if somebody happens to mount it wrong or, or something like that.

Mr. Kowalski: I'm very willing to work with that. I'm not looking to create the inconvenience. If there's something like that that occurs, please reach out. We'll be happy to do whatever it takes to, to, to remedy that.

Mr. Phoenix: Because ultimately our expectation is gonna be that the lighting at that property boundary is going to match the numbers that the engineer anticipated.

Mr. Kowalski: Correct.

Mr. Phoenix: So, if that's not the case, then we're, we're gonna have to talk to you about finding a way just to make that, make that a reality.

Mr. Kowalski: No problem. As far as the hours of operation does the Board have any comments on that?

Mr. Coelho: I do think the developer did agree to some limited hours during one of the presentations.

Ms. Houle: I think one of the first, I think one of the first presentations.

Mr. Coelho: I mean, I don't know, but this is a special permit. So, I mean that's probably a discussion we need to have.

Mr. Phoenix: So, I, I think, you know, the easy numbers here are the ones that we heard already that the trip generation between 9:00 p.m. and 6:00 a.m. is minimal. I think if that assertion is accurate, it should have minimal impact on the applicant but should have a fair amount of peace of mind that it gives to the neighbors. Is that the numbers that we would wanna look at and would we want that to be the same weekend versus weekday or did we wanna look at different hours on the weekend? What's the thinking from the Board?

Mr. Coelho: Well, I'm trying to think if I wanna access a storage unit. Definitely don't want to go in at two in the morning. I don't care what kind of memento I'm looking for, 10 o'clock at night.

Mr. Phoenix: It's your tax documents, Chris.

Mr. Coelho: Well, if it's my tax documents that's...

Ms. Houle: He's already in trouble.

Mr. Coelho: ...they're gonna raid it like Mar-a-Lago so.

Mr. Martin: No, you never know if someone will go in there at 2:00 a.m. and.

Mr. Coelho: Well, no, I understand that. I myself a normal, rational person.

Mr. Martin: Exactly.

Mr. Phoenix: That's a bold assertion Chris. We have a police department and a fire department to deal with the abnormal, irrational people.

Mr. Kowalski: Would it be okay to have operating hours between, closed between 10 and 5:00, 10:00 p.m., 5:00 a.m.

Mr. Martin: Closed.

Mr. Coelho: Yeah, closed. So that means it would be 5:00 a.m. to 10:00 p.m. open.

Mr. Kowalski: Yep.

Mr. Prokop: Could I ask a question?

Mr. Phoenix: Sure.

Mr. Prokop: We're talking now about lighting, traffic study, hours of operation. Were those one of the four things? Were they, three of the four things that this Board denied the permit on?

Mr. Phoenix: They are things that contribute to those four things, but they're not those four things themselves.

Mr. Prokop: Okay. So, you're asking us for what's new, and I think Robin was asking you and myself, what's new from your end that those four things have changed, that not, willing, other than you've been threatened with 40B. Is that correct that's what's changed?

Mr. Phoenix: No, I answered that question already as far as.

Mr. Coelho: We've been threatened with 40B.

Mr. Prokop: Right. That's.

Mr. Coelho: We.

Mr. Prokop: Yep. There you go.

Ms. Houle: The entire, the entire town. The entire town. The entire town is threatened with 40B.

Mr. Prokop: How many times has the entire town been threatened with this?

Mr. Coelho: A lot more times than you know.

Mr. Prokop: Well, I know quite a few.

Mr. Phoenix: Let's stay on task here. So, right now the Board is discussing specifically hours of operation. We're not gonna go back into other stuff. Okay. I gave the public extensive time. I did

not put any limitations on individual's opportunities to speak. I let people speak as long as they wanted to, largely without interruption as long as they were staying on topic. I allowed people to speak multiple times as long as, again, they were staying on topic or reasonably close. I allowed some of that to wander a field a couple of times as it felt was appropriate to support people getting what they felt they needed out of the conversation. So right now, we're trying to address one of the issues that's been brought up. And we need to be able to do that because again, I have not just the, the bylaw changes that we need to look at, that we need to talk about. I literally have other human beings that want to talk to us this evening. I need to get through this side of the conversation without going back to other stuff. So, hours of operation, the original numbers that we heard as far as whatever were 9:00 to 6:00, we were just asked if we would instead possibly look at 10:00, 10:00 and 5:00. What does the Board feel about 9:00 and 6:00, 6:00 to 9:00, 6:00, 6:00 a.m. to 9:00 p.m., 5:00 a.m. to 10:00 p.m. whatever. What does the Board feel about those numbers or any other set of numbers that seems to make sense to, to a Board member?

Mr. Silva: Are we discussing workdays only or we could include it?

