TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
October 24, 2019

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2019 NOV 15 P 2:24
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joseph Queiroga (Present)
Kathleen Houle (Absent)
Rafael Quiterio (Present)
John Pedro, Associate Member (Present)

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

PUBLIC HEARING – SITE PLAN – Fernando Jayma – 15 Hubbard Street
(Assessors' Map 12D, Parcel 178)
(house conversion from doctor's office to a 2-family)

SEE ATTACHED MINUTES

Cancel meetings of November 28, 2019 & December 26, 2019

Mr. Phoenix: We do have on the agenda miscellaneous discussion, cancel meetings of November 28th and December 26th. Is there a MOTION to that effect?
Mr. Queiroga: **SO MOVED** Mr. Chairman.
SECOND Mr. Quiterio.
4-0 in Favor.

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 63. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of September 12, 2019
- SIGN Special Permits:
  - Russell Kelly – 21 Mineral Spring Avenue (Accessory Apartment)
  - Inspired by Opportunity LLC – 0 (484) & 488 Center Street (Drive-thru)
  - Pablo & Dana Madera – 356 Ventura Street (Accessory Apartment)
  - Ludlow Center, LLC – 471-485 Center Street (Drive-thru)
- APPROVE/SIGN Bills – Douglas Stefancik (conference reimbursement)
  – Ink Products (office supplies)

File Mail Item #62 – Legal Notice from Ludlow Conservation Commission – 0 State Street (Map 14B & 14C, Parcels 130 & 106)

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PUBLIC HEARING – SITE PLAN & SPECIAL PERMIT
Colvest/Wilbraham, LLC – 450-456 Center Street (Assessors' Map 15B, Parcel 135)
(to reduce the footprint of the existing concrete foundation and construct a new 1,500 sq ft bank building with associated parking and drive-up ATM lanes. Loam, irrigate and seed the expanded lawn area)

SEE ATTACHED MINUTES

ANR – Tony Aleixo – 202 Cady Street – (Assessors Map 1C, Parcel 137)
(subdivide pieces of property to neighbor)

Tony Aleixo was present for the appointment.

Mr. Stefancik explained that a piece of land is being cut off and transferred to Daisy Lane, and that he reviewed the checklist and found everything to be complete.

Mr. Phoenix: So, this is an ANR, unless there's anything else, does anyone want to make a MOTION in the standard form to endorse the ANR as submitted?
Mr. Coelho: **SO MOVED.**
SECOND Mr. Quiterio.
4-0 in Favor.

Documents included: Master application; Subdivision Approval Not Required Plan – Cady Street, Daisy Lane Ludlow, MA – owned by Antonio V. & Yvette M. Alexio and Daniel & Cristina Dinis ((September 29, 2019)

ANR – Hazel Bazinet – 0 Colonial Drive (Parcel A)(Assessors Map 18, Parcel 32)
(transfer 353 SF parcel to correct set back line for barn)

Atty. Joseph Dusel and Dave Minney were present for the appointment.

Atty. Dusel noted that at one time the Minney Family owned the property, and that there have been some issues that came up with the division of the lots, in particular, an existing barn that doesn't meet the setback line. Parcel A is being adjusted so that Lot 52 and the barn now have the proper setbacks.

Mr. Stefancik said that he ran the checklist and found everything to be complete.

Mr. Phoenix: Is there a MOTION in the standard form to endorse the ANR or do otherwise?
Mr. Coelho: **SO MOVED.**

Mr. Phoenix: Well, it's got to be either or.

Mr. Coelho: Oh, we can't do both? I'll make a **MOTION** to endorse the ANR.
SECOND Mr. Quiterio.
4-0 in Favor.

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Documents included: Master application; Revised Plan of Lots – Lots 52 & 56 – Heritage Drive, Colonial Drive, Ludlow, MA owned by Hazel E. Bazinet and Marsha A. Matlasz (October 9, 2019)

SITE PLAN AMENDMENT – 194 East Street - Ludlow Nutrition (update chart)

Jacqueline Vermette and Luis Vitorino were present for the appointment.

Ms. Vermette previously submitted and withdrew a Change of Occupancy application at the Planning Board meeting of September 26, 2019, for a juice bar to be located at 194 East Street. The Planning Board determined that a Site Plan Amendment needed to be submitted to update the chart for the new type of business use (from dance studio to juice bar).

Mr. Coelho: I'll make a **MOTION** to…

Mr. Phoenix: Waive the full site plan and the hearing?

Mr. Coelho: Yes, to waive the full site plan and the hearing as requested by the applicant 'cause this is already, the building's already there and.
SECOND Mr. Queiroga.
4-0 in Favor.

Mr. Stefancik said that he ran the checklist and all items were on the chart.

Mr. Queiroga: I make a **MOTION** in the usual form to approve the site sketch for the, what's the name of the business?

Ms. Vermette: Ludlow Nutrition.

Mr. Queiroga: Ludlow Nutrition.

Mr. Quiterio: Ludlow Nutrition, 194 East Street.
SECOND Mr. Coelho.
4-0 in Favor.

Documents included: Master application; Existing Conditions Site Plan 190-194 East Street Ludlow, MA – owned by Englewood Properties, LLC., prepared for Basics Plus, LLC. (update 10/9/19)

Mr. Coelho inquired as to whether the applicant who is the renter, or if the property/building owner would be responsible for submitting a site plan or site sketch and paying the associated fees. Mr. Phoenix said that it should be the property owner's responsibility. Mr. Coelho asked if

there is a way to compel that to happen. Mr. Phoenix said that the Planning Board has no jurisdiction over that.

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Mr. Queiroga questioned whether the Chairman can make motions at any time. Mr. Stevens will check with town counsel to confirm.

