TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
August 22, 2019

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PLANNING BOARD MEMBERS

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

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

Appointment – Ana Gomes, Caracas Construction – Avelino Way Subdivision Update & Development Agreement Extension
(emails from Kenneth Batista - Ludlow DPW, and Karl Hoeckh – 419 Alden Street, addressing runoff concerns at 419 Alden Street included)

Matias Goncalves was present for the appointment.

Mr. Phoenix mentioned the emails that came in regarding flooding (at the property located at 419 Alden Street), and that the DPW has done an inspection at the site.

Mr. Goncalves said that he met with Ken Batista of the DPW and has scheduled an inspection with Mike Suprenant, the Town Engineer, a week from today. He explained that a swale and a drop inlet needs to be installed, and that the land needs to be contoured. Mr. Goncalves also noted that the water runoff was due to the fact that the silt socks got clogged, but that they have been replaced. He mentioned that he has a plan to resolve the situation, and that he will meet with the DPW on site to see if the plan meets their approval.

Mr. Phoenix asked Mr. Goncalves if everything will be completed by the end of the new development agreement extension, including the overlayment, loom and seed, and the twenty trees to be installed. He also noted that the electrical infrastructure is in place, but they are waiting for the electric company to turn on the electric.

Mr. Queiroga **MOVED** to extend this development agreement to December 30th of this year, and --- a second.
SECOND Ms. Houle.
5-0 in Favor.

Documents included: email and photos from Karl Hoeckh (August 20, 2019); email from Kenneth Batista (July 29, 2019); Extension of Development Agreement

ANR – Ludlow Center, LLC (The Colvest Group) – 471-485 Center Street (Assessors' Map 16A, Parcels 55 & 52)(combine parcels for retail development)

Scott Hesketh – F.A. Hesketh & Assoc.; Ellen Freyman – Shatz, Schwartz, and Fentin, P.C.; Dana Steele – J.R. Russo & Associates, LLC; Frank Colaccino – The Colvest Group; Peter LaPointe – The Colvest Group were present for the appointment.

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Mr. Stefancik noted that the plan meets all of the ANR criteria.

Ms. Freyman explained that the ANR is to combine several lots that are located at 471-485 Center Street.

Mr. Queiroga: I **MOVE** to endorse the ANR for Colvest putting these lots together as shown on the plan.

Mr. Phoenix: Want to just do that in the standard form, or?

Mr. Queiroga: Absolutely in the standard form.

Mr. Phoenix: Ok.

SECOND Ms. Houle.
5-0 in Favor.

Documents included: Master application; Plan of Land – 471-181 & 485 Center Street Ludlow, MA – owned by Ludlow Center, LLC. (8/19/2019)

PUBLIC HEARING – SITE PLAN & SPECIAL PERMIT – Ludlow Center, LLC (The Colvest Group) 471-485 Center Street (Assessors' Map 16A, Parcels 55 & 52) (to demolish the buildings at 471 & 481 Center Street, and to construct a 5,230 sqft medical office building at 471 Center Street, a 2,382 sqft fast food building with drive-thru at 481 Center Street, and a 5,991 sqft retail building at 485 Center Street. Includes changes in parking and traffic circulation. Existing drive-thru for 477 Center Street to remain)

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- APPROVE/SIGN Minutes of August 8, 2019
- FILE Mail Item 57. - Legal Notices from surrounding communities
- APPROVE Change of Occupancy:
  - John & Natalie Gil (Ludlow Burial Vault Co. d/b/a John Gil Company Corp.) – 148 Amherst Street (change of ownership)

Mr. Phoenix: As a matter of fact, if it's agreeable to everyone, we take a vote MOTION for just a brief five-minute recess to skip out of the room and come back?

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

The Board took a brief recess from 8:45 p.m. to 8:52 p.m.

PUBLIC HEARING – SITE PLAN & SPECIAL PERMIT – Inspired by Opportunity LLC - 0 (484) & 488 Center Street (Assessors' Map 16A, Parcels 58 & 59) (demolition of existing buildings, construction of proposed restaurant with drive-thru, associated paved parking, stormwater management system, site utilities, site lighting, and landscaping)

SEE ATTACHED MINUTES

The camera stopped recording at 9:53 p.m.

Mr. Stefancik updated the Board regarding the Circuit Avenue flooding discussion from the August 20, 2019 Selectmen's meeting. The Department of Public Works will work with Mike Pietras on the issue.

The Board agreed that all plans should be reviewed in the Planning Office when they are submitted so that incomplete plans do not come before the Board at the meetings, as they may be denied.

Mr. Coelho **MOVED** to adjourn.
SECOND Mr. Quiterio.
5-0 in Favor.

Meeting adjourned at 9:58 p.m.

APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

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

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT & SITE PLAN
471-485 Center Street (Assessors' Map 16A, Parcels 55 & 52)
Ludlow Center, LLC (The Colvest Group)
(to demolish the buildings at 471 & 481 Center Street, and to construct a 5,230 sqft medical office building at 471 Center Street, a 2,382 sqft fast food building with drive-thru at 481 Center Street, and a 5,991 sqft retail building at 485 Center Street. Includes changes in parking and traffic circulation. Existing drive-thru for 477 Center Street to remain)
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PLANNING BOARD MEMBERS

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

The public hearing began at 7:20 p.m. in the Selectmen's Conference Room.

In attendance: Scott Hesketh – F.A. Hesketh & Assoc.; Ellen Freyman – Shatz, Schwartz, and Fentin, P.C.; Dana Steele – J.R. Russo & Associates, LLC; Frank Colaccino – The Colvest Group; Peter LaPointe – The Colvest Group

Mr. Phoenix read the legal notice, reviewed the application, and explained that there are cameras recording the hearing. The legal notice included the description of: to demolish the buildings at 471 & 481 Center Street, and to construct a 5,230 sqft medical office building at 471 Center Street, a 2,382 sqft fast food building with drive-thru at 481 Center Street, and a 5,991 sqft retail building at 485 Center Street. Includes changes in parking and traffic circulation. Existing drive-thru for 477 Center Street to remain.

Mr. Phoenix: Beyond that, this is a public hearing. We will be taking public comments, questions and concerns, but we will be doing that ---, until then, we will be having a discussion between the Planning Board and the applicant, and then I will let everyone know what the rules are gonna be as we're going forward with public participation when we get to that point. So, we have in here, this is part of the application, the following (*Mr. Phoenix read the response to site plan review comments from Peter LaPointe, Colvest (8/22/19).* So, you can take that into consideration as I go into the things that kind of proceeded that. We have from Board of Health: *no concerns, or complaints, or comments at this time, thank you.* From our own office we have that *(Mr. Phoenix read the Site Plan Comments from Doug Stefancik, Town Planner dated August 15, 2019; Comments for the Ludlow DPW (8/15/19); Fire Department (8/20/19))* ConsCom has no wetland concerns. So, that's enough for me for the moment. I'm gonna open it up for you to explain what you're looking to do, and then we'll go from there.

Atty. Freyman: Thank you. First, I'll introduce the team here tonight; to my left is Scott Hesketh, and he's our traffic engineer and he'll talk about the traffic report; Dana Steele is with Russo Engineering and he'll talk about the site plan; and then Frank Colaccino and Peter

LaPointe, they're with Colvest, and they're the owners and developers of the property. So, currently, as you know, this is the gateway into Ludlow off the Turnpike and we're gonna take this area and make it much more attractive and safer. We're taking the Friendly's, which is currently vacant, and the Joy's Restaurant, which is currently vacant, and those will be demolished. And what we're doing is replacing the Friendly's with an urgent care center, which will be the first urgent care center in Ludlow, and then adding a fast food restaurant, which we can now say is KFC. The building that has the Westfield Bank and two other retail spaces, the 4,800 square foot building will remain, and then there'll be another retail building that will go up, let's see, that one is 5,128 square foot building, and that's gonna be part of Phase IV. Just again, as an overview, the site will improve the traffic circulation, it'll also make it safer in terms of the curb cuts. There are currently four full service curb cuts, so that from every curb cut you can make a left into the property. When this property is developed, one of the curb cuts, the farthest one to the north, will be closed, and the one furthest to the south, in front of Friendly's, will be a right in and right out. So, no one will be able to make a left into that curb cut, making it much more safe and actually kind of making it a pretty benign curb cut. Additional improvements, which you'll hear about, is the drainage and stormwater management, which will now be current and meet your current bylaws. There'll be very attractive landscaping added and much improved. Right now, we have the two restaurants, which I said, that are gonna be removed and replaced with one that's much smaller, a fast food restaurant. The lighting will be improved, and in general, just the site appearance will be upgraded and be much more attractive. I mentioned the curb cuts, and the traffic on site will be very safe. You'll hear from our traffic engineer that the circulation will be very appropriate for the uses. One of the other permits that we're seeking here tonight is a special permit for a fast food, for the…

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Ms. Houle: Drive-thru.

Atty. Freyman: …drive-thru for the fast food restaurant. So, that's also, you're opening not as a separate hearing?

Mr. Phoenix: No.

Atty. Freyman: That's part of this time, ok. So, and just generally, this is a very positive economic development project for the town; it will provide additional jobs and also increase taxes. So, I'd like to introduce Dana who will go over the site plan.

Mr. Steele: Thanks Ellen. For the record, Dana Steele, professional engineer with J.R. Russo and Associates. Their office is at 1 Shoreham Road in East Windsor, Connecticut. This site plan, as mentioned, includes 3.6 acres of business zoned property. And Ellen's already gone through and described the building's gonna be taken down, and the new buildings that are being proposed. And I'd just like to talk briefly about the utilities and infrastructure for the site. Each of the existing buildings had utility services and we're gonna be reusing those services and minimizing the cuts out into Center Street. And we are proposing new storm drainage for this site. Currently the site is designed with drywell leaching catch basins and catch basins that are connected to round honeycomb drywells under the paved surface. You see those on the existing conditions plan, which is Sheet 2 of your set, round circles with the ---. Those are gonna be removed and we're gonna be putting in a new subsurface infiltration system, that's gonna be a perforated pipe system that provides the storage capacity for the stormwater runoff from the site, so that there is no discharge of stormwater from the site, everything is contained onsite and infiltrated back into the ground. So, that's really an ideal situation without any impacts to the neighboring properties. The plans have been revised as of today on response to staff comments

that you read into the record, and the letter that you also read in from Colvest summarizing what those changes were. I've already been, stated for the record, but I'd just like to point your attention to where they are on the plans so that you're aware of those changes that have been made. There's really three sheets of the plan set that have changed; Sheet 2, Sheet 3, and Sheet 5. And on Sheet 2 which is our existing conditions and demolition plan. We have added the existing monumentation on the site. The survey that was provided does show monuments at all the property corners, and so those have been added. So, you'll see a note, like, in the upper left corner of the plan, IP found held, that means they use that as a starting point for their analysis for the boundary of the property. And so those notations are now on the plan as your regulations require, and your checklist requires. In addition to that, there was a request for clarification with regarding what's going on, on Center Street with sidewalks. If you've driven by there recently, you see that there are no sidewalks, they've been taken out, and it's in the middle of construction. But, at the time the survey was done, the existing sidewalks were still there. So, on Sheet 2, you'll see the original sidewalks which started at the southwest corner near Friendly's and Dunkin Donuts, at that corner, and then continuing across the commercial property across the front of Joy's Restaurant, and it's stopping at their driveway. The state is proposing modifications to Center Street including new sidewalks along that entire corridor, and so those sidewalks will be continued. So, what we've done in a revision, is on Sheet 3. We've added in the proposed sidewalks and the proposed curb cuts as indicated on Mass DOT construction plans. So, that is in addition to the plan and we have modified the curb cuts slightly so that we are matching in with those proposed curb cuts. Essentially, DOT is putting in these new curb cuts with sidewalks going through them, and we're going to be matching up to them. We're not proposing any changes to the curb cuts as DOT is proposing them which includes eliminating a curb cut as was mentioned at the east end of the former residential property. And then, at the…

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Mr. Quiterio: The last one, right?

Mr. Steele: What's that?

Mr. Quiterio: At the last one?

Mr. Phoenix: Yeah, the northeast corner.

Mr. Queiroga: Yeah, this one.

Mr. Phoenix: The one that's farthest away from the intersection.

Mr. Steele: Yeah, the one furthest away has been eliminated, at least we're not connecting to it, I should say. We're not connecting to that one, just a landscaped buffer there between the sidewalk and our development. The other two curb cuts of the three we're connecting into, but the one closest to the intersection has been modified to be right in and right out only. So, you can't make a left turn out at that spot. And the reason for that is because it's close to the intersection, and so DOT, in making these changes, talked to Colvest, the property owner, to determine what to be done. And they agreed on this modification, which would reduce congestion at that, close to the intersection there. So, DOT was happy with that. I think DPW also was involved in that process of determining what those curb cuts would be. So, they're already in the works of what they're going to be, we're simply connecting up to them as it's proposed. We're not proposing really any modifications to it other than eliminating the one that's furthest from the intersection.

Mr. Phoenix: Just to jump in there for a moment.