Mr. Phoenix: Weekdays, weekends, whatever concerns you have about hours of operation.

Mr. Martin: Sleep the same seven days.

Mr. Phoenix: I think I mentioned this maybe related to this project, certainly related to other ones over the years, we try and be fair to the majority of people that sleep normal hours. And a lot of people would like to sleep the same hours, weekdays versus weekends. A lot of people, that's not the case. Some people are shift workers, some people are trying to sleep when road work is going on during regular daylight hours. So, there's no perfect solution that's gonna solve it for everybody. So, we're just gonna try and figure out what makes sense that's gonna hopefully protect the majority of people. And largely if the assertion from the applicant is accurate, that it would normally be about 12 trips, plus or minus over an entire calendar year. It's not really about restricting those numbers of trips, it's more about preserving that peace of mind. So, we really want to look at it from that perspective. So, you know, the lines are fuzzy outside of that or, we're just trying to protect things the best that we can, especially for peace of mind. So, Joel, what, what are you thinking?

Mr. Silva: Well, it's safe, is it safe to assume that other noise ordinance in Ludlow it's after 10:00 p.m.? Again I, I'm sorry, until 10:00 p.m.?

Mr. Phoenix: I had asked because I cannot remember. Okay, whether that passed or not. And I believe I heard that.

Ms. Houle: Ray, I don't believe that it passed. I don't believe that it passed.

Mr. Phoenix: Believe that it didn't. It was, it was heavily debated. I think the same bylaw that was talking about noise was also talking about...

Ms. Houle: Grass.

Mr. Phoenix: ...whether your grass needed to be cut, whether your roof needed to be repaired, whether, all kinds of things. And I think that was, I think town meeting determined that it was too much overreach and turned it down. But I could be mistaken because that was a bit ago. So, I think it's largely just policed by are, are, are you being human being or not?

Mr. Silva: Yeah. Common sense. I would propose a 6:00 a.m. to 10:00 p.m. seven days a week.

Ms. Houle: I would concur.

Mr. Phoenix: Chris does 6:00 a.m. to 10:00 p.m. seven days a week make sense?

Mr. Coelho: I agree with the will of the Board.

Mr. Martin: That sounds good, Ray.

Mr. Coelho: Chris.

Mr. Martin: Chris. No, I sleep the same seven days.

Mr. Phoenix: So, okay. So, that's what we heard is those, those concerns. We've heard a few other things, but I think those are the main ones that we needed to have conversation about. Unless the board has any other discussion that we need to have on this, I would ask that we close the public hearing at this time. Take the matter under advisement, possibly look to craft a motion that would make sense in either eventuality and put this as an agenda item for our next meeting to come up with a decision. Does that make sense to the board? Does somebody care to, to make that motion?

Mr. Coelho: **SO MOVED.**

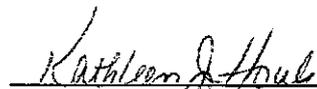
SECOND Ms. Houle.

4-0 in Favor.

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

The public hearing was closed at 9:58 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Order of Remand - Superior Court Civil Action No. 2279CV00540; Agreement for Remand and Entry of Judgment – Superior Court Department Civil Action No. 2379CV00531; Agreement of the parties & Exhibit A Restrictive Covenant

(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 – PROPOSED ZONING BYLAW AMENDMENTS
ACCESSORY DWELLING UNITS (ADU)
August 14, 2025**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joel Silva (Present)
Kathleen Houle (Present)

Ken Comia of Pioneer Valley Planning Commission was present for the meeting.

The public hearing began at 10:48 p.m. in the Selectmen’s Conference Room.

In attendance: attendees

Mr. Phoenix read the legal notice and advised the public that the meeting was being recorded. The legal notice included the description of: Proposed zoning revisions to include the following: Section III: General Use Regulations 3.0 General Regulations. Section 3.22, Table 1 Ludlow Table of Principal Uses. Remove Accessory Apartment and replace with Accessory Dwelling Units (ADU) allowed through Site Plan Approval from the Planning Board (SPA) in RA-1, RA, RB, A, AMD zoning districts. Add Accessory Dwelling Units over 900 SQ FT, and Additional Accessory Dwelling Units allowed through Special Permit and Site Plan Approval from the Planning Board in RA-1, RA, RB, A, AMD zoning districts.

Mr. Phoenix: So, this goes back May 7th. Correspondence from Brian Winner: *Hi Susan, You can move forward with the ADU Bylaw without amending the table. We can revisit and correct the Table of Uses at a future meeting. This will create an inconsistency, but we can deal with that by complying with the Affordable Homes Act until we correct the table at a future town meeting. I would expect that the AGs office will caution us on this point for the rezoning article that's separate.* So essentially, we made the change at the May town meeting, but we missed the table. This is updating the table to reflect what we did in May. Any comments, questions, concerns from the Board on this one? Anything from the public? All zero of you, hearing nothing I would entertain a motion on a recommendation to town meeting on this issue.