Mr. Coelho: I make a **MOTION** to adjourn.
SECOND Mr. Quiterio.
Mr. Phoenix: Always in order, not debatable.
4-0 in Favor.

Meeting adjourned at 8:25 p.m.

APPROVED:

Kathleen Houle, Secretary

su

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE PLAN
15 Hubbard Street (Assessors' Map 12D, Parcel 178)
Fernando Jayma
(house conversion from doctor's office to a 2-family)
October 24, 2019

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Joseph Queiroga (Present)
Kathleen Houle (Absent)
Rafael Quiterio (Present)
John Pedro, Associate Member (Present)

The public hearing began at 7:01 p.m. in the Selectmen's Conference Room.

In attendance: Fernando Jayma

Mr. Phoenix read the legal notice, advised the attendees that cameras are recording, gave Mr. Jayma a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: house conversion from doctor's office to a 2-family.

Mr. Phoenix read the comments from the Ludlow DPW, Safety Committee, Fire Department, Board of Health, and Mr. Stefancik, Town Planner (*see file*).

Mr. Phoenix: We do, however, have a waiver request form for Section 7.1.5.o. Looks like this is circled for 1, 2, 3, and 5, which are the lighting plan with luminaire schedule prepared by an engineer; elevations showing the front, rear and sides of the building design; signage design with the dimensions and locations; and the traffic study. It does not have four circled, which is area where snow will be stored. And there is a note on Doug's comments saying the applicant is asking for waiver on 1, 2, 3, and 5. So, we need a signature on that if you are asking for that waiver. So, that's what I have in front of me. Did you have the?

Mr. Queiroga: No ---.

Mr. Stefancik: They're in the folder.

Mr. Queiroga: What?

Mr. Stefancik: The plans are in the folder. They're folded up.

Mr. Phoenix: Would you like to just explain what you're looking to do at the property?

Mr. Jayma: Well, the property that I'm renovating is ---. At the beginning, I was wanting to have it rented as an office, but I was told that since I have not used it for more than three years, it's not possible. So, there was some suggestion that two-family may be ok.

Mr. Phoenix: Ok. Do we have any comments or questions from the Board at this time?

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Mr. Queiroga: These houses are connected, Doc?

Mr. Jayma: They are connected, yeah. Yeah, this office was built about 35 years ago with an approval here. That was approved as an office.

Mr. Phoenix: Anything else from the Board?

Mr. Pedro: Exactly what, Mr. Chairman, what are we approving, the zoning or the structure itself?

Mr. Phoenix: This is a site plan, so this would be approving the site plan that's submitted.

Mr. Pedro: Ok, nothing to do with approval of the structure inside, the design, exits, or nothing like that?

Mr. Coelho: No, that's Building Inspector.

Mr. Pedro: Ok, I just want to be clear of that.

Mr. Phoenix: That's Building Department.

Mr. Pedro: Right.

Mr. Phoenix: Fire did express some concerns about some things inside there. DPW has an issue with making sure that there might be a fee for connection to the sewer, but all of that, all that's out of our purview.

Mr. Pedro: Ok.

Mr. Coelho: I think our biggest concern is parking and vehicular movement, but being a doctor's office prior to this, that was certainly a little more impactful that a residential.

Mr. Jayma: I have --- parking there.

Mr. Coelho: No, I know, that's what I was saying, exactly.

Mr. Queiroga: Is it possible he could have used it as an office without having a sewer connection?

Mr. Jayma: There is sewer.

Mr. Stefancik: It's Residence B, so you can't use it for the commercial uses, this area, that's Residence B.

Mr. Pedro: Residence B. Duplex, two-family.

Mr. Queiroga: ---

Mr. Stefancik: You can't do commercial usages, or we could've allowed him to have it there.

Mr. Coelho: Had it not been more than two years?

Mr. Stefancik: Correct.

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Mr. Phoenix: Ok, anything else from the Board?

Mr. Pedro: I don't have anything else Mr. Chairman.

Mr. Phoenix: Hearing nothing, at this time I will open it up to public comments, questions, and concerns. If anyone does have anything that they would like to add or ask, I would ask that you state your name and address for the record and address everything through myself as Chairman. Does anyone have anything at this time? Hearing nothing, we do have a waiver request. Did you sign that?

Mr. Jayma: Yes. Thank you.

Mr. Phoenix: Thank you. 7.1.5.o 1. The lighting plan, 2. Elevations showing the front, rear, and sides of the building, 3. Signage design with dimensions and locations, and 5. Traffic study. Is there a motion on the waiver request?

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to waive Section o. 1, 2, 3, and 5 as none of that's gonna change.
SECOND Mr. Queiroga.
4-0 in Favor.

Mr. Phoenix: So, now we have the issue of site plan itself. Is there a motion in the standard form or otherwise about the site plan?

Mr. Queiroga: Mr. Chairman, I **MOVE** to approve and sign the site plan at, make sure I got the right address, at 450 & 456 Center Street for Mr. Jayma on the usual form.

Mr. Coelho: **SECOND** for discussion.

Mr. Phoenix: Discussion?

Mr. Coelho: Hubbard Street, no?

Mr. Quiterio: --- got it wrong.

Mr. Coelho: Yeah, Hubbard Street.

Mr. Quiterio: 15 Hubbard Street.

Mr. Queiroga: Oh, I'm sorry, my mistake.

Mr. Phoenix: Is the mover ok with amending that?

Mr. Queiroga: Yes, sir.

Mr. Phoenix: And the second's good?

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Mr. Coelho: Yup.
4-0 in Favor.

Mr. Phoenix: Is there a MOTION to close the public hearing?
Mr. Coelho: **SO MOVED.**
SECOND Mr. Queiroga.
4-0 in Favor.

