TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 12, 2020

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PLANNING BOARD MEMBERS

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

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

PUBLIC HEARING – SITE PLAN – 859 Center Street (Map 17, Parcel 14)
First Church of Ludlow (Alex Hillis) (8' x 12' prefab shed for clothing donations)

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 19. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of February 13, 2020
- SIGN Special Permits:
  - Ashley Oliveira – 174 Erin Lane (sell cakes & baked goods)
- APPROVE Change of Occupancies:
  - Elizabeth M. Jarry (BellaCouture Salon & Spa) 154 East Street (Botox/filler service)
  - Michelle Ruark / Daryle Ruark (BellaCouture Salon & Spa) 154 East Street (add Botox/filler service to salon

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PUBLIC HEARING – ZONE CHANGE – 347 Miller Street (Map 26, Parcel 22)
Todd & Jeanne Bousquet (Agriculture to Industrial A)

SEE ATTACHED MINUTES

File Mail Item #20 – The Pioneer Valley Planning Commission's 2019 Major Accomplishments and Top Ten Resolves for 2020

File Mail Item #21 – Reorganization after the Town Election (March 23, 2020) from Kim Batista, Town Clerk

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Ms. Houle: **MOTION** to adjourn.
Mr. Phoenix: I guess I'll **SECOND** it. Always in order and not debatable.
Mr. Quiterio: Sorry.
3-0 in Favor.

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Meeting adjourned at 7:45 p.m.

APPROVED:

Kathleen J Houle
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
859 Center Street (Assessors' Map 17, Parcel 14)
First Church of Ludlow (Alex Hillis)
(update site plan)
March 12, 2020

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PLANNING BOARD MEMBERS

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

Hearing began at 7:01 p.m. in the Selectmen's Conference Room.

In attendance: Alex Hillis, attendees

Mr. Phoenix read the legal notice, advised the attendees that cameras are recording, reviewed the application, and had Mr. Hillis sign the waiver request form. The legal notice included the description of: 8' x 12' prefab shed for clothing donation.

Mr. Phoenix: That said, we do have some things in here for notes and comments. From our own office, specifically from our Town Planner, Doug Stefancik, we just have a note on here that the applicant needs to sign a waiver request. I believe that's just for part of the Additional Requirements o?

Mr. Stefancik: Correct.

Mr. Phoenix: And we have the form here. I just need someone to sign that for us. And Building Department.

Mr. Hillis: Oh, this is just waiving documents we would have otherwise submitted for a bigger project or something? Is that what this is?

Mr. Phoenix: Well, for a project that would find those to be relevant, yes.

Mr. Hillis: I got you, ok.

Mr. Phoenix: So, from Building Department: shed doesn't meet the zoning bylaw for clothing donation receptacles 3.3 Accessory Use Regulations, Subsection G. We then have that highlighted, they can be no larger than 3 cubic yards or more than 6 feet in height. They must be metal, neutral in color, and cannot be reflective or fluorescent colors. Safety Committee says no safety concerns. That's what I have on this side of the table. And I now have a signed request for the waiver. Do you want to just explain for us what you're gonna do?

Mr. Hillis: Oh yeah sure, so, again, my name is Alex and I work for St. Pauly Textile Incorporated. I applied for this on behalf of the church. But, St. Pauly Textile is a company that's providing this shed to the church for the purpose of collecting clothing donations. We also for years, by the way, have had an identical, one of these clothing donation sheds at our Lady of Fatima Church here in Ludlow as well. And, in general, the purpose is to provide a really clean community friendly clothing donation alternative that's both easy to use but is really well maintained and attractive looking. Lots of times with the metal donation bins you'll see around that are, have sort of been historic standard, for, you know, convenient drop offs, depending on the company and the location, you know, they can have a tendency to be messy and stuff stacked outside, and it can be an eyesore in the community, which is why you see a lot of legislation in communities now with these ordinances for these clothing bins. But, with our business model, we provide this really nice looking shed to a church or a nonprofit in the community. Not only do we pick up the clothing very frequently, once a week, typically, but we also actually ask for active participation from the church, so, and there's a couple of the members of the church here today as well. Volunteers from the church will also be, you know, keeping the shed organized, going inside the shed. There's a reason why it is the size that it is so that they can actually go inside the shed, move donations away from the donations chute, keep it clear for the public to be able to donate. Just keeps everything running better, so that's the basic idea without going into too much extraneous details.

Mr. Phoenix: Ok, before we go any further, I didn't see a copy of the Turley invoice. Did that already go?

Ms. Urban: ---

Mr. Phoenix: Ok. That explains that. Before we turn it over to the public and before I express any comments and thoughts that I have, is there anything from the Board?

Mr. Queiroga: No, you pretty much explained everything. I mean, the biggest thing is not to have a mess, you know, stuff overflowing. You said if you don't pick up once a week, but if not, you have the members of the church that keep it clean and.

Mr. Hillis: That participation is everything, yup.

Ms. Houle: Which I've never seen anything messy, and I walk by Our Lady of Fatima, and it's always very clean and neat.

Mr. Hillis: Glad to hear that. Thank you.

Mr. Stefancik: I think just one way to address the Building Commissioner's concern, just talking to him, is if we plug something in our clothing donation receptacle bylaw that religious uses are exempt from purposes of this bylaw. I don't think it was our intention to let religious uses not have these types of things on their property.

Mr. Phoenix: On the contrary, I would argue that the whole way that our government is founded is that we don't give preferential treatment to religion over any other use.

Mr. Stefancik: Right, but other…

Mr. Phoenix: I would that, if anything, we just need to modify the bylaw and say, hey, if you want to have these bigger things, that's ok too, which is a discussion that we could have, but isn't appropriate during this hearing.