Mr. Steele: Sure.

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Mr. Phoenix: I think it's good that you're looking to eliminate a curb cut. I think, and especially Peter, if anybody knows where I'm headed with this. We've long been talking about that curb cut closest to the Friendly's building, long since before that was actually combined with the other property. And the pitch that was given to us when those properties were combined for the parking, was that if that curb cut was eliminated the deal with Friendly's would fall through.

Mr. LaPointe: Correct.

Mr. Phoenix: There's no deal with Friendly's anymore or you guys own the property. Whatever's happened with that is done and over with now. I think it's good that we're looking to eliminate a curb cut. I think we're looking at the wrong one. I think the comments came in very heavily from public safety before, and I'm surprised we don't have any from the Safety Committee in the file right now.

Ms. Lebel: Excuse me for interrupting, there's two of us here this evening from the Safety Committee.

Mr. Phoenix: Three, I suppose.

Ms. Lebel: Three.

Mr. Phoenix: But, I think that those comments still hold. I think making it right in and right out is, again, probably an improvement. We don't have any kind of traffic study to even back that up at this point, but I think that we need to look at closing that curb cut they way that we talked about how many years ago was it, that we started the discussion?

Mr. LaPointe: Ten.

Mr. Phoenix: So, I mean, if we're gonna see one go, I'd rather see the one that's closest to the intersection, the one that is, I think, is demonstrably the most dangerous intersection out of the four, be the one that gets closed down. Just putting that out there for now and we can revisit it later if we need to.

Mr. Steele: Alright so, in regard to staff comments that you received on Sheet 3, additional changes made, I've shown a snow stockpile area, which is in the back of the site, the rear of the site beyond the drive-thru lanes there in the bypass lane. So, that area is for snow storage. In addition to that, we have added loading spaces where trucks will park when they unload. So, the first loading area shown behind the urgent care center, and if you notice in the back behind that building are three parking spaces and a dumpster area, --- proposed in that area. So, we have a loading area that's gonna be blocking a few parking spaces. Those will be reserved for employees so that it doesn't create a conflict for customers that pull in and then got blocked by a delivery truck. And the businesses are going to want to keep their customers happy and schedule those deliveries so that they don't coincide with the busiest time periods and avoid problems there. The existing building which contains the bank, the Subway, and the nail salon, also showing a loading area behind there in the drive aisle where there is additional space. So again,

there'll be a few spaces that are blocked, but they will be reserved for employees. And then the final loading area is behind the retail building, and it's a double one; two loading areas 24 feet by 45 feet. And that area will not block those parking spaces because there's enough room there with the dumpsters, so will temporarily block two of the dumpsters, but that'll be out of the travel way of the lane. So, that'll provide a loading area for the fast food restaurant, the KFC, and also for the retail spaces back behind the building. So, we think we've shown locations which are hidden from view, which are the least intrusive and blocking of access to the site. And those have now been designated on this revised plan. And so, in addition to that you are, your regulations have a, request a chart on the table that lists each of the dimensions and aspects of each use. And our original zoning table was missing some of that information, so this revised plan Sheet 3 has been expanded to include that additional information. You'll notice, for instance, at the top after lot area there is, which has now been corrected as well, to show the lot area from the survey in the ANR plan. We list buildings; urgent care, Chicopee, the bank, a Subway, the nail salon, drive-thru restaurant and the retail building. So, each of those include the number of employees, the gross parking, I mean the gross floor area, and the net floor area. Subtracting out storage areas and areas that are not part of the primary use of the particular activity, whether it's restaurant or retail, or a medical office such as the urgent care center. And so, all that information has now been added to the plan. We've noted sleep capacity zero. There are no residential components to these uses. The other information was on the plan before, including landscape buffers, setbacks, parking requirements for each use based on the ratios that your regulations require. And it shows that it's required parking space of 75 is met and exceeded by the proposed use which the applicant feels that those are the number of spaces that are needed to really attract and retain tenants to these retail and restaurant and medical office spaces. So, those are the changes that have been made to the plan. I mentioned the sidewalks along Center Street, the proposed sidewalks that the state is putting in, those are also shown on that sheet. And then, that last change is to Sheet 5, and it was just two typos that were found; one was an incorrect elevation, should have been two hundred something, and it was one hundred something, it was just the wrong initial digit. That was corrected, and then there was two labels that were overlapping each other and therefore not legible, so I moved those to correct that. So, I believe those are the, all the changes that have been made and we have satisfied all the requests, we've accommodated all the requests that staff has asked for. If you have any questions about the site plan, drainage, layout, utilities, anything of that nature, I'd be happy to answer them. Otherwise, I think we'll turn it over to Scott to talk about traffic.

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Mr. Hesketh: Good evening. For the record, my name is Scott Hesketh. I'm a professional engineer, and a principal with the firm F.A. Hesketh & Associates. I'm the author of the traffic impact statement dated August 21, 2019 which has been submitted as part of this application. We were asked to take a look at the potential traffic impacts of the proposed redevelopment of this site. In order to that, we first researched some background traffic volume information. It's my understanding that you are going to be hearing another application this evening on another restaurant parcel across the street. We obtained a copy of the traffic import report from that development to get a handle on the background traffic volumes on Center Street in this area. Their report provided midday, afternoon, and Saturday peak hour volumes, and did not include morning peak hour volumes, but our office was able to obtain traffic volume counts from the Town of Ludlow from an earlier project that we worked on several years ago. That information included traffic volume counts for 2018 design year for the morning peak hours. We used that information, grew it at 1% per year to a 2020 design year, and used that as the background traffic information for the morning peak hour. In terms of the proposed site, we looked at the Institute of Transportation Engineers Trip General Report. That's a standard engineering reference which allows engineers and planners the ability to estimate traffic volumes and potential uses. And the

information in that report is based on traffic volume counts conducted at existing operating facilities, and they present the data based on the square footage of the development, the volume of traffic passing by the site; the number of employees, the number of seats in terms of restaurants, for hotels the number of rooms, things like that. So they give a number of independent variables which allow engineers and planners to estimate traffic volumes. For we looked at the existing site, estimated the trip generation potential of the existing site. We also looked at the proposed revised site and the different land uses provided thereon and looked at the trip generation potential of the proposed use. Comparing those two sets of numbers, we can estimate the increase in traffic that would result from the proposed approval of this proposed site plan this evening. Based on that methodology, we have projected that the revised site plan would generate an additional 104 trips during the morning peak hour, with 55 entering movements, and 49 exiting movements; an additional 76 trips during the afternoon peak hour, made up of 35 entering and 41 exiting movements; and the Saturday peak hour volumes are virtually the same, with an increase of 2 trips. So, we took that information, applied it to the driveway locations on the plan as you see here, and added it to the background traffic volume information we obtained as I discussed earlier, and we calculated the level of services, levels of service of the site driveway locations as they intersect Center Street. As has been discussed, there are three proposed driveways on the final site plan. Two of the driveways are full movement driveways, and one of the driveways is limited to entering and exiting right turn movements only. Running the capacity analysis at the three driveway locations, the traffic volumes on Center, the traffic approaches on Center Street will operate at levels of service A during peak hours in northbound and southbound directions. The site driveway approaches would operate, the center, let me see, the northerly site driveway, the site driveway approach would operate at a level service F during the morning peak hour, with delays of about 68 seconds per vehicle, would operate at a level service F in the afternoon with delays of approximately 162 seconds per vehicle. The center site driveway, very similar levels of service both after and the peak hours. And the right turn, right out driveway, the driveway approach would upgrade it to level service C during peak hours, with average delays of between 16 and 22 seconds. We did not compare the Saturday peak hour because the traffic volumes in both conditions are identical. Now, you're gonna be hearing about the other traffic report later this evening. We did some detailed analysis of the signalized intersection of Center Street and the highway ramps and also, I forgot the name of my ---, Center Street and Chapin Street as well. Their information indicates that the intersection of Center Street and the highway ramps is currently operating over capacity, that the intersection operates at a level of service F, that the average vehicular delays are in excess of a hundred and, let me see, during the afternoon peak hour it's level service F. The delays are in the range of 144 seconds per vehicle, and some of the approaches are operating at 150% of capacity, mainly the exit ramp from the highway. In that report for the other restaurant, adding their site traffic to their conditions, increased delays of about 3 seconds per vehicle. If we were to do another analysis of that intersection, I believe another 3 or 4 seconds of delay would probably be appropriate based on the site generated traffic volumes that we're projecting. The intersection of Center Street and Chapin Street works at a better level of service. It's level of service D with delays of about 40 seconds per vehicle during the afternoon peak hour, and on Saturdays it operates at a service level C, with about 25 seconds of delay. Again, the increase in delay from the other development is about one second. Based on the site generated traffic, I would project that ours would be very similar. I don't want to spend a lot of time going over that and have to have you hear that report twice. So, I try to avoid it and just hit the highlights here for you this evening. We did have a chance to go out to the site and take a look at the driveway locations. Center Street is generally level and tangent. I know it's under construction at the moment, but it doesn't appear to be any obstacles to sight distances from any of the site driveways, so they should operate safely and efficiently even if the side street approaches do

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experience delays during the peak hours. Now, in terms of the right out, right in right out driveway, as has been stated previously, it is a full movement driveway currently, recognizing its proximity to the intersection, and the reconstruction which is going on. The applicant has agreed with the Department of Transportation and the Department of Public Works to limit it to right in right out movements. That's pretty innocuous. Right turn in and right turn out are relatively easy movements to occur, limiting it to those movements does help to eliminate potential conflicts by eliminating the left turn entering and left turn exiting, which are typically the difficult movements to make at an unsignalized intersection. Right turn movements generally occur relatively easily, and on those occasions being close to the intersection when there's a cue, the vehicle wishing to exit will have to wait for that cue to dissipate and simply exit the site with a right-hand turn, so. Pretty innocuous movement can be done safely and efficiently and, in our opinion, will operate safely and efficiently. That's a synopsis of the report in a nutshell. If there's any specific questions that the commission may have, I'd be happy to address it at the appropriate time.

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Mr. Phoenix: For the right turn only, not to get in, if, in order for somebody to reach that to take a right turn in, they need to go past two other entrances to the property?

Mr. Hesketh: Yes.

Mr. Phoenix: What is the likelihood that that is going to be utilized much, if at all, --- motorists?

Mr. Hesketh: It's probably in the range of 10 – 15% of the site generated traffic coming from that direction. You know, it's a matter of convenience. It's a matter of someone driving, not paying attention, by the time they missed two driveways, and be able to make that opportunity. If you eliminated that opportunity, someone wishing to access the site who didn't pay much attention, would have to go through the intersection, enter another property, make a turn, do a U-turn, come back and access the site.

Atty. Freyman: And that's accessing the urgent care centers. So, I would they would say it's important for them to have that access and, you know, certainly somebody going to urgent care might not be focusing on the other driveways but know where the building is and wanting to --- and having an entranceway right there.

Mr. Coelho: Wasn't there supposed to be an urgent care across the street too or something? No, we don't know? Starbucks over there?

Mr. Phoenix: At the empty area there. I think it was just medical office building.

Mr. Coelho: Just medical office.

Mr. Colaccino: Well actually, the property across the street was intended for retail.

Mr. Phoenix: So now, that's the right turn in. The right turn out. Now, we have, in your words, people waiting if there's a cue there, which I can pretty much guarantee that throughout most of the day there's gonna be a cue there. That's the way that intersection is 'cause it's pretty much the busiest intersection we have. People are going to be backed up at that intersection. So, again, your words were people will wait. We're also talking about people who are distracted, who are missing two entrances to the property on their way approaching. If those people do visit

the urgent care, if that's the reasoning that we're giving, then on their way out of the urgent care, there's a very good chance that they're gonna be distracted because they're trying to figure out, am I going to CVS, am I going to Walgreens, do I need to go to the hospital, what am I doing? I don't know that I would depend on all people who are driving being angels enough to wait without nosing out and trying to force their way into the flow of that traffic. That is a very busy, very, very busy intersection. And I don't know that I would want to keep counting on people being goodly enough to wait their turn. That's not the world that we live in! People don't wait their turn anymore. And we have to engineer, we have to plan and design for those contingencies and try and keep people safe 'cause I don't want people to have to be pulling out of the urgent care just to pull right back in.

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Mr. Quiterio: I have a question. Who designed that entrance? Was it the town or Mass DOT?

Mr. Colaccino: Mass DOT designed the entrance. If you remember, that widening on Center Street, they needed to take land away. So, they took some of our land and in discussions with the curb cuts, we sat down with state DOT and local DOT, and Steve Fredericks was here at the time, and we went through all of that and got that, got an agreement by all parties, and this was what we came up with. So, it's not, this has been vetted by the state and by the local DPW.

(multiple people talking)

Mr. Coelho: Not the Planning Board though.

Atty. Freyman: No, the right out would be used by the urgent care which is more staggered as opposed to the other businesses on the site would be using the other driveways, so it's not likely to be that stacked up if it's just from urgent care that's not…

Mr. Phoenix: No, but the traffic on Center Street is going to be stacked up.

Mr. Colaccino: And all of that was taken, yeah.