The public hearing ended at 7:09 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents: Master application; Comments from Town Departments/Boards; Request for waivers; Existing Conditions Site Plan - 15 Hubbard Street Ludlow, MA – owned by Maria Clara A. Jayma and Jennifer A. Jayma (9/11/19)

(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
450-456 Center Street (Assessors' Map 15B, Parcel 135)
Colvest/Wilbraham, LLC
(to reduce the footprint of the existing concrete foundation and construct a new 1,500 sq ft bank building with associated parking and drive-up ATM lanes. Loam, irrigate, and seed the expanded lawn area)
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Joseph Queiroga (Present)
Kathleen Houle (Absent)
Rafael Quiterio (Present)
John Pedro, Associate Member (Present)

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

In attendance: Ellen Freyman – Shatz, Schwartz, and Fentin, P.C.; Michael Petrin, VHB; Frank Colaccino – The Colvest Group; Peter LaPointe – The Colvest Group; Scott Hesketh – F.A. Hesketh & Assoc.

Mr. Phoenix read the legal notice, advised the attendees that cameras are recording, gave the applicants a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: to reduce the footprint of the existing concrete foundation and construct a new 1,500 sq ft bank building with associated parking and drive-up ATM lanes. Loam, irrigate, and seed the expanded lawn area.

Mr. Phoenix read the comments from the Ludlow DPW, Safety Committee, Fire Department, Board of Health, and the Town Planner (*see file*).

Mr. Phoenix: So, that's what I have here in the file. Would you like to describe what you're looking to do?

Atty. Freyman: I'll give a little introduction. Ellen Freyman, Shatz, Schwartz, and Fentin, Springfield. So, with me tonight is Pete LaPointe with the Colvest Group, and Frank Colaccino with the Colvest Group, Mike Petrin is with VHB, and Scott Hesketh is with Hesketh Associates and he's the traffic engineer. As you explained, this is an approved site plan that's a modification to an approved site plan, which actually is a reduction in the building size. The proposed original 4,800 square feet of foundation will be reduced by 3,300 square feet so that the building will now be on a 1,500 square foot pad. The sign that's out there will be taken down, the tall sign will be removed. And with the bank building, there will be two ITM drive aisles. Otherwise, there's no changes to the plan, and we can have Mike go through the site plan for you.

Mr. Petrin: For the record, my name's Mike Petrin --- with VHB. The site was previously approved for a 4,800 square foot building here. The entire site was generally built out to approximately this location here. There's a foundation that exists, but it has not utilized. The plan is to reuse a portion of the foundation here, the existing foundation, something like that. And they're gonna reutilize that area there. It'll be a 1,500 square foot building. We're gonna adjust the parking lot area. This would be our limit of work in here. An existing curb cut was approved and does exist, and it was actually just currently rebuilt by Mass DOT. Utilities that were going to service the larger building will need to be adjusted slightly. There is a sewer line that stopped here, we'll cut it, and extend into the new building. We have utilities, gas, electric, so on and so forth, going into the foundation here, we will have to extend them slightly to bring them in here. A minor modification to the stormwater system; there was originally a catch basin proposed here, we're gonna remove that, put a drain man hole cover on it. Now it's in a landscaped area. This will be a curb inlet, which is just a shallow catch basin with no sump. We'll utilize the sump that was here as we tie into it. There is a 1,300 square foot impervious reduction as part of this change, so there's really no change to the stormwater runoff. With that, hand it over to traffic.

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Atty. Freyman: Scott can just go over the traffic.

Mr. Hesketh: Good evening. For the record, Scott Hesketh, with F.A. Hesketh & Associates, East Granby Connecticut. We've prepared a traffic statement outlining the trip generation modifications related to this plan versus the previously approved plan. Again, as you've heard, there's a reduction in square footage from 4,800 to 1,500 square feet, however, banks have a slightly higher trip generation than retail establishments. So, with the proposed change in use and the reduction in the building size, we project that there'll be a slight increase in traffic during peak hours, approximately 21 trips during the morning peak hours, 22 trips during the afternoon peak hour, and 16 trips on a Saturday peak hour, which is about one additional trip every three minutes, although we don't believe that this'll result in any significant impacts because the existing site basically had a single driveway for both entering and exiting traffic. The driveway to the south of the building was previously for service vehicles only, so it was used a handful of times a day, new we're gonna be using that as exit driveway for the drive-thru windows, so the increase in traffic will likely utilize that driveway there. It's a small volume of traffic at the driveway, and really no change in traffic at the main northern site driveway though. Based on the minor increase in traffic and that fact that we're having two driveways versus one, we don't see any traffic impacts to the area. So, in a nutshell, that's the traffic statement.

Mr. Coelho: You don't see any traffic impacts to the area?

Mr. Hesketh: Well, it's a busy roadway, certainly.

Mr. Coelho: That's better. So, there are traffic impacts.

Mr. Hesketh: Well, it's a busy roadway. We're adding one trip every three minutes. I don't see that as a significant impact. Is there more traffic? Certainly. Is there more turning movements into and out of the site? Yes, there will be. But, you know, a bank use, significant proportion of its traffic, 50, on average 47% of its traffic is traffic that's already on the local roadway network and just happens to use the bank as they're passing by, so we're not looking at significant volumes of increase to the roadway network. So, that's our…

Mr. Phoenix: I kind of agree with your comment though, Chris. It doesn't matter if you turn the whole front of the thing into a curb cut. If it's three trips, a trip every three minutes, it's still a trip every three minutes. And bottom line is I'm not, although I'm somewhat worried about congestion on the site, I'm not so much worried about how easily traffic can get from the bank back onto Center Street. I'm more worried about cars that are stacked on Center Street waiting to turn in to get to the additional business, and they would be sitting in the way of other traffic. I think that's the bigger concern. That's part of your numbers. I think that that doesn't matter whether you add another exit or anything like that, you still have those cars sitting there waiting to get in.