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I make a **MOTION** to recommend the proposed zoning bylaw amendment Section III General Use Regulations 3.0. General Regulations Section 3.22, Table 1 Ludlow Table of Principal Uses.

SECOND Ms. Houle.

4-0 in Favor.

Mr. Phoenix: Is there motion to close?

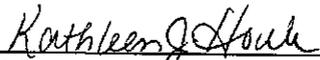
Mr. Coelho: **SO MOVED.**

SECOND Ms. Houle.

4-0 in Favor.

The public hearing was closed at 10:51 p.m.

APPROVED:



Kathleen Houle, Secretary

SU

Documents: Legal Notice – Zoning Bylaw; Article #XX & Motion (Table 1 Ludlow Table of Principal Uses)
Accessory Dwelling Units; Email from Brian Winner RE: Town Meeting Warrants (May 7, 2025)

(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 – PROPOSED ZONING BYLAW AMENDMENTS
REPLACE “SELECTMEN” WITH “SELECT BOARD”
August 14, 2025**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joel Silva (Present)
Kathleen Houle (Present)

Ken Comia of Pioneer Valley Planning Commission was present for the meeting.

The public hearing began at 10:51 p.m. in the Selectmen’s Conference Room.

In attendance: attendees

Mr. Phoenix read the legal notice and advised the public that the meeting was being recorded. The legal notice included the description of: Proposed zoning revisions to include the following: Replace all references of “Board of Selectmen” or “Selectmen” to “Select Board” throughout the entirety of the Zoning Bylaw.

Mr. Phoenix: So as stated, this one's pretty much what's on the tin. Just renaming things in the bylaw to try and be consistent with the changes that were made to the title of our Select Board at the May town meeting. Any comments, questions, concerns? Hearing none from this side. Anything from the public? Crickets. Perfect. Is there a motion on a recommendation to town meeting on this item and possibly to close this public hearing as well?

Ms. Houle: **SO MOVED.**

Mr. Phoenix: Is that to recommend approval?

Ms. Houle: For both.

Mr. Phoenix: So, my understanding is.

Ms. Houle: Recommend approval and close the public hearing.
SECOND Mr. Silva.

Mr. Phoenix: Motion is made and, and second. All those in favor?

Ms. Houle: Aye.

Mr. Silva: Aye.

Mr. Phoenix: All those opposed?

Mr. Coelho: Present.

Mr. Phoenix: What's that mean? Is that abstained?

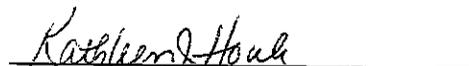
Mr. Coelho: Yes.

Mr. Phoenix: Okay.

3-0-1 in Favor. (Mr. Coelho)

The public hearing was closed at 10:53 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Legal Notice – Zoning Bylaw; Article #XX & Motion (Town General Bylaws)

(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 – PROPOSED AMENDMENTS TO SUBDIVISION RULES AND
REGULATIONS
REPLACE ALL REFERENCES OF “BOARD OF SELECTMEN” or “SELECTMEN”
TO “SELECT BOARD”
August 14, 2025**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joel Silva (Present)
Kathleen Houle (Present)

Ken Comia of Pioneer Valley Planning Commission was present for the meeting.

The public hearing began at 10:53 p.m. in the Selectmen’s Conference Room.

In attendance: attendees

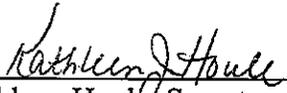
Mr. Phoenix read the legal notice and advised the public that the meeting was being recorded. The legal notice included the description of: Proposed revisions to the Subdivision Rules and Regulations include the following: Replace all references of “Board of Selectmen” or “Selectmen” to “Select Board”.

Mr. Phoenix: This one, instead of being a recommendation to Town Meeting, this is the Subdivision Rules and Regulations. So, we get to just make decisions on this ourselves. Is there any comments, questions, concerns on this one? Hearing nothing, I’ll open it to the public. So, on this one I would entertain a motion to approve the change to the Subdivision Rules and Regulations as stated in the legal notice and to close the public hearing.

Ms. Houle **MOVED** to approve the changes and to close the public hearing.
SECOND Mr. Silva.
3-0-1 in Favor. (Mr. Coelho)

The public hearing was closed at 10:55 p.m.

APPROVED:



Kathleen Houle, Secretary

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Documents: Legal Notice – Subdivision Rules and Regulations; Subdivision Rules and Regulations Page 15

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