Mr. Phoenix: And how often do you guys drive through that intersection?

Mr. Colaccino: I drive by it often. So, I know the intersection. But that's, the professionals have looked at this, the state engineers and the locals, and we've gone through that. So, this is something that we've, you know, this is not something that has just come up.

Mr. Phoenix: No, it didn't just come up. We talked about this – curb cut ten years ago.

Mr. Colaccino: I'm talking about this plan just didn't come up this way to be a right in, right out. This is what was suggested by the state engineers at the time, and also by the Town DPW.

Mr. Phoenix: Under what parameters? Were they given the parameters of what would make this intersection, what would make this street safe, or were they given the parameters of how can we make this curb cut better?

Mr. Colaccino: Well they, obviously, they did it under the parameters of making the curb cut better.

Mr. Phoenix: Ok, so the parameters of how do we make a curb cut better, not how do we make the street better, or the intersection better, or the town better? You started this whole presentation with, this is the gateway to Ludlow, we want to make this better. And then you're giving me a pitch of, yeah but, ok but this is a little bit better than what's there now. It's not what you can do. And I don't think it's what Ludlow deserves.

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Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: So, the intersection from the Pike is already 150% over volume, for lack of a nonprofessional term?

Mr. Hesketh: Certain approaches.

Mr. Coelho: Certain approaches.

Mr. Hesketh: Certain approaches, yes.

Mr. Coelho: Well, we can just say it's pretty packed over there.

Mr. Queiroga: At certain times.

Mr. Hesketh: It's a busy intersection.

Mr. Coelho: Right, so what engineering reference theory or --- makes sense, or even just common sense, keeping that curb cut there helps it? I mean, having one more tangle closer to an intersection that's already significantly overburdened, while we're eliminating a curb cut further away, it seems backwards to me. I know I'm not a professional engineer, common sense can really help us out with these things.

Mr. Phoenix: And would I just point out right next door to that we had Dunkin Donuts --- major cueing problem with the way that the engineers had designed that lot, and it took me, as a nonprofessional, 10, 15, whatever years ago it was, standing out there at 4:00 in the morning with a digital camera and counting cars and looking at things, actually standing there and looking at the flow of traffic, to say why don't we move the cue of cars up against the retaining wall so that cars can actually back out and get into those parking spaces against the building.

Mr. Colaccino: Actually, that's not the case.

Mr. Phoenix: That's exactly the case. I was here.

Mr. Colaccino: I'm gonna tell you what it is. So, if you let me talk, when Dunkin Donuts was there, they had a four car cue and the cars were out in the street and what ended up happening was that I sat down with John Salema, at the time, and we then worked out an arrangement where they were able to use about 8 or 9 feet of our land, which they still use, so that it increased the width of their lot, and now they went from a cue of about four cars to about 13 or 14 cars, and made that a lot safer. That had nothing to do, we didn't, you know, that was a combination…

Mr. Phoenix: That plan came in and the cue was still directly behind those parking spaces.

Mr. Coelho: Mr. Chairman?

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Mr. Phoenix: It was. You can go back and check if you want. I can probably dig through my Google Drive and can find the pictures from when all of this happened.

Mr. Coelho: I'd still like to hear from an engineer.

Mr. Phoenix: The bottom line is, it doesn't always take an engineer. Sometimes what it takes is somebody who actually lives with the situation. That curb cut is not, in my opinion, as someone who's been in this Town for almost 40 years, I don't think that retaining that is in the Town's best interest. I really don't. I don't think it now. I didn't think it ten years ago. Safety didn't think it ten years ago. When I talked to the Police Department not that long ago, they didn't think it was the greatest idea to have all the curb cuts that close to the intersection.

Mr. Quiterio: --- opinion too. This curb cut right here, before --- to the right and the left, so --- either right in or right out. Now, if you eliminate this one, now you're down to two driveways. Is that gonna help us get the traffic in and out of all these buildings with just two driveways?

Mr. Coelho: It will help us get it away from the intersection.

Mr. Phoenix: I honestly don't care much if the open the other one back up.

Mr. Quiterio: --- I'm just giving my opinion. If someone tried to get out or try to get in, there's gonna be a traffic jam inside the parking lot that's gonna jam Center Street. If you have a few inside if it's a right out --- to get in, it's just one more option that you have. That's my opinion. I'm not an engineer. Might be the option also to go to the backside through Dunkin Donuts if you don't wanna wait, if you don't wanna get the lights. --- options.

Mr. Coelho: I just want to know how it makes sense not to eliminate that one, but to eliminate one that's further away and not use the one that's further away. I want to see that logic.

Mr. Phoenix: On the topic of things that don't make sense, we have two applications in front of us tonight that are in a similar situation, and I'll be bringing this up during the other public hearing as well. I'd like to read something from our application. Please note that incomplete submittals, and by the way, this is bolded and underlined, please note that incomplete submittals are subject to denial without any further review, and any fee paid will be considered forfeit. Completeness is the responsibility of the applicant. Please check all forms and plans for completeness prior to submission. Signing this application indicates your understanding of this policy. When the application came in, did the plan have a surveyor's seal?

Mr. Colaccino: Yes, there was a ---.

Mr. Phoenix: Then why do I comments from Public Works and the Planning Department saying otherwise? Why, when I look at the plan myself, do I not see a surveyor's seal on this plan set?

Mr. Steele: I think they're referring to the existing conditions plan, but there was a separate survey, right?

Mr. LaPointe: There was a separate A2 survey that was submitted along with the plan, and that is the, also the ANR plan which was submitted.

Mr. Phoenix: So, if I go through this, I'm gonna find that seal somewhere? Because I haven't found it yet, and Public Works didn't find it, and Doug didn't find it.

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Mr. LaPointe: All right.

Mr. Phoenix: And your comments you submitted that came in and I read at the beginning of this meeting tonight indicate that that was remedied, which means that there was a problem with it.

Mr. LaPointe: We gave him the revised ANR plan and we gave him an overview, I think we also gave you the overview survey?

Mr. Phoenix: The ANR is the ANR. That was not part of this plan set. What we have is when people are bringing these plans in, the applications gets stamped at the Clerk's Office, they brought into the Planning Board Office, and we set up a hearing. And usually because of pressure to try and do the best that we can for businesses, the pressure is to hold the public hearing as soon as possible. And I understand that that's great for business, but what you guys are waiting on is to get the seals on some of the plans, to get the traffic studies done, to get some of the longer work done. So, the plan gets submitted, and then we get a traffic study that's dated the day of or the day before the hearing. We get comments in about things that are easy for even a layman to notice missing on a plan, that had to get brought in on a plan set that came in today. The plans that went out to the other boards for review didn't have the benefit of those alterations on them. The plans that were available for public review in the Planning Board Office leading up to this meeting did not have the benefit of those alterations on them. If we're talking about minor details like a two instead of a one or vice-versa, those things happen and that's something that I can find completely human and acceptable. But, we've had a trend of all of these plans coming in this same state. This one is not alone. And, I think, we as a Board need to have a separate conversation outside of these hearings to figure out how we can remedy this, and I talked to Doug about it earlier today. But, the bottom line is, when this was turned in as an application, there was a signature on here saying it was reviewed for completeness. That wasn't complete. Now, this Board has a history of not actually enforcing that rule, so great for you guys. So, we're not gonna just keep the application fee, say you're denied, you come back, we reschedule another hearing after we get another check, because that's not what this Board has historically done about that rule. We took a vote to enact it, we don't enforce it. But, I don't know that we can really have a full conversation about this plan without having Engineering review comments back on the new plan. And again, just for everyone's benefit, when did the revised plan set come in that actually showed some of these things that were missing?

Mr. Stefancik: Today.

Mr. Phoenix: Today. Thank you. So, we can't...

Mr. LaPointe: It wasn't a revised plan set, it's minor changes on three sheets.

Mr. Phoenix: Agree to disagree.

Mr. LaPointe: And in response ---.

Mr. Phoenix: --- is not minor detail.

Mr. LaPointe: In response to comments made by both Planning and DPW.

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Mr. Phoenix: Peter, you've been doing this for how long? You don't know to look for pins on a plan that goes in front of a Planning Board?

Mr. Coelho: I don't think Peter does much of the review.

Mr. Queiroga: Mr. Chairman?

Mr. Phoenix: You handle plans, so you don't look for pins on a plan that's going in front of the Planning Board for review?

Mr. Steele: That's for the survey.

Mr. Phoenix: Ok, so ultimately, you guys are responsible for giving us a plan with this stuff, and the signature on here looks like it's yours Peter.

Mr. LaPointe: It is.

Mr. Phoenix: I have to say, and it's not just you guys. It is a systemic problem that we have and it needs to be corrected. It is very disappointing, it really is.

Mr. Queiroga: Mr. Chairman?

Mr. Phoenix: I've got a whole lot of professionals on that side of the table and a plan that wasn't able to be sent out for honest review. Public Works hasn't had a crack at the traffic study yet. Nobody's had a look at a lot of this stuff. Come on, seriously, seriously?

Mr. Queiroga: Mr. Chairman, can I have the floor?

Mr. Phoenix: Sure.

Mr. Queiroga: I'd like to change the conversation a little bit. I know about your points and how you feel, you've made them very, very clear today and in prior occasions. And you're right, a lot of that stuff didn't concern them, but ---.

Mr. Phoenix: --- part of that same thing.

Mr. Queiroga: So, I want to change the conversation to something else. We, you weren't born in '53 when this turnpike was put in. I don't know if you remember, but the turnpike exit and entrance was to be put on East Street opposite, which is still there. And Speaker of the House Thompson decided to get involved with it and moved it Center Street. He moved it to Center Street because it was the state highway knowing that every time it needed work the state would pay for it, just like the construction that's going on right now. So, we have a turnpike that's gotten heavier and heavier and it generates a lot of trips. You know, Wilbraham has their Boston Road, and we have to start thinking of Center Street. The few houses that were there are crowded out and going to a different area, even though the residential areas are just off of this main drag. I don't know what you want to do with that piece of property, whether you want

them to knock down those and put construction fences around them, but they generate, he generates $131,000 in taxes for this town right now which represents, based on average cost, about 31 houses, the same taxes that 31 houses, based on $4,400 per house.

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Mr. Coelho: What's the business tax rate?

Mr. Phoenix: Same as residential.

Ms. Houle: Same as residential.

Mr. Coelho: Nineteen or something?

Mr. Queiroga: The additional, roughly a million and a half or so that these three buildings will cost Mr. Colaccino to build, will probably generate another 80 - 90,000, which represents basically 50 houses, and he doesn't deliver any kids to the school system. And he brings jobs to Ludlow. Not all would be Ludlow, but some of them will be. No matter what we do here, the turnpike's gonna continue to dump traffic on it. Hopefully that turning lane in the middle is going to help. More sidewalks is going to help. It won't solve all the problems, and if you come home at 5:00, you know it's going to be crowded. I work in Chicopee and I never come on the turnpike, I come home Fuller Road and West Avenue. People that are local know how to adapt. I've been at that same crossing we've been fighting about now, and a lot of times traffic is stopped. And you get a nice person that'll let you in, and then sometimes no, you're gonna wait your minute or minute and a half. And that's just a fact of life. This town needs revenue. We've got a debt exclusion coming up. We've got a new middle school coming up. We've got a ball field and track that they want. And where is all this revenue coming from? We just got a big increase, we got another coming next year for sure. We've got to find some way to adapt our priorities. --- designed this for DPW.

Mr. Phoenix: Can I ask you?

Mr. Coelho: So, developing this differently is gonna make it have no value?

Mr. Queiroga: ----

Mr. Coelho: --- one curb is gonna eliminate value from this property?

Mr. Queiroga: I, let me turn that question around. That elimination of that is going to make it less vulnerable to traffic problems? Is it going to generate less traffic? Is there going to be longer lines at? My question to you. --- elimination of it?

Mr. Coelho: --- talking about value though.

Mr. Queiroga: I would say to my...

Mr. Coelho: That curb cut is so pivotal to the development of this entire area?

Mr. Queiroga: Well it is to the people who are investing the money.

Atty. Freyman: We're saying it is.

Mr. Coelho: That's a different story.

Mr. Phoenix: Can I ask you, is the value viewed on that property because Colvest owns it and wants to put these businesses there, or is the value viewed in that property because it is a prime located piece of property, and whoever owns it is going to be able to get value out of that piece of property?

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Mr. Queiroga: Duh, I mean, of course. That's an obvious.

Mr. Phoenix: So then, I think, you have at least the answer to half of what you're talking about.

Mr. Queiroga: Well, I don't think I have the answer. My final question is that if you think that that is such a key to making Center Street go fast and easy and no problems, then let's try it for a year. Let's give --- and DPW and our own DPW and DOT the chance to prove they were right or wrong. --- take a look at it. We got to get off this, I mean, we're not, we already have a reputation of being not very friendly to development in this Town and it's starting to pretty soon...

Mr. Coelho: I've been on this Board for a lot of years now and I can't remember the last time we voted down a development project. Can you?