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Atty. Freyman: I'll just add that, again this plan, it's a reduction of what was approved. One thing on the comments, we have reduced the dumpster, the size of the dumpster pad which was one of the recommendations.

Mr. Phoenix: Well, again, it's a reduction in the square footage of the building, but I believe Mr. Hesketh's words were that it is an increase in the trip generation from one use to the other. So, reduction across the board, I think, is a mischaracterization.

Mr. Coelho: But, that was nice that you made the dumpster pad smaller. We appreciate that.

Mr. LaPointe: Well, the public works director had mentioned it and it was a reasonable request.

Mr. Queiroga: Mr. Chairman?

Mr. Phoenix: Mr. Queiroga.

Mr. Queiroga: I'd like to make a little point over what Michael Suprenant, our Public Works Director said, I have an issue with, he would like that this be right only? So, what he would like is that we make sure that this traffic goes to the worst congestion in all of Ludlow right in front of the Turnpike, is the way he wants it to go, and I think that's ridiculous. This is as far as you can get from that big light at the intersection of the Turnpike, so I don't agree with his thought on that.

Mr. Phoenix: Well, I'm also unsure about exactly how this plays out because he's saying about the entrance and exit on the new plan; both curb cuts were existing on the old plan. The one that I'd be more interested in, really, is the one closer to the Turnpike, but I certainly understand that on the busiest street that we really have, at the busiest intersection on that street, not wanting cars to be taking left hand movements across that entire roadway. I think that certainly makes sense now matter how you slice it.

Mr. Quiterio: Mr. Chairman, I just have one comment.

Mr. Phoenix: Sure.

Mr. Quiterio: On the other side of the Mass Pike, we have, we just approved Wendy's over there and we have Pride. That's probably the worst section of that whole section to get in and out. This driveway here, I think, it helps more than anything to get people out of this section to come to the bank to go either left or right. You know, the way the roadway's being built right

now versus coming all the way up to this side, this one here. So, if you cross that many lanes, you're crossing right here ---.

Mr. Phoenix: Well, I mean, Mr. Queiroga believes that the Town Engineer is mistaken, I'm sure we could find an engineer that is willing to do a study on the Town's behalf, and I believe we have the right to request that the applicant cover the expense of doing that, and we could have someone work for the Town to come up with what their decision is on that, that's Mr. Queiroga's belief. I certainly think we could start looking into that direction.

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Mr. Hesketh: If I might comment. If the concern is turning movements on this section of town, forcing someone who wants to make a left hand turn, to make a right hand turn, will force him to make a right hand turn, go up the street, make a left hand turn into another development, make a right hand turn out. So, you've taken one left hand movement, made two right turns and one left turn movement in the same section of roadway, so I'm not sure you're reducing impacts on the roadway and just increasing it.

Mr. Phoenix: Or you make people think that maybe I don't want to go to that business because you can't take the left, can't take the turn that I want to here, so I'll go to a different business.

Mr. Coelho: I've definitely been buying a lot more Cumberland Farms coffee than I have Starbucks coffee because I don't even want to deal with that.

Mr. ---: -----

Mr. Coelho: I don't know. You know, we made a lot of concessions with this site. None were made back for us. I don't know what to do.

Mr. Phoenix: And we still have a situation where we have a curb cut here that's directly across from the curb cut across the street where we have people cutting back and forth between CVS and this property, and I don't know that, I still don't buy the argument that people do what's right and safe, or assume that they will. I think part of trying to design these sites and improving them, and part of sitting on this side of the table understanding that traffic needs control devices. Traffic needs to be controlled, and we need to plan for how to avoid having collisions, not just say, well, you know, well people should do the right thing, but they're not going to.

Mr. Coelho: Now, the cumulative parking spots for the coffee shop, the retail, and this, there's enough?

Mr. Stefancik: There is, yeah. I did all the numbers they, and they're written right in the chart, they all add up to 70.

Mr. LaPointe: The, if I may, the original approved site plan, the 2015 site plan, included two buildings; the existing occupied building…

Mr. Phoenix: Yes.

Mr. LaPointe: …which is a little over 5,000 square feet and has three tenant spaces…

Mr. Phoenix: Yes.

Mr. LaPointe: ...and a 4,800 square foot building that could have had two or three tenant spaces, probably two, and would also have been commercial. And all of their employees and customers would have used the main entrance, the driveway at the far end, the south driveway would have been basically a service entrance and would not have been interconnected with the main parking lot. By laying out the site the way we have for the bank, we're taking a certain percentage of the traffic generated by those two buildings and routing it out the south entrance, the furthest driveway away from the traffic signal. At the back of the cue to the traffic signal for most of the day, and on a section of road that I think, you were right, I think it's a two-lane road at that point and not a multi lane road which is what it is by our main driveway. It seemed, actually, to be a traffic improvement and would have less impact on Center Street than the full development would as it sits.

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Mr. Phoenix: So, can I just ask a two, well first of all, one observation, one question. As far as changing from the two retail to the bank, if we're talking about traffic, your traffic expert said that this will generate more trips.

Mr. LaPointe: 17 to 22.

Mr. Phoenix: Beyond that, my question to you is, are you sitting here in front of us this week, telling me that we're better off taking traffic away from the curb cut near the intersection with the Turnpike and putting it farther away? Is that the argument that you're making to me today after you came in and didn't seem to agree with that argument when we were looking at the property diagonally across the street?

Mr. LaPointe: You expressed a concern about traffic at our main driveway. I was responding to your concern by saying that a certain percentage of the traffic generated by the businesses on site, would, because of the bank ATM or ITM, would be routed off site through the south driveway. And that, I think, if you have a concern about our main driveway then that should be, that should alleviate some of that concern.