Mr. Phoenix: Nope. As a matter of fact, I've talked to other people in business out of town that say Ludlow is an easy gate compared to some of the other communities in the area. So, I think it depends on who somebody has a project in front of and whoever that is, is probably the hard one to deal with.

Mr. Queiroga: No, I've heard problems with developments here and...

Mr. Phoenix: Of course, there's problems.

Mr. Queiroga: ...and building inspectors and so forth and some it coming right out of this chair. Ok, I just, I think, he's been in town long enough, if it's not perfect, it can be remedied, and I think spending all this time about a curb cut is.

Mr. Coelho: So, we talked about Wilbraham, how many entrances are into Post Office Park?

Mr. Phoenix: Two.

Mr. Coelho: How, many entrances are at the Home Depot?

Mr. Phoenix: One, two?

Mr. Coelho: How many entrances are at the Big Y? How many entrances are into the little teeny strip mall where the subway and the music store are?

Ms. ---: Just one.

Mr. Coelho: So why do we need four, three? Why isn't two sufficient with proper design away from the intersection? That's where I'm getting hung up on. I want to see where it makes sense from an engineer's prospective to keep that curb cut so close to the intersection.

Mr. Quiterio: Mr. Chairman?

Mr. Phoenix: Mr. Quiterio.

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Mr. Quiterio: I have another question. So, for to eliminate the first driveway going to the proposed urgent care, now the only way to get in would be through the back or through the first two driveways, correct?

Mr. Phoenix: If they leave the rest of the plan unaltered, then yes.

Mr. Quiterio: Now, the only way, now if a parking lot's full, as an example, how would you get around to get to the medical facility.

Mr. Phoenix: I'm pretty sure that you can move other cars around in that parking lot. I'm pretty sure that lines on a piece of paper can be moved around.

Mr. Quiterio: Well you can, but what I'm saying is now I got to redesign the whole thing, might even lose parking spaces.

Mr. Phoenix: Well that could have been done starting with the conversation ten years ago. It doesn't have to start ---.

Mr. Quiterio: I wasn't here ten years ago. So, I'm giving you my opinion, you know. Now, you have all the handicap parking in the front, from what it looks like, right? So, you have to come all the way around, if you come to the first driveway --- parking lot ---, you got to come all the way around to come to the handicap parking spaces right in the front. The only other way would be to redesign the parking spaces, right?

Mr. Phoenix: Again, you're basing it off of if nothing else on that plan changes to accommodate the ---.

Mr. Quiterio: Or change the building because otherwise you're gonna have all this area right here. It would be hard to get cars in and out ---.

Mr. Phoenix: Is the building on the ground already and I don't know it? 'Cause last I check they're tearing everything down and putting up buildings.

Mr. Quiterio: Listen, now you're playing with me, I'm just giving you my opinion. I'm not saying to redesign the whole thing, I'm just giving my opinion for whatever it's worth.

Mr. Colaccino: Can I, one of the key parts, and developments just don't happen by themselves, and when you go in, the tenants play a vital role in the value of a piece of property. And what they do is, they look at the site plan. They look at the entrances, the exits. They look at the parking. They look at the entire parking configuration, and then they make a decision. But the larger companies that you do business with, they typically would have a committee, that they would go, and they'd say ok, we have a site that we want to go on, or they recommend, and then somebody in their committee, they have a group of planning people that go and look at the site. And it's not just the location, although it is important, and there's no question, this is key location. However, you got to be able to get in the location easily and be able to accommodate

the customers. This is, these are all the things that get evaluated. Now, when we go in, right now this site plan has been approved by the urgent care center, and it's a chain. And it's been approved by KFC, which is a large chain as well. And when we entered into a lease agreement with Chicopee Savings at the time, now Westfield Bank, they, again, looked at the site plan, they looked at the curb cuts, they looked at the ingress egress. So, those are all the things that are important to the tenants. The position of that building, the urgent care building, is critical to them being here. If we move that building from where it is, they'll walk from the site. They told us that. And so, what happens is, is that, again, even though they're not here, we, when we sign a lease with them, we sign a lease and there's an exhibit, which is a site plan. And if that site plan changes, then we have to go back to them to get a modification of the lease to make that happen. So, those are the things that, you know, when we're standing here in front of you, or sitting here in front of you, and explaining all these things, it's not just us making the decision, it's knowing what goes behind the scenes with the tenants that we have to take into consideration.

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Mr. Phoenix: So, let me get this straight, you as a company, showed an unapproved plan to potential tenants, and they signed on based on that unapproved plan. That unapproved plan contained a curb cut, which I believe at least, two if not more people on your side of the table, had to have known when that plan was drafted was going to be controversial because of that curb cut.

Mr. Colaccino: That's not true. We didn't think it would be controversial only because we went through the state, we worked out with the state the new plan, as well as local DPW. So, no, that was not the case. It was not, we didn't think that we were coming in here with anything controversial based on those meetings that we have had.

Mr. Phoenix: You had meetings in front of us ten years ago.

Mr. Colaccino: That was closer to fifteen years ago, but…

Mr. Phoenix: I'm using Peter's number.

Mr. Colaccino: …it's…

Mr. Quiterio: I was at the DPW at the time when this was approved and there were no issues then.

(multiple people talking)

Mr. Colaccino: There's one more thing, when the house that we purchased back a couple years ago was zoned residential, we came in here through a town meeting, got it rezoned to Business to match the area and the inference there was that the town knew that, certainly the town's people knew that this was going to be redeveloped as a commercial property. So, that's.

Mr. Coelho: I'm gonna raise my hand like I'm in school. So, we're talking about inference now. If you want to talk about inference, when we presented that zone change to Town Meeting for you, we had an inference that we were gonna make this intersection better by removing that curb cut that's closest to the intersection. If we want to talk about inference, you know. I mean, if we, if you're gonna ask us to infer something, it's fair enough for us to ask you to infer something, no?

(multiple people talking)

Mr. Phoenix: --- to add Joy's to the property, to add Joy's into that whole set up, when that got taken over, that plan showed an interconnection between the back of Joy's and the Subway property. How many, was it eight years later, when I was pushing for it, that that finally got paved as a connection? We had a promise from you guys that that was going to be a viable connection between those properties, and it took something like eight years to get that to actually happen.

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Mr. Colaccino: It actually was viable. It was gravel and we kept replacing it every year.

Mr. Phoenix: What did it show on the plan?

Mr. Colaccino: I don't recall that.

Mr. Phoenix: It showed paved. Which is why it's paved now --- 'cause it was on the plan.

Mr. Colaccino: When you brought it up, we took care of it.

Mr. Phoenix: We shouldn't have had to.

Mr. LaPointe: But we didn't build out the rest of the site plan either. The only thing we did was that interconnection which made everybody happy because they could move from property to property without going back out onto Center Street.

Mr. Phoenix: By the time that even got built, Joy's was essentially a memory already anyway.

Mr. Colaccino: Anyways, when we purchased the residential property, that was prior to DPW coming in, the state coming in to do the road and we, you know, there was talk at the time, but certainly nothing concrete. And so, again, we were under the impression that when we sat down with state DOT and local DPW, that this was not an issue, so that's.

Mr. Coelho: Mr. Chairman. I think we should probably let the people that…

Mr. Phoenix: I was thinking the same thing.

Mr. Coelho: …that pay the bill and drive through that intersection everyday see what they have to say.

Mr. Phoenix: Given the fact that we're already running long, I'm gonna limit this a little bit, but I don't want to limit it too much. I don't know how many people are gonna have something they do want to add or ask, however, since we do need to keep accurate minutes, when somebody does have anything they want to add or ask, I would ask that you address everything through myself as Chairman and state your name and address for the record. Beyond that, I'm gonna give everybody one crack at it for now. I will remind everyone that there are revised plans that were submitted as of today, so some of the discussion we've had is based off of the original submission, some of it's based off of the current plan set, and we don't have feedback from all of the relevant Boards and Commissions on this new plan set yet. That said, I think we'll start off by letting people have a three-minutes to add or ask whatever they do have. I'm looking in this

general direction. Does anybody have anything that they would like to add or ask from this side of the room?

Ms. Tingler: I have a quick question.

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Mr. Phoenix: Sure, just state your name and address please.

Mr. Tingler: My name is Elizabeth Tingler. I live at 88 Fuller Street, Apartment 19. I walk through Center Street quite a bit. I don't drive. So, the curb cut doesn't directly impact me as far as driving, but it does as far as walking. Has anybody considered that?

Mr. Coelho: I have.

Mr. Phoenix: Honestly, I haven't thought of that either because I'm always driving through there.

Ms. Tingler: To get to her house, I have to go right through that area. To go through that area, I have to dodge traffic because they don't watch. They don't pay attention. They don't care. Please, consider the pedestrians in your plans. We're customers too.

Mr. Phoenix: Thank you. Anyone else from this side?

Ms. Lautier: Diane Lautier, 517 Ideal Lane, Unit 611. So, I have a couple questions; one was in the traffic flow, did anyone consider that back entrance that goes out behind Dunkin Donuts, their lot that comes out to the side street to the light, and what the potential impact will that be? And the second question is, is anybody looking at the traffic signal timing as far as where the right hand exit is, when that pops on and off as well as when you're getting on the Pike, the left hand exit, to see what would happen once you put this in, do you also have to adjust those timings on those lights?

Mr. Phoenix: --- sure.

Mr. Queiroga: --- like to answer that 'cause I had a briefing from the DPW. With the new format that light, the lights going south on Center Street, there's gonna be a left arrow to get you into the Turnpike. At the same time that that left arrow is, and I don't know what the time is, there'll be a left arrow on the opposite side letting cars into Harding Street. And that you can see at the DPW Office, that's on file. Ok, so that's number one. They have these left arrow only...

Mr. Quiterio: --- go at the same time.

Mr. Queiroga: ...which is a good thing because whenever you had any fender benders, any little problems there, most of it was the right lane going through and somebody wanted to go to Dunkin Donuts and they had no arrows at the time. But, this new set up will have arrows.

Mr. Phoenix: So, that's that portion of it. As far as whether the connection through the back was considered at all with any of the traffic counts, so I'll ask the person who did the traffic study.

Mr. Hesketh: We're certainly aware of the entrance out to the back. In our traffic study we put 100% of our site related traffic out to Center Street as it would provide the most conservative

estimates of delays, meaning higher delays. We do, we know that our traffic does utilize that access to make it out to the traffic light. So, to the extent that 10, 15, 25, 50 percent of our traffic utilizes that, then the levels of service at the site driveways to Center Street would certainly improve, and it could make use of the light there at Harding Street and Center Street. So, although it's not directly reflected in the traffic report, we are aware of it, and it would only help to improve situations compared to what's reported in our report.

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Mr. Queiroga: Anybody who lives in this area probably uses that more than 50% of the time because it's the easier way to get out, then you got a light and don't have to wait to cross three lanes of traffic.

Mr. Coelho: I never access Center Street from any of those curb cuts. I always use the light by Cumby's, but most people don't. Most people want to get in and get out and that's it. It's having to wait at a light's a problem, when in fact ends up being safer. I don't do it because I don't trust people, but.

Mr. Quiterio: A lot of people, if they're out of town, they don't know --- exists, you know? --- Dunkin Donuts, so they see the building, in this case it was Friendly's, well there it is. They see Joy's, they see Subway, there it is. Like us going to any other town, looking for a restaurant, they see it, there's a driveway, you drive right in.

Mr. Hesketh: I would think the access would mostly be used by people wishing to head north on Center Street. Otherwise, rather than making a left hand turn out of the shopping Center, you can go through that access, utilize the traffic signal, and it may or may not take you longer but you're guaranteed the opportunity to do it because of the traffic signals, and it would be easier for you to do such. Making a right hand turn out of the shopping center, I think most people would go a right hand turn out of any of the driveways as being easier directly to Center Street than utilizing the traffic signal. But, perhaps not all people maybe, you know, 25, 50 percent. But yes, we are aware of it, it's not directly in the report, but to the extent that we would have adjusted for it, it would've improved the situation on our report as we presently reported it, so.

Mr. Phoenix: Thank you. Yes, yeah.

Ms. Hodgman: I'm sorry. Elaine Hodgman, 1475 Center Street.

Mr. Phoenix: Thank you.

Ms. Hodgman: Have you ever tried to come out of Pride Station and take a left?

Mr. Queiroga: Yes.

Ms. Hodgman: And you're still alive, that's great. That whole intersection is bad. I don't know exactly what you're trying to do with a right in right out, but people are still gonna try to go opposite lanes to cut across to head north on Center Street out of, let's say, the Friendly's area and it's going to be a mess. And it's hard for people who have screaming kids in the car, let's say, pedestrians are trying to watch for, other cars that are cutting them off because they just came north on Center Street from the Big Y section, and they say, oh yeah let's go into subway, and zoom they're gonna cut right through. It's not going to work the way you think it's going to work, not if you drive that area a lot, or once or twice.

Mr. Coelho: What about getting out and cutting across all the way to get back on the highway from urgent care? Going right out of urgent care, then you got to get on the Pike because you're not from around here. How's that gonna help?

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Mr. Phoenix: Trying to hop on the highway to get to Wing or something.

Mr. Coelho: Whatever, yeah. I don't know.

Mr. Quiterio: There's one like this exactly at the Wilbraham Big Y when you come out behind Red Robin. The exact same scenario right here.

Mr. Coelho: Right in, right out. There's lots of right in, right outs. Whether they're lot of right in right outs next to intersections that are 150% over volume already from a highway? There's no highway over there.

Mr. Quiterio: No.

Mr. Coelho: I don't know if that right in, right out --- how close is that right in, right out? There's a lot of right in right outs in Amherst on Route 9 in South Hadley, but that's all one-way traffic.

Mr. Phoenix: To that point again, not everybody takes the directionality that they're supposed to. We even saw that again with our next door neighbor Dunkin Donuts, people are going out the in only there, previously. I'm sure they still do I just don't see it as much 'cause I don't go there as much. But, that's what people do. They don't do all the things they're supposed to do.

Mr. Coelho: I didn't understand the net gain in keeping that curb cut until it was described to me that that's what the future tenant wants. Now that makes sense to me.

Mr. Phoenix: I think that makes sense as a business right.

Mr. Coelho: Well yeah, of course, but.

Mr. Phoenix: That's the same decision that we were faced with when this came in previously and we were told the deal with Friendly's was gonna fall through if we didn't leave that curb cut. It's the same exact argument. The difference is, now this is coming in for a special permit for the drive thru. Now, I'll be honest, I'd like there to be a KFC there, they just came out with a new macaroni and cheese bowl that looks pretty tempting.

Mr. Coelho: Go right to the urgent care after that.

Ms. Hodgman: Job security with that.

Mr. Phoenix: So, I'm not sure that this plan without a special permit is gonna be viable for KFC 'cause you're gonna want that drive-thru.

Atty. Freyman: That's right.

Mr. Colaccino: They will not go there.

Mr. Phoenix: Just saying.

Atty. Freyman: Yup.

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Mr. Phoenix: I said one time. I'll make another pass if we can't run too much longer. Is there anyone going over this way that has anything they like to add or ask at this time? Absolutely.

Mr. Churchill: So, my name is Brian Churchill. I'm a full-time police officer for the Town of Ludlow, but I'm here on the capacity of the civilian member of the Safety Committee. So, that's what I'll be speaking on behalf today. But, I do have the experience with being a full-time police officer in this town. I find it interesting that before you guys came in here, you met before the DPW, you met before the Mass DOT, but you didn't incorporate the Safety Committee and you didn't incorporate the Police Department, two angles which directly involve the safety and functionality of this town. I can tell you that my opinion would probably be a little bit more structured based on seeing it every single day. Driving these roads every single day, responding to accidents in this area every single day, so, you know, I would definitely in the future look forward to probably incorporating that. My concerns echo Ray and Chris with this. As I was coming in today, I was a little bit concerned when I was told that the curb cuts are the curb cuts and they're staying the way they are, but now that I know that things aren't finalized, I do want to echo the fact the this has been weighing heavy on a lot of our minds at the police department that this is a troubled area. And I understand that this is a directed right area, but as --- pointed out, I can tell you it's gonna happen. It's gonna happen pretty frequently. And as well, we recently made West Ave on Center Street right turn only, I can tell you, in a fully marked cruiser sitting right there, people continue to take a left-hand turn. Now, I understand the exit behind Red Robin on Boston Road in Wilbraham, shoot to your right. But, I'm telling you that people will still continue to take a left. They're just gonna do it. So, these are all things that you need to look at. I'm not gonna take up too much of your time, but I did want to echo the fact that as a full-time police officer of this town, I see the views of which Ray is conveying.

Mr. Phoenix: Thank you.

Mr. Queiroga: I would echo that you should be, your committee should be copied in the same way all the other committees are, and I would support a ---.

Mr. Stefancik: They are, they don't meet during the summertime.

Mr. Queiroga: They don't meet during the summer.

Ms. Lebel: No. That's correct.

Mr. Churchill: Which would be the Police Department, a representative from the Police Department could there, that would be just as good.

Mr. Queiroga: I would support it, whatever the plan.

Mr. Phoenix: So, we seem to have made one pass. I know Mrs. Hodgman. Our Selectman in the back?

Mr. Rosenblum: Bill Rosenblum, 43 Green Street, also Board of Selectmen just this year. Just basic comments. I mean, obviously as Mr. Queiroga is saying, that yes, with what we're looking

at, at our tax base, things of that nature obviously that the revenue would be much welcome coming in, in the future. But also, as a civilian, I look at it as within about a 75 to 100 yards of that Pike entrance, you have 12 driveways, exits or entrances, into businesses. And to the point that you brought up down there, is this plan showing that Dunkin Donuts is blocked off, the going through? 'Cause I'm not seeing. It's still, ok, I didn't see. I'm getting old. I need my glasses. Ok, I didn't see any arrows. But, I've always thought the same way and I've voiced my opinion with that, that I think that's still viable usage for bringing traffic out to the light, and to the point of saying I don't come out of that parking lot, I go behind Dunkin Donuts. If I come out of Big Y, I go out by the new bank and go up to the lights, because I live in an area where I can go up by the Sunoco Station and take a left there, but that's a death trap too. So, I go out the side, go to the light, come out. I come out of Friendly's when it was open or if I go to Subway, I go out the back, I go out to the light, and I go out. I, the other thing that you see with that intersection, is even on the Pride side, is that the one entrance when you come off the Pike and go right, you can go directly into Pride right there, and that's an entrance only. Today and yesterday when I drove out of town, someone was taking a left hand turn out of that, coming into that intersection. So, not only are you gonna have someone going right turn out of the urgent care area that might want to cut across, if you have the off chance, as Mr. Churchill's saying, with the intersection and how it is as it is now, and you have someone coming left out of there, it's gonna be a mess. I mean, honestly, for the safety of the people in the town, I would prefer only the two curb cuts up at the top, and then people can utilize the back of it. I --- intersection is just tough with the 12 driveways you have going in and out. I mean, Cumberland Farms has three, and from what I'm understanding, there's a possibility that they might be going under construction in the future. You know, so you have two, you actually have three coming out of CVS if you come out the back. People still come out at Dunkin Donuts out of the way that they're not supposed to. And to your point is, as much as we like to have faith in people, they don't make the right decisions in their automobile a lot of the time. And with the adding of the cell phone, it doesn't make it any better. That's my point.

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Mr. Phoenix: Thank you. Does anybody else not had a chance to speak that would like to before I do go back for the one person that did indicate that they had something further they wanted to say? Ms. Hodgman?

Ms. Hodgman: Thank you. I'm Elaine Hodgman. Going north on Center Street, --- go into the urgent care so you keep going down to Center Street hopefully, now you got to find another business to take a turning around, so you gonna keep using the car wash? Are you gonna go through the cemetery? How are you going to keep turning around to get the correct length to take that right turn only?

Mr. Phoenix: Well you can still, I believe, navigate through the site. They just can't get there quite as directly if they go past that first one in that direction. But again…

Ms. Hodgman: I haven't seen ---

Mr. Queiroga: They're gonna have a turning lane in the middle, you know that, right?

Ms. Hodgman: I didn't know that part, no.

Mr. Phoenix: Well, that's part of the ---.

Mr. Queiroga: That's part of the improvements. You're gonna have three lanes now, not two.

Ms. Hodgman: Oh lovely.

Mr. Queiroga: But that...

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Mr. Phoenix: They're adding in a suicide lane in the middle.

(multiple people talking)

Ms. Hodgman: --- They have one over in Palmer like that. You go into the middle lane ---.

(multiple people talking)

Mr. Phoenix: So, anything else from this side of the table at this time?

Ms. Hodgman: Turn it down.

Mr. Phoenix: So, I'm interested in hearing back from the other Boards that haven't had a crack at the plan as it sits right now. I would stress to the applicant that it's probably in your best interest to listen to the comments that you've heard tonight, and while this is out, in my best guess, waiting for another session of this public hearing, make good use of that time, because again, this isn't just a site plan, this is a site plan with a requested special permit, and part of that special permit is that we can put conditions on the approval. So please, let's come to an agreement about what can be done with this property that will benefit you as the property owner and as the engineers that are working on it, but will also be in the best interest of the town. We can't design the property for you, but you've heard a lot of comments tonight from the public and from this Board, and I would recommend that you do take that all into consideration before we meet again. With that said, can we get a continuation date, I think, a month out sounds appropriate unless anybody thinks we need longer?

Mr. Coelho: Will the Safety Committee be meeting prior to that?

Ms. Lebel: September 12.

Mr. Coelho: Ok, so.

Mr. Phoenix: Four weeks? Six weeks? What are we looking at? What's available?

Ms. Urban: About a month would be September 26th at 7:00.

Mr. Phoenix: Does that sound agreeable to everyone? Ok, is there a motion to continue?

Mr. Coelho: I'll make a **MOTION** to continue until September 26th at, do we have a time?

Ms. Houle: 7:00.

Mr. Coelho: 7:00.
SECOND Ms. Houle.
5-0 in Favor.

The Public Hearing was continued until September 26, 2019 at 7:00 p.m.

APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

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Documents: Master application; abutters list; Comments from Town Departments/Boards; Drainage Report (July 2, 2019); Plan Set: The Colvest Group, 471-485 Center Street Ludlow, Massachusetts (July 31, 2019); Responses to DPW comments from Matthew J. Bruton, BL Companies, Inc. (August 22, 2019); Responses to Douglas Stefancik's comments from Matthew J. Bruton, BL Companies, Inc. (August 22, 2019)

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT & SITE PLAN
0 (484) & 488 Center Street (Assessors' Map 16A, Parcels 58 & 59)
Inspired by Opportunity LLC
(demolition of existing buildings, construction of proposed restaurant with drive-thru, associated paved parking, stormwater management system, site utilities, site lighting, and landscaping)
August 22, 2019

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PLANNING BOARD MEMBERS

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

The public hearing began at 8:52 p.m. in the Selectmen's Conference Room.

In attendance: Jessica Bates – BL Companies; Michael Dion – BL Companies

Mr. Phoenix read the legal notice, gave the applicant a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: demolition of existing buildings, construction of proposed restaurant with drive-thru, associated paved parking, stormwater management system, site utilities, site lighting, and landscaping.

Mr. Phoenix: We have reviewed from Doug a copy of his review from August 22nd which happily does not any longer have red ink on it. I like that. We have comments from Public Works dated August 12th. *(Mr. Phoenix read the comments from the Ludlow DPW – see file)* From Conservation Commission, they state that they have no wetland concerns. We then have comments, I believe this might be the same as this.

Ms. Bates: I believe it is.

(Mr. Phoenix read the Site Plan Comments Response Letter from Matthew J. Bruton, P.E. of BL Companies, dated August 22, 2019 – see file)

Mr. Phoenix: So, we have all that, and more or less, what we're looking at, I believe, the super short executive summary version is, where Landmark Realty is, you're looking to change that to a Wendy's. That said, I'm gonna kind of go through some of the standard things that I covered at the beginning of the other hearing. The things that look like cameras, there's a reason, it's because they're cameras. You are being recorded, will be on public access. It is going live on public access right now, as long as things are doing what they're supposed to be doing. This will also be available on the public access website, so yay, it's all being recorded. Cameras are cameras, go figure. Beyond that, this is a public hearing, there will be an opportunity for public comments, concerns, questions, and all that good stuff. We certainly so want to hear what you have to say, but we're gonna start with hearing from the applicant, asking some questions from this side of the table, and then we'll open it up to the public, and we'll go over that when we get

to that point. That said, I'm gonna take a sip of water and ask you guys to take over for a minute.

Ms. Bates: Hi, my name is Jessica Bates. I'm a senior civil engineer with BL Companies in Hartford Connecticut. I am here representing the applicant for the Wendy's parcel at the corner of Center Street and Stivens Terrace. We're proposing a Special Permit application for the restaurant with a drive thru facility attached to it. Our parcel currently has two pieces of land. We are combing them to one. We are not changing the zoning. They are currently zoned as BA - Business light commercial, and BB – Business B heavy commercial. So, the two lots will be combined, but the two zoning overlays will stay as they are. Existing conditions right now, it's a 0, the entire parcel is a 0.87 acre site. It's a corner lot, on the corner of Center Street and Stivens Terrace. It is currently the south, the parcel closer to Pride, which is kind of southwest-ish, is vacant. The northern portion is a medical chiropractic facility. It looks like a cape, but it's actually not a residence at this time. It's surrounded by the southwest by the Pride gas station, to the northwest across the street directly is the car wash, and then it is residential on the northeast and the southeast. The topography, this is a fairly flat lot, there is some water that currently drains into Center Street, some drains into Stivens Terrace, a little bit of the grass drains to the residence in the back. Your technical information for the building, the building foundations and things like that as well as check the NRCS soils. And it is a fine sandy loam. It's a hydrologic soil Group A. We're not in a FEMA Zone. We're in Zone X outside, Zone X unshaded outside of the 500-year flood plain, and as you read, there is no wetland concerns on this site. We are proposing a 2,584 square foot building with 25 parking spaces. This complies with all zoning regulations. There is currently two curb cuts; one is an entrance curb cut, one is an exit curb cut. There is a one-way circulation around this site with angled parking to kind of make people do the one-way service around. There is a loop through, so if you get all the way to the other side, and couldn't, didn't have your food, and you decided you wanted to go in, you can loop back around and you don't have to go back out onto Center Street. There is total circulation around the entire site prior to exiting. There are stop signs and stop bars at Center Street to get people to stop before the pedestrian way so that they have the right of way. There's the entrances, there's the, you know, necessary handicap parking spaces, there's loading, there's dumpsters. We have been in coordination with Mass, I'm gonna say Mass Highway, it's not anymore, it's Mass DOT for the work that's currently going on, on Center Street. We have a closed drainage system, conforms to all the applicable standards and regulations for the state of, or Commonwealth of Massachusetts. We have a subsurface detention system, which will mitigate the peak flows for the 2, 10, 25, and 100-year storms. We are utilizing deep sump hooded catch basins as well as an isolator row to remove the 80% TSS as required by the regulations. We have a full complement of erosion sedimentation control plans in here that will address silt socks during construction, stock piling, silt fence, erosion control blankets, and all the things necessary for to control the erosion before it gets any public or private way. That's kind of the cliff notes version of the site plan. I don't usually go into much more detail than that. I'll turn it over to Mike Dion, my associate, and he will discuss the traffic.