Mr. Phoenix: Personally, I think moving some of the traffic away from the Turnpike is probably a good thing overall. I just also think that would have been the case when you were in here a couple weeks ago.

Mr. Queiroga: Are we going back to that Mr. Chairman?

Mr. Phoenix: Well, I'm just saying we can't have the opposite argument made by the same person.

(multiple people talking)

Atty. Freyman: It's not the opposite, we're just saying that we're taking the traffic and moving. So, the volume is not a lot of traffic, it's not a lot of cars that we're adding in. The trips are a nominal amount of cars that we're adding to it.

Mr. Coelho: Do you drive on Center Street Ludlow at 7:30 in the morning?

Atty. Freyman: I don't know that people are going to the bank at that time of day.

Ms. Coelho: Do you drive on Center Street in Ludlow at 8:30 in the morning, every morning, to get on the highway? No?

Atty. Freyman: Yeah. But, what I'm saying...

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Mr. Colaccino: The bank is not open at that hour.

Mr. Coelho: Ok, regardless.

Mr. Colaccino: And so, the bank closes in the afternoon, it closes at 4:00. And on Saturday, they open Saturday morning until noon time. They're closed on Sundays. So, basically, this is a drive-thru for the ATMs or the ITMs as they call them.

Mr. Phoenix: I must really be getting confused because we heard that peak traffic generation based on this plan versus the other plan, peak generation is supposed to go up, but we're hearing that the bank's not even gonna be in operation at that time. We're hearing that the bank isn't gonna be in operation during morning drive time, but we heard that most of the traffic that's gonna be going to the bank is all pass thru traffic. That's when the pass thru traffic is passing thru. So, I'm just...

Mr. Hesketh: Let me give you a more detailed view of the traffic report. I tried to be brief because I didn't want to waste a lot of time. When we do traffic studies we use the Institute of Transportation Engineers Trip Generation Report. They do counts on existing facilities, present the data, and they generally present the data for two things. They present for the data for adjacent street, the volume, the hour of adjacent street traffic, and the peak hour of the generator. When we do our reports, we typically take the traffic for the peak hour of the generator and apply that to the peak hour of the adjacent roadway to be conservative in our analysis. Now, this particular bank may or may not be open during the peak hour of the morning traffic, but two years from now it could be some other bank who's open 24 hours a day. So, we're getting an approval here for a bank.

Mr. Phoenix: Yes.

Mr. Hesketh: Not this particular bank, but a bank in general. So, I'm giving you traffic volume data which is conservative in nature for applicable to any bank of this size on this roadway, this time of day.

Mr. Phoenix: But, then as part of the special permit could we put a requirement on that the bank not open until after 10:00 a.m. Monday thru Friday?

Mr. LaPointe: Where did 10:00 a.m. come from?

Mr. Phoenix: Well, we're saying it's not going to interfere with morning rush hour. We're saying that this bank isn't gonna have that impact, so if the bank's not gonna be open during morning rush hour, then we should be able to put a condition on the plan to that effect and not have it bother anybody. The only reason that condition would bother somebody is if we're expecting the bank will be open during that time. So again, which is it? Is it gonna be open or is it not?

Mr. Colaccino: The hours of operation, they open at 9:00. That's their hours of operation. And you can see, this bank operates in the area, so we're just quoting what they have. To restrict it to 10:00, I think would probably be unreasonable.

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Mr. Phoenix: That's my point. My point is saying that it's not gonna affect morning rush hour, I think, is unreasonable.

Mr. ---: Are ATM's open all day?

Mr. ---: They are.

Mr. Phoenix: And people are gonna have to show up for work at the bank. People are gonna be showing up because they want to try and do banking before they have to get to work for themselves. It's going to generating traffic during that window.

Mr. Coelho: Mr. Chairman, I know there's one thing we do got to consider, at least we know what this is. If we say no to this, then who knows what they're gonna try and jam in there.

Mr. Phoenix: I'm not necessarily disagreeing with that argument wholesale.

Mr. Coelho: That's the problem too, we get that a lot, get stuck between a rock in a hard place. Next thing you know, hey fine, we're gonna put in something even worse that fits in their old site plan approval, right? Do you know what I mean?

Mr. Phoenix: I do. I think most of those uses would probably involve, not necessarily, but would probably involve a special permit. I think the site already does involve a special permit. I think we have some level of control over what's going on there, if we choose to exercise it.

Mr. Queiroga: Mr. Chairman.

Mr. Phoenix: Mr. Queiroga.

Mr. Queiroga: I have a little, I'm a little aghast at some of the comments, but I understand how you feel about this whole corner, and you're trying to tie it all this up together. The only thing missing here, I guess, is Pride Gas Station. And with all the problems that were foreseen with Pride Gas Station, I go in and out of there. By the way, rush hour, I don't know what time you work, but rush hour to me is 7:00 - 8:30 in the morning, ok? I don't consider 10:00 rush hour.

Mr. Phoenix: I was making sure that we were keeping it out of rush hour with that comment, Joe.

Mr. Queiroga: So, and we bent over backwards to accommodate Pride Station over there, and there were a lot of them, myself included, that had some concerns, ok? But somehow it works. Somehow, yes, there's some fender benders once in a while. There's never been any serious accident there, and this is the busiest place we've got in town. And per square foot, the one that pays the most amount of real estate taxes to this city. You know, every time Peter comes in here, we put him through hell and back and.

Mr. Coelho: This really isn't hell, this is business. There's a difference --- dramatic.

Mr. Phoenix: I would also wonder about the argument that we're gonna worried about who pays the most in taxes per square foot and say that that's in exchange for a few fender benders, but, thank God nobody's gotten killed yet. I think that's a bit of a weird argument.

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Mr. Pedro: Mr. Chairman, I'd like to hear before I comment, and if it may, something from the Safety Committee or anybody there, or the DPW.

Mr. Phoenix: Certainly. This is a public hearing. I will mention to everyone that we are being recorded. This is on camera, it's going out on cable access and it's going out on the inter-webs. Beyond that, if anyone does have anything that they would like to add or ask, I would ask that you state your name and address for the record and address everything through myself as Chairman. Does anyone have anything at this time?

Mr. Mateus: --- the building next door.

Mr. Phoenix: I just need your name.

Mr. Mateus: Tony Mateus from 446 Center Street.

Mr. Phoenix: Thank you.

Mr. Mateus: My father owns the building right next door. This is gonna be 24-hour ATMs, most likely, right? So, at night they're gonna be parked and shine their headlights right on my building, right? --- pointing in that direction? --- lighting and noise is what I'm kinda concerned about. You got some bushes there now that you guys put in --- be done to make sure that all hours of the night people aren't shining their headlights on my property.

Mr. Coelho: This plan up there is a luminaire schedule and basically, it's an estimation on how bright the lights gonna be on the property and at the edges.

Mr. Mateus: ---

Mr. Quiterio: I think the question is the headlights of the cars.

Mr. Coelho: Oh, the headlights of the cars. Yeah that luminaire schedule doesn't take that into account that's for sure, you're right.

(multiple people talking)

Mr. Mateus: Also, is the dumpster still gonna go right there, ---?

Mr. Colaccino: Yes.

Mr. ---: ---

Mr. Colaccino: It'll actually be smaller.

Mr. Queiroga: Do I see a bunch of bushes shown on your plan?

Mr. Colaccino: There will be screening there.

Mr. Mateus: That's my concern --- the noise and the lighting ---. There's bushes there now, they're starting to grow in now, but they're not gonna block headlights ---.

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Mr. Colaccino: I think what we might be able to do is put in a stockade fence there to shield that even further.

Mr. Mateus: --- and that's gonna be exit only, and you guys haven't decided yet, if it's gonna be right turn only, left turn only ---?

Atty. Freyman: It is what it is.

Mr. Mateus: --- exit only, so there's no chance of people going to the bank going into our driveway by mistake.

Mr. Colaccino: There's no provision for people to go…

Mr. Mateus: Except for the dumpsters.

Mr. Colaccino: --- and that would be, the bank does not generate a lot of trash, so we're talking about off hours and…

Mr. Mateus: 4:00 a.m. dumping the dumpsters.

Mr. Colaccino: No.

Mr. Coelho: They can't do that until 7:00. I'm having a problem with that too, I'm about to nip in the bud soon.

Mr. Mateus: That's what my concern was.

Mr. Coelho: Mr. Chairman ---.

Mr. Churchill: Ryan Churchill, Ludlow Police ---. So, I'm here as a member of the Safety Committee. Unfortunately, Sergeant Shameklis couldn't make it tonight. He's the chairman of the Safety Committee. ---. I know that in the last three years there's been approximately 37 crashes specifically with one problem which is the southbound lane taking a left hand turn across that restricted area. They can see the first two lanes of travel which is the right turn only, the straight lane, but they can't see the Mass Pike lane, and they just kind of shoot across there and what happens is we get these accidents. 37 accidents in three years says something as far as being a safety issue of that area, so one of the ideas that we had through the years, obviously would be kind of like playing with the property that we have left, understanding that they weren't using that lot, and what we came up with, and originally before you even heard about the bank coming in here, was that converting the far end, which we pointed out earlier, which is a two lane area and somehow reconstructing it so people can take a left hand turn across there, and they could take a left hand from the southbound across the northbound lane seeing full traffic

instead of shooting that third lane that they have an obstructed view to. That was one of our biggest concerns there. So, obviously, this isn't gonna fix that, if anything it's gonna make it worse. And also, another thing would be, the one --- pulling out from there across the northbound lanes of travel into the southbound lane, our idea was to create a right turn only lane towards the Mass Pike in the straight lane, and then a right turn only lane, in making sure that everybody only came across the two lanes --- when they're pulling in, pulling out, if you can follow me there. That was their idea with it, obviously we had existing curb cuts, we have property that's already been purchased ---, but that's the only feasible way that we could see that this would work without continuous problems. Like I said, 37 accidents in three years says something about safety at that intersection. And I can tell you, as a person responding to some of these accidents that serious injury was narrowly avoided. It's only a certain amount of time before that happens. So, with that being said, you know, you can say, what's a fender bender here and there. For me a fender bender is somebody's livelihood, that's their life. If they just went to get coffee and they end up totaling the vehicle, that says something, so. Just wanted to throw that out there Mr. Chairman.

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Mr. Coelho: People try and beat that light too, to get on the Pike, so they go fast in that right lane.

Mr. Churchill: Extremely fast.

Mr. Coelho: I probably --- myself.

Mr. Phoenix: Anyone else from the public?

Mr. Linton: Barry Linton, Board of Public Works. We agreed to let them, if they paid for it, if Colvest paid for it, to block off like they have in front of the Police Station, so people would leave an opening. I don't know if that's gonna be that way anymore with the new construction of the road, you know? I mean, we agreed that they paid for the painting and we blocked it off so it would leave an opening for people to get in and out, but I don't know if that's gonna happen with new construction.

Mr. LaPointe: I did check with both DPW and Mass DOT and the do not block intersection pavement marking box is on their plan.

Mr. Colaccino: Right, so that will be put back in.

Mr. Phoenix: The marking for blocking the entrance will be put back. That'll be done as part of the reconstruction of the street.

Mr. Coelho: Mr. Chairman, I have a question for. How hard is it to enforce the do not blocking box? Clearly in front of the public safety complex people are gonna be a little more cognizant of it, but when you talk about the other one that's in front of the street by the old Leitao Insurance, and certainly this one, people don't really pay attention to that. I mean, is there a way you guys can reasonably enforce that or is it hard? Is it hard to enforce that?