Mr. Dion: Thank you Jess. For the record, my name is Michael Dion. I'm senior project manager at BL Companies heading up the traffic department, and I'll walk you through some of what we did. You've heard a lot of it from the other client, I guess…

Mr. Phoenix: Applicant.

Mr. Dion: …applicant, there we go. So, our study investigated the traffic impacts from the proposed Wendy's. We did a field reconnaissance. We did traffic counting to get our existing

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traffic volumes. We then progressed them out at a 1% growth for next year's construction and anticipated opening. We did analyze the intersection to the north at the signalized intersection and the signalized intersection to the south. So, what we did, is we had our background traffic, which we, again, did not know about the other applicant, we did our due diligence and called the Planning Department and asked. They were not aware of it, or we spoke to the wrong person. We did call the Engineering Department and got the signal plan to the north 'cause that's a town signal. So, I guess we didn't mention it to them 'cause I think that's the engineer who noticed that there was, or let us know that there was another applicant.

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Mr. Phoenix: I think it was just a sequencing problem.

Mr. Dion: Ok, so good, then we did legitimately miss it, which makes me feel better.

Mr. Phoenix: At least that's my understanding, that it was a matter of one came in before the other.

Mr. Dion: Perfect.

Mr. Phoenix: So, when you asked I don't think it was there yet.

Mr. Dion: Then I feel much better. So, we estimated the number of trips coming into the Wendy's by using the Institute of Transportation Engineers Handbook. We only did the weekday midday, p.m., and Saturday midday. The Wendy's is not a big traffic generator for breakfast, so that's why we picked those trips, those times. And what we ended up doing coming up with is to be about 72 trips during the weekday lunch period, 46 in the weekday p.m., and 78 on a Saturday lunch peak which is pretty close to what the other engineer had said his would be. In looking at the intersections, we did notice that, yes, the Center Street at the highway is an awful intersection and it doesn't operate very well. We did feel that our site though, only increases the average delay by three seconds in the midday weekday, three in the p.m., and three in the Saturday, so it's not adding a big impact to the current traffic that's out there. The driveways do operate exiting at an E. The cue, which is the traffic backup expected though, is only one car, so it shouldn't have an impact with any issues with stacking cars in the driveway itself. So, we do feel that there's not a significant impact to the current roadway system with this Wendy's.

Mr. Phoenix: I think most of the issue that we had with the traffic with the other one, was the immediate proximity…

Mr. Dion: Yes, that's a very close.

Mr. Phoenix: …to the intersection, which you guys have the benefit of not being right on top of that intersection. And not to be too blunt about it, but I'm substantially less worried about the cueing to get out of your site than I am about the cuing on the street and how that works with people that are trying to get out of the site. I see you.

Mr. Coelho: I am wondering how your traffic projections coordinate with Wendy's profit projections. You don't know that?

Mr. Dion: I do not know that.

Mr. Coelho: So, Wendy's could probably say we're expecting to sell 5 million cheeseburgers a day.

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Mr. Dion: They probably could. They'd like that. They'd be wrong, but they'd like that.

Mr. Coelho: That doesn't play a role at all when you do a traffic study?

Mr. Dion: No, so our traffic studies are based on, you know, industry standard, counting it. Many fast food restaurants with a drive thru around the country.

Mr. Phoenix: And I would also just kind of point out that it's the same with every traffic study that we get. When they project out like they're looking at numbers for next year, I think it's safe to say that unless Wendy's does something seriously wrong, they plan to still be there in 2021 and 2022 and 2023, as those numbers incrementally do go up.

Mr. Coelho: I just, I just, that just came to my head because it just seemed that that would probably be a good metric as well to include in these studies as what are they expecting. I mean, does that agree, does your number agree with what they want out of that building, but I guess that's not standard for a traffic study.

Mr. Phoenix: I think they just look at the type of business. So, you're looking at ---.

Mr. Dion: Yeah, there's many different land uses that they've compared over the years.

Mr. Coelho: So, they use an industry standard for that?

Mr. Dion: Yeah.

Mr. Coelho: So, you guys know they want to sell 100 cheeseburgers.

Mr. Dion: Yeah, Wendy's I'm sure looks at the directional distribution of the traffic on the roadway to see, you know…

Mr. Coelho: They include that.

Mr. Dion: …they like to see which one.

Mr. Coelho: As a restaurant grouping as a whole.

Mr. Dion: Yeah.

Mr. Coelho: Ok.

Mr. Phoenix: And not to belabor this too much 'cause I covered it a lot in the other one, but I think everybody here in the room at this point was here as I said it the first time, so mainly we include this by reference to that other public hearing, but this is another plan that came in without having a surveyors seal on the original submission. This is another plan that had things that were missing in the table in the original submission, and we need to have that discussion as a Board. We need to take affirmative steps to try and make sure that that doesn't keep happening because

it's been happening at a greater percentage of the time that I can recall in any of the 20+ years that I've been sitting in this chair. --- just get worse.

Mr. Coelho: Sounds like something we need to have a discussion about in a very, very soon to be meeting.

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Mr. Phoenix: And I bring it up during the hearings because it's something that as I read from the application, the fact that those things are missing does mean that we have every right, based on the signatures on the application, to deny, keep the fee, have them resubmit with a new fee, and schedule a new public hearing. And again, we've never actually taken that option since we put that in place, at least not that I can recall. If we have, I don't remember it. I think it would stand out. So, I don't think we necessarily want to start with this applicant any more than we wanted to start with the last one, but, you know, it's not what ---.

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Ms. Bates: Understood. Our survey isn't in house. We don't, we keep, we have a survey staff complete. It was a clerical error that they didn't not sign and seal their drawings. We made sure it was rectified for the set that we have since submitted, so. I'm sorry. It was a clerical issue on our end.

Mr. Phoenix: That's my two cents on that for now, I think. Anything else from this side of the table?

Mr. Coelho: My concerns with a project like this as opposed to a project that we were just talking about is that, although these lots were, have been historically zoned business, they did have a residential appeal to them, almost the look and the function was very, very low impact, and that's why we do ask for things like the luminaire schedules, etc., etc. Now, I've made a mistake in approving site plans adjacent to my property with dumpsters and I've come to find out how that can be really bothersome to neighbors. I haven't complained formally or anything, but, I mean, you know, 5:00 in the morning or 4:30 in the morning, dumpsters smashing, stinks for neighbors, literally and figuratively. Additionally, luminaire schedules are great in theory, but what happens when the wind blows one of the shading lights away, how quickly will a company like Wendy's respond to getting that light out of shining in my bathroom window at night, or my bedroom window at night? You know, I mean, how quickly? I know that you can't speak for Wendy's facilities people, but those are some of the concerns that I always raise an eyebrow to. You know, hey Wendy's can you fix that light 'cause it's shining in my thing, yeah no problem, or I'm just serving cheeseburgers.

Mr. Phoenix: Where does that responsibility lie anyways? Is it Wendy's that's gonna actually own it? I think it's through a separate company that's gonna be doing the property owning. Is that correct, or is Wendy's actually gonna own the property directly?

Ms. Bates: I'm not 100% sure on that. I do know that are no lights that are adjacent to the residence to the southwest on Stivens Lane. They are on the ones that are perpendicular to the side pieces of property, if you would, and you know, they should, the wind, with the new modern fixtures doesn't usually tend to move them much anymore. They're usually fairly fixed and once they're cast, they're cast down and only down. They're full cutoff light fixtures, so I don't know that I've ever heard of that being an issue.

Mr. Coelho: It may never be an issue at this site, but still something we have to consider, you know?

Ms. Bates: You know, we don't have them directly adjacent to the neighbor to the, I'll say south at this point, but southeast of them. We've located the dumpster as we could best without putting it in the front yard because it's, you know, a site that usually towns do not want in the front, so we have it in the back corner. We have it shaded with some evergreens and some plants to try to mitigate any sort of noise. There is a fence along the back property to the residents to the south. We are extending it out to the curb line to try to make it look uniform and mitigate any sort of the noise or lights or anything that's coming from our development. So, we do have landscaping as well as then fencing between us and the neighbors.

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Mr. Phoenix: Anything else ---?

Mr. Coelho: No ---.

Mr. Phoenix: Anything else from this side of the table? Ok, we'll open it up to the public. Just like with last time, I would ask that if you do have anything to add or ask, that you state your name and address for the record so we can keep track of all of that. And since I started from this side last time, I'll start from this side this time, and just ask everyone to take a couple minutes at most so that we can make sure everybody has a fair shot at speaking.

Ms. Lebel: Penny Lebel, Safety Committee, 43 Wilson Street. Several of us on the Safety Committee that work at the Police Department, Sergeant Shameklis, you met Officer Churchill, and Derek Smolinski, looked at the plan and we don't have a problem with the entrances on Center Street, but we want to reiterate that they need to be clearly, clearly marked. Because if you remember coming into the Pride, and somebody mentioned that it's people that are always cutting across where it says entrance only and they're trying to go out. So that is gonna be one of our requests that those, 'cause it's one in, and two out, and that's gonna have to be clearly marked. And Mr. Phoenix, you also mentioned something about deliveries of off peak. This would be my concern sound wise. What is considered as off peak? 3:00 a.m. a delivery's coming in, and granted, there's portably not any employees, but the neighbors that are close by are hearing beep, beep, beep of a vehicle backing up making deliveries, so that would be my concern is what is classified as off peak on sound wise for the neighbors. Stivens Terrace is a very busy intersection because it is a major cut through going to the high school in the afternoon. Getting to Center Street, if you get backed up on Center Street, you're gonna cut through Stivens Terrace, and it is a major intersection, so that needs to be thought about in the future. That was what Safety had to say.

Mr. Phoenix: Thank you. So, if you...

Ms. Bates: You want me to respond to those?

Mr. Phoenix: Yes please.

Ms. Lebel: Please.

Ms. Bates: So, the deliveries are usually between 6:00 and 7:00 in the morning because they don't open until 10:00. Wendy's does not serve a breakfast. That can be adjusted if need be.

Ms. Lebel: Yeah, 'cause there's a sound limit of 7:00 a.m. for the Town. There's no actual noise ordinance, but it is 7:00 a.m.

Ms. Bates: Ok, and the deliveries are two times per week. It is a single in and out. There should be no back-ups, no beeping or anything like that. If, for any reason, they overshot their location, they're just wheeling further.

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Ms. Lebel: Just something to consider.

Ms. Bates: Yes.

Ms. Lebel: --- residents.

Ms. Bates: So, the delivery times can be adjusted, but it's twice a week, typically, and you know, 6:00 to 7:00 it would be, and then 7:00 to 8:00.

Ms. Lebel: Ok.

Ms. Braz: My name is Joan Braz, I live at 26 Stivens Terrace. You guys are gonna be in my backyard. I'm concerned, you talked about the lighting, so there wouldn't be no lighting on the --- parts of the property?

Ms. Bates: Let me get up for a second. So, the light poles that are proposed at this time are along this --- and this curb line here. There are no light poles proposed back here.

Ms. Braz: Would the lights be…

Ms. Bates: They're full cut off down cast only, yes.

Ms. Braz: ---

Ms. Bates: Yes, dark sky complaint, full cut off light fixtures.

Ms. Braz: And the other question I had was also was the --- dumpster because that's too close to the house.

Ms. Bates: It's as far away as we could get it. It's tucked in this corner back here, and we do have trees over here, and I don't know if the fence that's owned is your fence or it's.

Ms. Braz: Half of it is…

Ms. Bates: Pride.

Ms. Braz: No, Pride has their own fence, and then they have, and --- has his own fence.

Ms. Bates: Ok.

Ms. Braz: And the realtor has his own fence.

Ms. Bates: We weren't sure, and our surveyors couldn't tell us one way or the other if that was your fence or if that, it goes right on the line.

Ms. Braz: ---

Ms. Bates: So, we are proposing to extend it out, so that it will be screening fully from property corner to property corner.

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Ms. Braz: We'll be able to see out of the driveways?

Ms. Bates: Oh yes, yes. You'll be able to see, 'cause your driveway's further down. And we can adjust that if you want to pull it back a little bit.

Ms. Braz: Yeah, because usually, sometimes there's cars park on that side of the street, and when you're going around the cars are coming around the corner, you cannot see the cars until they're half way up the street.

Ms. Bates: Yeah, I mean, we can definitely work with you to try to lessen the fence to whatever is to your liking. We just showed it to the maximum practical --- property line, so.

Ms. Braz: You can't get them to move the dumpster down, just down a little bit?

Ms. Bates: It really wouldn't work to be able to get a truck to come in and pick the trash up and then be able to get out and around. There's really, it was this, or you know, typically it's this corner over here, so we tried to tuck it as far away from your house as we could get it in the back. And it is all contained with a fence and then there is tree plantings which will mitigate any sort of noise, as well as another fence back here.

Mr. Phoenix: Now, the fencing that you're talking about, is that like six-foot stockade? What are we talking for?

Ms. Bates: I believe it's a vinyl stockade similar to what is out there right now, just for continuity.

Mr. Phoenix: Ok.

Ms. Braz: You said something about the snow. Where were they gonna put the snow?

Ms. Bates: So, the snow is proposed, right now, to go in this location here, and then over here behind this, between this parking lot and the tress over in here. And then if there's a really bad storm and the snowbanks get too high, then they'll truck it out and dispose of it legally.

Ms. Braz: Oh ok. That's fine. At least we won't have light that's going into the bedrooms ---.

Mr. Coelho: That's, yeah, and that's one thing I worry about quite a bit in these kind of projects.

Mr. Phoenix: I believe working our way around across.

Mr. Rosenblum: Bill Rosenblum, Board of Selectmen. 43 Green Street. As we had talked about before, it's obviously tax revenue helping the town out. It's not that I oppose any of these projects, but in the same sense, I think it's more about the safety at this point, especially, we won't know the flow until we see the Center Street project finished. It's obviously gonna be a

little bit better, I'm sure. Actually, with extra lanes to make the proper turns. Just again, as with Stivens, I know that's a cut through coming over from the high school 'cause then what happens is you're still gonna get a lot of traffic coming through there. And not to say that the car wash is much of a traffic issue, but just knowing that when you have that exit right there, and I'm only saying these things as maybe things to think about down the road with the plan could be ever altered. And I'm not an engineer. I know it costs money to do it, but, it's just I know people coming out of there early in the morning, not that it's gonna matter with your traffic there, but still coming home during the day, people are cutting through. It's a lot of people that can't get out into that, into Center Street off of Stivens. That would be the only thing I would have to say with that. I mean, obviously the entrances have been there, those two driveways have been there before. As Mr. Coelho was saying the traffic hasn't been what it's gonna be now, and a combination of the other project down the street, and I've talked with people and we understand that probably in about 20 years down the road, is it, it could almost be all commercial going all the way down to the Fire Department pretty soon. I mean, it's in the back of our heads. I mean, I'm just saying that is a future. But, you're starting to see the other house, the other side of the cemetery that's pretty much done, then you've got, I mean, we're seeing it move its way down the street. That street's gonna be ---. That's why I say again, as a Selectmen and as a citizen watching my taxes, and also having to be someone that has to be a spokesperson for the people's taxes, is that I do see the viability of having more commercial business in the Town, but also not at the expense of safety to the people of the Town.

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Mr. Phoenix: Alright, I see your point too about the visibility coming out and making that left is definitely well put too. You know, we have two alternative ways we can see it, either people are gonna do stupid lazy things and they're gonna keep doing what they've grown accustomed to over the years, or people are gonna determine what's the best maneuver for them. If we assume that people are gonna do bad things, then we can already assume that there's gonna be bad outcomes. If we assume people are gonna learn and do better. I mean, I don't generally try and take a left out of there anyway. I'll go straight down Chapin and hit the light and come over because making that left is not always easy and not always safe. And that's before we add in anything else near there. So, I don't know that I, I'm not saying that people are gonna actually do that. I'm hopeful. I'm cautiously optimistic, I suppose. But, I also think we're going to get, just like we were talking with the other project, we're gonna get people that do pretty boneheaded things into the mix too.

Mr. Rosenblum: And I've been accused of being naïve. I always see the best in people, but I do know driving through town as you see what you see. Just one last question, was there ever a possibility, and again, I'm not an engineer, of having any kind of entrance or exit that came off the back side near Stivens to, you know, maybe back on that back right hand corner that would come out that way, then people could exit out of Stivens? It's just a question. I could be totally off.

Ms. Lebel: It's something Safety thought about too. We weren't quite sure.

Mr. Rosenblum: You know, and again, seeing that that's not the kind of traffic that you're gonna see at urgent care, or KFC, Westfield Bank, retail on Phase II, is that it might be limited traffic, but it also might be something that alleviates the people that are coming out with Stivens. It's just a question. Like I said, I could be totally wrong, but.

Mr. Coelho: So, we want a third curb cut on ---.

(multiple people talking)

Mr. Rosenblum: --- configuration of the building ---.

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Mr. Coelho: It does kind of make sense in this instance.

Mr. Rosenblum: I understand the configuration of the building and how it would have to sit for a traffic pattern for a drive thru.

Ms. Bates: Right.

Mr. Rosenblum: I get that side of it too. But, that's just what I'm saying is there, you know, is it any kind of consideration? I'm good. Thank you.

Mr. Quiterio: --- parking spaces ---?

Ms. Bates: Twenty-five.

Mr. Quiterio: Twenty-five all together? Including the handicap ---?

Mr. Bates: Yes.

Mr. Phoenix: So, it looked like you were getting ready to.

Mr. Dion: Well, I'm just trying to think that if there was the curb cut there, I think you're mostly gonna have the traffic will be, you'll have traffic entering Wendy's through there more than exiting. 'Cause I think if anybody's gonna exit, if that front driveway is still there, the third curb cut there, anybody taking a right, after going to the drive thru will still have to exit onto Center Street, and anybody going left, that's probably an easier driveway to get out of than going on Stivens which is kind of angled and trying to take the left there.

Ms. Bates: Yeah.

Mr. Dion: So, I just, I don't know how much exiting traffic you would get there except for traffic would be going south on Stivens.

Mr. Coelho: That would probably increase that flow to that residential area more so than.

Mr. Dion: Definitely, yeah.

Ms. Bates: Yeah, and that's not a public right of way, it's a private.

Mr. Quiterio: It's a hard street to come out of.

Ms. Houle: It's a horrible street to come out of.

Mr. Queiroga: --- over your limit with three driveways for one restaurant. ---

Ms. Bates: It would be, the circulation through the site would be, it would kind of impact the circulation through the site, cause right now it's kind of like a one in and one out kind of through and through.

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Mr. Coelho: Which are most lanes. I went through a couple Wendy's, but those of them are designed like this.

Ms. Bates: Yeah, typically they work like just kind of an easy flow, what most people know, to come in, go through, and exit on the right.

Mr. Phoenix: I think that's pretty much standard QSR not even just Wendy's.

Ms. Bates: Yeah.

Mr. Phoenix: Moving along.

Ms. Lautier: Diane Lautier, 517 Ideal Lane, Unit 611. Just a couple questions. That entrance to Wendy's, how close is that to the exit from Pride, because there's gonna be people that leave Pride to go to Wendy's. And so how much space is really there?

Ms. Bates: I don't know off the top of my head.

Mr. Phoenix: You can kind of see it roughed in on the plan right there. I don't know if it's, if that section is.

Ms. Bates: I don't have that ---.

Ms. Lautier: I mean, is that 20 feet, 30 feet, 50 feet?

Mr. Coelho: What's the dimension from the corner to the curb turning in? The Pride property line to the curb that would be at your entrance. If you almost double that you'll get a rough idea, you know what I'm saying?

Mr. Queiroga: From here, about fifteen, eighteen feet.

Ms. Bates: I'm getting more along the lines of forty?

Ms. Tingler: That's what I was just looking at.

Mr. Queiroga: Look at the parking lots for Pride, look at the parking spaces.

Ms. Bates: --- I've got my very, very concise ---.

(multiple people talking)

Mr. Phoenix: Normally I have my bendy scale with me, but I didn't have a chance to swap out.

Mr. Quiterio: Forty feet?

Ms. Bates: Yeah.

Mr. Coelho: I was looking for a ball park, she's scaling.

Ms. Lautier: So that's like five cars, ok.

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Mr. Coelho: Forty feet?

Ms. Lautier: It's about five cars, four or five cars. --- like you pull out and you pull in kind of a thing. The second question is, and I don't know if you know that answer to this, is Wendy's notoriously is open extremely late, they're one of the fast food restaurants that are open like well past midnight. So, I'm assuming lighting and traffic will be, especially 'cause Ludlow doesn't have anything that's really opened that late?

Ms. Tingler: Past 9:00.

Ms. Lautier: That the traffic flow may be bigger than you think later at night than the traffic study shows.

Ms. Bates: The hours of operation for this are anticipated to be from 10:00 in the morning till midnight. So, they will be closing down at midnight till, through the overnight hours.

Ms. Lautier: Ok, 'cause I came from Enfield originally and that one was open until 3:00 a.m.

Ms. Bates: Wow.

Ms. Tingler: Where I grew up, they're open sometimes 24 hours.

Ms. Lautier: So, this is just --- ok. I'm good just with that, ok.

Ms. Bates: Yeah, --- this one is going to closed overnight.

Ms. Lautier: Only because the noise at Ideal Lane. I hear every truck on Center Street all night long, so.

Mr. Coelho: And that is something we can address formally with the Special Permit.

Mr. Phoenix: Absolutely. If that's the hours they're looking to run, we can incorporate that as one of the terms, and then if they want to adjust that, they can come back.

Ms. Bates: Have to come back and reapply.

Mr. Phoenix: And that would be another public hearing.

Ms. Lautier: Ok, I'm good.

Ms. Tingler: My only concern is pedestrian safety because ---.

Mr. Phoenix: I'm sorry. I hate to…

Ms. Tingler: I know.

Mr. Phoenix: Name and address please.

Ms. Tingler: Elizabeth Tingler, 88 Fuller Street.

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Mr. Phoenix: Thank you.

Ms. Tingler: Anybody walking up through here on either side of that street, there's very little marking for to watch for pedestrians or anything. My concern is to make people aware of that.

Mr. Phoenix: I think you said you're actually gonna have the stop line and stop bar.

Ms. Bates: Yes, there's a stop line and stop bar for exiting. We can, you know, add pedestrian sign or you know.

Ms. Tingler: Even if it's like a crosswalk hatching marks, whatever, something where they have to stop.

Ms. Bates: Well, they would have to stop anyway at the stop bar.

Mr. Dion: They legally have to stop at the stop bar.

(multiple people talking)

Ms. Tingler: Yeah, they're supposed to, but I can tell you from experience walking around this town, they don't.

Mr. Quiterio: Or a 1.5% pitch. It's already made for pedestrians.

Ms. Bates: I don't think…

Mr. Dion: I don't think we're allowed…

Ms. Bates: …to stripe it.

Mr. Dion: …to stripe the driveways.

Ms. Tingler: Even if it's just "watch for pedestrians", I'm.

Ms. Bates: I mean…

Mr. Phoenix: Now, with a lot of the new sidewalks that's been going in, it looks like it goes straight across the curb cut and then it just kind of gets --- the curb cut, is that being extended up this far or is that stopping before we get to this property?

Mr. Quiterio: The sidewalk?

(multiple people talking)

Mr. Phoenix: If that's the case, the sidewalk's gonna be ---. It's not gonna be like end of cement, blacktop, end of cement. The other ones that they've got along that strip and going down by Burger King, it's cement sidewalk the whole way, it just dips down when you get to the curb cut.

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Ms. Tingler: That's not my concern, my concern is getting hit.

Mr. Phoenix: Well, I get that, if you're talking about cross hatching and stuff like that.

Mr. Coelho: Some of the controls for that are the stop bar and the continuous sidewalk, that's…

Ms. Tingler: I'm just talking about painting lines on it, so people know there's a crosswalk area there.

Mr. Quiterio: On the sidewalk? That's, I don't think that's…

Mr. Phoenix: It'll be concrete sidewalk already so there wouldn't be any need for them.

Ms. Tingler: Never mind. I'm not making myself clear and it's not gonna get any easier.

(multiple people talking)

Mr. Dion: If that's what I'm hearing, it'll be blacktop on the sidewalk, and then concrete, and the blacktop in the parking area, then a concrete sidewalk extending right across the driveway.

Ms. Bates: So, it's a visual distinction.

Mr. Dion: It's a visual distinction.

Mr. Phoenix: Appears to be the way they're building that.

Mr. Dion: So, there is a visual distinction there already.