Mr. Churchill: There's no way to reasonably enforce that. That's the simple answer to that. If we were to conduct a traffic stop, it would either be at the entrance to the Mass Pike which Mass DOT did not create a U-turn, so now we have to enter the Pike on the turn around and then a

straight lane during peak hours, which would be in the morning, and then the afternoon, which I would even rate almost worse than the morning, just creates more congestion than them blocking the intersection itself. It's very difficult to do a successful traffic stop whiling having a positive effect.

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Mr. Coelho: And what about legally, even if you were to write someone a ticket up on something like that, I mean, do those tickets stick?

Mr. Churchill: It's a civil citation.

Mr. Coelho: Ok, yeah so those are just lines on the ground really.

Mr. Churchill: It falls under the "you hope people would do the right thing" ---.

Mr. Phoenix: ---

Mr. Coelho: They don't, that's why you got that big vest on.

Mr. Phoenix: Anything else from the public?

Mr. DeBarge: Mr. Chairman, thank you. My name is Derek DeBarge. I'm the Chairman of the Board of Selectmen. I live at 37 Barre Drive. First, I want to say I agree with Mr. Queiroga and Mr. Quiterio. I think at the point where everything is at, how the curb cut is at is the way it should be. I believe in the left and right turns. I know how drivers get when they want to go left or they want to go right, and they can't. They're either gonna try it, if they see a big enough gap, or they're gonna end up taking a right turn and going into CVS and trying to go through that parking lot. Officer Churchill's comments, I agree with, the accidents, they are for real. I think our speed limit boxes have done great, great things in the areas that they're put in. In the mornings, and evening time, I think in that specific area one of those speed boxes would do wonderous things. Nothing's gonna be a cure all, but I think those would help out because speed is a big factor in that area. But, just turning right, I honestly think would cause more of an issue than being able to turn left and right. That's all I got. Thank you.

Mr. Phoenix: Anything else from the public?

Ms. Hodgman: Elaine Hodgman, 1475 Center Street. An obvious question a lot of people have been asking me is why do we need another bank in town? Don't we have enough?

Mr. Coelho: Well, we can't argue the economics of the development. If they believe they have property, and they believe it can support a bank, they're gonna put a bank there. It's not, unless you want to buy the property yourself and put what you think might work there, but we can't argue the economics of a project.

Ms. Hodgman: And the other point, it's a mess in that area.

Mr. Coelho: That's something we can argue, it is.

Ms. Hodgman: We're hoping the Planning Board would have the foresight to straighten out that mess while you have a chance. Somehow. It's getting dangerous there, more and more all the time. Please help us. Thank you.

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Mr. Phoenix: Ok, anything else from this side of the table?

Atty. Freyman: Can I just add that this is site plan approval, so we've met the requirements for the submission and so it's either…

Mr. Phoenix: It's also special permit.

Atty. Freyman: For the…

Mr. Phoenix: For the bank.

Atty. Freyman: …for the drive-thru.

Mr. Phoenix: Yes.

Atty. Freyman: Ok, generally, but everything else is…

Mr. Phoenix: --- special permit anyway, and you can have the bank without the drive-thru. And if we were to do that, then you'd have to submit a revised site plan that takes the drive-thru off of the plan.

Atty. Freyman: I understand what you're saying. I'm just saying the issues that you're talking about are not related to this special permit, they're for site plan approval.

Mr. Phoenix: They're related to both because it's a hearing for both. It's a hearing for the entire property for the site plan that was submitted for a site plan and a special permit. It is exactly what was published in the paper as legal notice. Yes.

Ms. Hodgman: Elaine Hodgman again. Special permits I thought were issued by the Zoning Board of Appeals?

Mr. Phoenix: No. There are some special permits that can be issued by various agencies. For this particular type of special permit is a special permit issued by the Planning Board.

Ms. Hodgeman: Thank you.

Mr. Queiroga: And the only one they can issue is nonconforming which we gave them about four years ago.

Mr. Phoenix: I think it was longer than that, wasn't it?

Mr. Queiroga: It might have been five.

Mr. Coelho: We've given this entire intersection for these particular developers and we've gotten no budge on anything, you know.

Mr. Pedro: Mr. Chairman, I have a question. Is there any way you could eliminate the drive-thru?

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Mr. Phoenix: What do you mean? You're asking me if there's a way to eliminate the drive-thru?

Mr. Pedro: No, I'm asking them. --- the drive-thru window. That's my biggest concern. --- the bank and get out, obviously, but that's my biggest concern.

Mr. Coelho: Not nowadays.

Mr. Phoenix: So, what we're hearing is that they can't do the bank without the drive-thru window.

Atty. Freyman: Yup.

Mr. Phoenix: So, if we approve the site plan and not the special permit, that the bank won't work. That's what we're hearing.

Mr. LaPointe: Point of clarification, it's not a drive-thru window. There are two stand alone ITMs, which are interactive ATMs.

Mr. Phoenix: For the purposes of the bylaw of the Town of Ludlow, it is a drive-thru.

Mr. LaPointe: It is a drive-thru, correct.

Mr. Coelho: I'm just worried about if we vote no on this ---. At least this we know, and it is smaller, so just keep that in mind.

Mr. Phoenix: Smaller footprint.

Mr. Coelho: Smaller footprint.

Mr. Phoenix: Larger traffic.

Mr. Coelho: Larger traffic. I get it, I get it.

Mr. Phoenix: And what's the problem at that site is the problem that we have too many square feet of impervious area or is the problem that there are too many cars on that street at that intersection.

Mr. Coelho: Too many cars at that intersection.