Ms. Tingler: I'm not going to be able to explain it. I'm sorry.

Mr. Phoenix: Ok.

Ms. Hodgman: You're looking for actual paint, like the crosswalk in the middle of the street but on the sidewalk where the curb cut is?

Ms. Tingler: I really don't care where it is.

Mr. Coelho: But the visual distinction that you're looking for is coming through the design of the sidewalk itself.

Ms. Houle: Black and the concrete.

Mr. Coelho: The black is where the cars will drive, and the concrete sidewalk is essentially your stripes, but it's because it's concrete, it's a different color, that's where it separates the

pedestrian access from the vehicle access. It does the same thing as your stripes do. We just don't put sidewalks across roads, that's why we use the striping.

Ms. Lautier: I think the concern is that, with all of these cutouts on Center Street now, there's just, if you're walking on Center Street now, and it's all, it's great, we get all new sidewalks and stuff, it's just there's so many cutouts now, it's just, it's not pedestrian friendly to walk with all those cutouts and all the distracted drivers. It's really not that safe to walk on Center Street, even once the sidewalks are in, it's not gonna be a safe area to walk unless we figure out something around marking, and I don't even think it's marking, it may be putting stop signs up, as much as people blow through those too, but it's putting the new sidewalks in, it's great, but it's, there's just too many places that people are coming out and now you've got, not, it's just, ok, Pride's got two, and then they're gonna be across from the new development that's got three, and then two feet, you know, forty feet further down there's gonna be three across from the car wash, and then there's Haviland. And nobody stops at the crosswalk for Haviland even though there's a big thing in the road. And it's just, I think it's just because it becoming, and this is not to this development, but I think we have to, if to what your point is, Center Street's gonna become all business. We're gonna have to look at how do we manage all of these cutouts onto Center Street for people who are on their bikes or walking or running or whatever because it's, I pull out and I watch people walk, and it is just like, I'm like you're walking on Center Street on the sidewalk but everybody's pulling out. They're not paying attention even though there's a, there's people, you know, people can walk.

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Mr. Coelho: Design standards take a lot of that into account from a visual and probably from a psychological perspective as well, that the state and these engineers apply to these projects. There also has to be a little bit of give and take to people that are walking as well. I mean, we've really gotten used to the, let's just walk, I mean, I do a lot of work with UMass Amherst, and the kids walk with their head down and their cell phone right across the…

Ms. Houle: Highway.

Mr. Coelho: …the main road there. --- UMass, they have the manpower to put an officer at every intersection. We don't have that. And we all got to take a little responsibility in watching out for other people as well, you know. So, it's a give and take, you know.

Ms. Lautner: I agree. And you know, as we go forward and as we look at Center Street, if we have to throw another light up there in between the two lights that are there. That might end up being something to look at down the road. That will slow traffic down. But, it may ---.

Mr. Coelho: Certainly, enforcement plays a role in this as well. So, that's another aspect that it's all meant to work together, you know, from enforcement to the design and to each of us bearing a little bit of the responsibility ourselves, you know.

Ms. Lautner: It's just there's a lot of stuff on Center Street, in that little, between those two lights, there's a lot of stuff on Center Street. Business and they all have in or outs, and safety, you know, the cop's gone, but there's accidents there every day. Every day there's somebody pulling out and hitting somebody pulling in or not paying attention. Adding more business onto that street is not gonna make it any better.

Mr. Coelho: If I'm not mistaken, most of those lots were already zoned business when the zoning came around correct.

Mr. Phoenix: I don't remember.

Mr. Coelho: I think there's a --- that that was gonna be a business district.

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Ms. Houle: --- East Street.

Mr. Coelho: Just like on East Street, correct. So, those are all, people built houses there because that's what they wanted to do with those properties before, but I think, initially, up to the fire station, anyways, and even beyond, was intended to be business.

Mr. Phoenix: And going back to some of what Joe was talking about earlier, you know, when we got the Pike entrance in town, that whole neighborhood was pretty much destined that it was going to become that way. There's actually, speaking of UMass, there's a study that was done for us back in the seventies that said that by the year 2000 Ludlow was likely to be a major metropolitan area, and that's been held at bay or just wildly inaccurate, one or the other. But, ultimately, I definitely, I've walked along that street a number of times. I don't do it as much as I used to, but I definitely understand. You know, even there's large sections of Center Street where on one side or the other there's no sidewalk.

Ms. Lautner: You try crossing across the Pike to get to Pride, you're taking your life into your own hands. Even taking responsibility, stopping ---.

Mr. Coelho: I agree with that one, you're right. I mean, I don't know that the, you know, maybe with this new project, they'll have better crosswalk stop, you know, all the lights will stop better for pedestrians. I have to assume that's part of the design of this whole project on Center Street as well to improve those lights and everything.

Mr. Quiterio: Yeah, the lights will be communicating with each other.

Mr. Coelho: Yeah, so all the lights will be talking, we'll be upgrading them.

Ms. Tingler: That's great, but are they gonna put pedestrian lights in at the same time?

Mr. Coelho: Well yeah, that's part of that upgrade. I think now that's required by the State that they put the upgraded with the…

Mr. Dion: The countdown heads.

Mr. Coelho: …the countdown and all that stuff.

Ms. Tingler: Yeah, well.

Mr. Coelho: But you only have to do that when you upgrade, you know, and right now we're upgrading, so.

Mr. Phoenix: I think there's a lot of pieces that just come together too, to make it safer for motorists and pedestrians like, for instance, if we had a zoning enforcement officer that enforced the bylaw for off premises signs, and we didn't have people distracted trying read about so and so that has great mattress prices in Agawam, and they were actually paying attention to what

they were doing in their cars. So, if we had those things in place, and those signs were getting pulled up because they're illegal, that could possibly be another thing that helps. There's a lot of pieces that we could talk about, but I think as far as this particular project, we're getting that demarcation with the new sidewalk. If there's another better solution, maybe we can come up with that, and see what we can implement there. Clearly, not all of the solutions that we put in work very well. Again, Pride, I think that that needs to be revisited, but that's another discussion yet again. But, moving along, Ms. Hodgman, did you have something you wanted to?

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Ms. Hodgman: Sure.

Mr. Phoenix: Ok ---.

Ms. Hodgman: Elaine Hodgman, 1475 Center Street. Will there be a cut between Pride and Wendy's, is one of my questions, so they don't have to go out onto Center Street?

Mr. Phoenix: That's not on this plan.

Ms. Hodgman: I can't see from this ---. And also, adding Wendy's will be the fifth fast food business we got going on, within a what, quarter mile? Are those traffic surveys, studies, whatever we're calling them, taking all that into account with Haviland Beach? Kids are going to be coming from there and they're gonna walk to one of them. There's gonna be more pedestrians. It's just going to be a hub of --- mess. And I...

Mr. Coelho: The opposite of that is no growth. That's the --- is no growth.

Ms. Hodgman: Oh, I understand that.

Mr. Coelho: You know?

Ms. Hodgman: I'm just saying if it's not addressed now, like we were talking about the safety of Center Street, that section, it's only going to get worse, if not better.

Mr. Coelho: And I think through the rehabilitation of the road and coordinated responsible development, we're gonna get that, we're gonna get that sweet spot.

Ms. Hodgman: Is the Planning Board gonna stay on top of that to make sure they're following through with what they're supposed to be?

Mr. Coelho: That's the enforcement has to come through the Building Department.

Ms. Hodgman: The Building Department.

Mr. Coelho: We will try and make sure that happens.

Mr. Phoenix: We have limited success getting him to enforce things uniformly and that's a whole other discussion yet again. The leverage that we have is that, just like I had mentioned with the prior applicant, this being a business that's looking for a drive thru, requires a Special Permit. As part of that Special Permit we can put conditions on the plan, we can also revisit that Special Permit at a later time and alter those conditions. So, just like the applicant could come in and say we want to change it and be open until 1:00 a.m., we can say this isn't working, you're

not giving us a safe enough site, you're not living up to your obligations under the Special Permit, we need to put in some more provisions here to make this workable. So, that's the leverage that we as a board have. The enforcement, unfortunately, it's been pretty well proven, we don't have leverage control over as a board.

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Ms. Hodgman: Do your best to enforce those conditions.

Mr. Phoenix: We do what we can.

Ms. Hodgman: I know. I appreciate it.

Mr. Coelho: You come in here on Tuesday nights and explain that.

Ms. Hodgman: ---

Mr. Phoenix: As Bill ducks out the door.

Ms. Hodgman: It's a challenge at best for all of you guys, but women too.

Mr. Phoenix: Thank you.

Ms. Hodgman: It's hard and it's scary what's happening.

Ms. Braz: One more question.

Mr. Phoenix: So, sure, one last one.

Ms. Braz: Just so you know, did you notice on, did anybody tell you that on the bottom part where the fence is, when it rains, it's like flood gate in there?

Ms. Bates: There is low depression there that puddles, and we are putting less water there than in the existing condition.

Ms. Braz: Because, I mean, up into where the tree is, I mean, when it rains it rains and water goes up to the fence, sometimes under the fence, and it goes all the way to the tree. So, when we have these bad rains lightly, I mean, it really floods and we were afraid that it would be coming to our cellar windows at one time.

Mr. Coelho: And part of this review is to ensure that their water stays on their side and it's managed. So, had they not developed this property it would have stayed the same and then you would get that flooding. Now, by developing it, they've done some engineering to try to mitigate that, and they're obligated to keep their water on their site now.

Mr. Phoenix: I think part of the issue before is when Landmark had gone in, we were trying to keep it looking essentially like just a residence that was in there, so there wasn't a whole lot that we were trying to have them do with the engineering to the property because we wanted to keep things as close to what was there as they possibly could, where as with this, there's clearly a transformation that would be happening, so there's not much point trying to obscure that.

Ms. Braz: --- a lot of runoff from the street because --- it just down, but you get a lot of water. I mean, I got pictures to show you all along the whole street it floods.

Ms. Bates: Yeah, we, everything that's being developed, so all the asphalt, the pavement, all of the building and everything like that, is being captured and that's being put to Center Street, to their catch basins. So, the only area that is running off by sheet flow's change call, is just the grass area from like the back of the back curb to the property line, but it is decreased in all of the storms for in all directions, so. We did note, I saw that depression, I was like, is this an error? So, I called my surveyors and I checked.

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Ms. Braz: ---

Ms. Bates: Yes.

Mr. Phoenix: So, I think where that leads…

Mr. Dion: Oh yeah.

Ms. Bates: Oh yeah.

Mr. Phoenix: I think where this leads us, more or less, in a similar position to where we were at the end of the other session, I should say of the other hearing. We've heard things from three sides of the, I don't know how that works, but we've all had a discussion about what's going on. We've got some plans that came in that, I think, with the amendments, they need to go out and be reviewed by engineering again, get their blessing that the comments that were offered as far as how they were revised do match with engineering's expectations. Doug already went over his. I think those were the two main ones that we had. The, like with fire, those are not be dismissive of them, but fairly standard boilerplate as far as like the Knox Box and complying with everything that they legally have to comply with anyway. But, in order to get some time for those groups to be able to review the new plans, do we want to continue this matter, and if so, do we want to continue to the same night that we just stuck the other one on?

Mr. Quiterio: Probably not a good idea.

Ms. Hodgman: Not a good idea.

Mr. Dion: We couldn't go first, could we?

(multiple people talking)

Mr. Phoenix: So, if we're looking at the following meeting then, Sue?

Ms. Urban: September 12th?

Mr. Phoenix: We're going one earlier? 'Cause the other one's 9/26.

Ms. Urban: Do you want to do the 26th or do you want to do the 12th?

Ms. Bates: I believe we have met all the conditions of the engineer, I mean.

Mr. Phoenix: It's just a matter of having them a chance to review. If we think we can get that back by 9/12?

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Mr. Coelho: When's our Safety meeting?

Ms. Lebel: 9/12.

Mr. Coelho: I think this is probably ok to review on 9/12?

Ms. Lebel: Yeah, we can, we'll put it on the agenda.

Mr. Phoenix: So, if everybody's agreeable, 9/12. Is that at 7:00 p.m. or is there something else going on Sue?

Ms. Urban: 7:10.

Mr. Phoenix: 7:10.

Ms. Houle: You'll have to make sure John Pedro is here, cause I will not be here. Right ---?

Mr. Phoenix: Ok, so is there a MOTION to continue to September 12th at 7:10 p.m.?
SO MOVED Mr. Coelho.
SECOND Ms. Houle.
5-0 in Favor.

Hearing is continued until September 12, 2019 to 7:10 p.m.

APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

su

Documents: Master application; abutters list; Comments from Town Departments/Boards; Traffic Study, Proposed Restaurant Development 484-488 Center Street (Route 21) Ludlow, MA (August 2019); Stormwater Management Report for the proposed Wendy's Restaurant located at 484 Center Street (MA Route 21)(August 1, 2019); Land Development Plans issued for Site Plan Approval and Special Permit Review Application – Wendy's Restaurant New Build – Site #00000 – 484 Center Street (MA Route 21) Ludlow, MA 01056 (August 1, 2019)

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