Mr. Pedro: Too many cars, that's my biggest concern.

Mr. Coelho: No, you're right, you're right, but…

Mr. Phoenix: So, by reducing the square feet are we as a town are going along with something anyway ---?

Mr. Coelho: I'm not even saying that that's a feature of this, --- because what already is approved over there could be more impactful and we've made that mistake before, we haven't, but the town has made that mistake before where we've fought developments off with the intention of, you know, doing the right thing, and then Plan B and C come in.

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Mr. Phoenix: My argument to that Chris would be that if something were to be proposed there that would make that site unsafe, I think that would call into question the other special permit that's on site because the other special permit is attached to another drive-thru on the property, and if the site is not going to be functioning in a safe manner, I think we can revisit that at that time. I don't think we're gonna get to that point. I think that we can have the discussion now and try and move forward in a positive direction instead of just having a rubber stamp.

Mr. Coelho: I'm see-sawing back and forth.

Atty. Freyman: Well, the traffic's there and also…

Mr. Phoenix: Existing traffic.

Atty. Freyman: Existing traffic is there ---

Mr. Phoenix: The additional traffic isn't.

Atty. Freyman: And he said it was nominal and not gonna be impactful to what's already there, and also that…

Mr. Phoenix: And yet we have the Safety Committee saying that it's going to add to congestion, this will increase accidents. We have an officer here who's saying the same thing.

Mr. Coelho: What about our third-party review, Mr. Chairman? Have we even used that yet?

Mr. Phoenix: We have not. We can certainly ask town counsel to go over our rights on that particular case and outline that for us to make sure that we are not doing anything in an improper manner when we pursue that.

Mr. Coelho: And that would involve continuing this hearing until we heard?

Mr. Phoenix: I think that would be fair.

Mr. Pedro: I would agree with that.

Atty. Freyman: The Mass Department of Transportation has just done the work there and determined that the…

Mr. Phoenix: The Mass Department of Transportation does not live in the Town of Ludlow. The Mass Department of Transportation does not drive through that intersection. I was elected to do the job of being a Planning Board Member and representing the Town of Ludlow, not Mass

Department of Transportation. I am here to try and do what I think is right for the people in this town. And I'm more worried about the traffic than I am about if they need to move a curb cut or if they need to move a piece of cement or whatever they need to do. My concern is for the safety of the people that might be in those accidents that we're hearing about. Those things that could have been a lot more catastrophic. Those things that we have our Safety Committee of the Town of Ludlow are saying that there are going to be an increase in the number of accidents. I think if we're looking to try and do this in an intelligent manner, I think the least that we can do is try and get another set of eyes on it that maybe, if you're right, maybe they'll disagree with this opinion.

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Mr. Coelho: Or maybe they'll see something that none of us are seeing.

Mr. Phoenix: Entirely possible.

Mr. Coelho: That's what I'm hoping for.

Mr. Queiroga: Mr. Chairman.

Mr. Phoenix: Mr. Queiroga.

Mr. Queiroga: You've been here quite a few years and so have I and we're both concerned, I've been here 65 years and have just as much love for this community as anybody sitting on this board and no more ---. I just think we're beating this to death. I, if you want, let's consider a review in twelve months and see if they'll agree to come back.

Mr. Phoenix: That seems like a long time to wait to get that opinion from town counsel before we get back to the public hearing, maybe that's just me.

Mr. Coelho: I think he was saying giving approval and then reviewing the site in twelve months when everything's already built.

Mr. Queiroga: And then you're gonna have the…

Mr. Phoenix: And then you're gonna have the argument, well it's already built just like we're having the argument right now, but Mass DOT did this.

Mr. Coelho: We're the Planning Board not the post planning board.

Mr. Phoenix: But, it's fine, you know, it's not as bad as it could have been. There still hasn't been a major fatality at this site, it's ok. I don't understand why there's a hesitance to go forward with getting an independent review or at least asking for that opinion from town counsel. So, to that effect, I'm gonna do something else that we haven't really done before, since this is a board of only five people, the Chairman has the right to make a motion because he has the full rights and privileges as every other member. So, at this time, I'm going to make a **MOTION**, Sue, what's our meeting in two months?

Mr. Queiroga: Mr. Chairman?

Mr. Phoenix: I'm asking a question to the secretary. Give me a moment Joe, I'm in the middle of trying to make a motion.

Ms. Urban: I have December 12th, and then you're going into Januar

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Mr. Phoenix: 12/12 sounds fine, and what do we available, 7:00 good?

Ms. Urban: Yup.

Mr. Phoenix: I'm gonna make a **MOTION** that we continue this public hearing until 7:00 p.m. on December 12th, and in the intervening time we request an opinion of the town's legal counsel on getting an independent review, and if time permits within that interval, also seeking that review, preferably at the expense of the developer as it is likely able to be done.

Mr. Coelho: **SECOND.**

Mr. Phoenix: But only in accordance with town counsel's opinion.

Mr. Coelho: **SECOND.**

Mr. Phoenix: Motion's made and seconded. All those in favor?
3-2 in Favor. (Mr. Queiroga, Mr. Quiterio)

The Public Hearing was continued until December 12, 2019 at 7:00 p.m.

APPROVED:

Kathleen J. Houle

Kathleen Houle, Secretary

su

Documents: Master application; Comments from Town Departments/Boards; Proposed Commercial Re-Development Trip Generation – 450-456 Center Street – Hesketh (August 29, 2019); Stormwater Management Memorandum – Colvest Group – 450-456 Center Street (August 30, 2019); Site Plans – Colvest/Wilbraham, LLC – 456 Center Street Ludlow, Massachusetts (September 12, 2019); Layout and Materials Plan – Colvest/Wilbraham, LLC – 456 Center Street Ludlow, Massachusetts (August 29, 2019)

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