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Mr. Stefancik: Right…

Mr. Phoenix: And even that solution doesn't address whether or not this is a legal usage during this hearing.

Mr. Stefancik: Well, bringing that up too, is the clothing donation boxes, they can, clothing donation receptacles that benefit a non-profit organization are only allowed in business and industrial districts and not on vacant land. So, this is zoned agriculture, so you're gonna have to plug in there that these would be allowed on agriculture. The way I'm looking, is if you exempt religious uses, and it being churches, specifically, you're not having to change the whole bylaw, you're having to do a little bit more work on that and putting that, you know, you're gonna have to allow them in all districts.

Mr. Phoenix: I don't have a problem allowing them in all districts if they're adequately maintained and constructed properly. I don't care whether it's at a church or whether it's in the Big Y parking lot as long as it's kept presentable and neat and safe.

Mr. Stefancik: Right. We can take care of this for May Town Meeting as well, so.

Mr. Phoenix: We can, but as of right now the Bylaw is what it is and that's, to my understanding, that's not a section of the Bylaw that we're able to waive in the site plan control. We're able to waive things under Section 7.1.5.o, but not the size, not the zoning.

Mr. Stefancik: I mean, you can approve this for being a shed, but it becomes a zoning enforcement issue for it being a clothing donation box.

Mr. Hillis: Quick question. Is it possible to considerate it not a traditional donation bin under the definition that you have in there and consider it as something alternate, a shed?

Mr. Phoenix: Then it would need to be defined in the Bylaw. If it's a shed for clothing donation, it's still a clothing donation receptacle. If we want to fix it, I think we need to fix the problem instead of granting something the Bylaw specifically says is not allowed.

Mr. Hillis: Ok.

Mr. Phoenix: I think the solution is to actually fix any deficiencies in the law instead of just trying to work around it.

Mr. Hillis: Gotcha.

Mr. Phoenix: 'Cause I certainly think that what you're proposing sounds reasonable, I just don't think that it's currently allowable, and I think that we need to do a little bit more legwork on our end to straighten that out. And I'd certainly be willing to put in some time on that and try and get that resolved.

Mr. Hillis: I appreciate that. Thank you.

Mr. Phoenix: But as far as tonight, I don't know, and even the legal notice says 8' x 12' prefab shed for clothing donations. The application specifically says 8' x 12' shed, prefab, wood frame, freestanding, to be used for collecting clothing donations. So that's what was on the application. That's what went out for notice in the paper. So, that's what's in front of us right now. Is there anything the Board's thinking that I'm missing?

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Ms. Houle: Actually, they have a two-fold problem because they're not zoned properly.

Mr. Phoenix: Right.

Ms. Houle: And the size.

Mr. Phoenix: And either one of those we need to…

Ms. Houle: --- which is right, could be addressed as a change to the Bylaws, but it couldn't be approved as-is.

Mr. Phoenix: And then even if we approve, even if we put that together, put it in front of May Town Meeting, how long is it normally, 30 days, 60 days, before the Attorney General waives their hands over it?

Ms. Houle: Sixty.

Mr. Stefancik: --- 90 days --- Town Meeting.

Ms. Houle: They have up to 90.

Mr. Phoenix: And then we could come back to it. I mean, I think, I'd certainly be interested to hear what the public has to say, but under the circumstances, I think maybe our best option may be to allow the applicant withdraw without prejudice and then let them resubmit without needing to put in a new fee once we get that straightened out. That way there it doesn't cost them the extra money on that and we can get everything straightened out across the board. But, that's where my head's at right now.

Mr. Hillis: We also want to protect the shed that we have, you know, currently that's been there for years at Our Lady of Fatima as well. If that's not compliant, I mean, I'd like to see changes as well. ---

Mr. Phoenix: Preexisting nonconforming can be rough. Yeah, so, if we can make that conforming as well, and you know, there might be other places in town whether it's churches, whether it's wherever, I think it doesn't sound unreasonable. It's certainly not what we envisioned when that was written, but I think it's a reasonable use case.

Mr. Hillis: It sounds like when they wrote that, whoever wrote the ordinance, just kind of described what they were familiar with or what the town was familiar with.

Mr. Phoenix: I think what we did was we found something that was a sample from another community that already had it in use…

Mr. Hillis: Ok.

Mr. Phoenix: ...that was already a functioning bylaw and we kind of snipped that and ran with that. I think that's, more or less, how we came up with that one?

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Mr. Stefancik: It's been a while since we did that, yeah.

Mr. Phoenix: I think I was just seeing in here it was 2012, so yeah.

Mr. Stefancik: Yeah.

Mr. Phoenix: I think that's how we usually end up doing a lot of these, either we snip them from somebody or we get them from the Planning Commission.

Mr. Stefancik: Yeah, and I think the lady from Planet Aid provided us with some information too.

Ms. Houle: Yeah, I think you're right.

Mr. Hillis: Ok.

Mr. Phoenix: So, with that, this is a public hearing, so I will ask for anyone in the public if you have any comments, questions, concerns, I would ask that you state your name and address for the record, so that we can keep all of that straight in the minutes, and just address anything that you have through myself and we'll do our best to get you any answers that you need. Does anybody have anything that they would like to add or ask at this time?

Ms. Hodgman: Elaine Hodgman, 1475 Center Street. You mentioned that you do, I'm sorry, they have another clothing donation bin at Lady of Fatima, did they apply for a permit with that one and have a public hearing, 'cause I don't remember when that one actually went in, but...

Ms. Houle: That was probably was before we required it.

Mr. Phoenix: Yeah, I believe that was before the bylaw was put into effect. You know when that was put in?

Mr. Hillis: I, it was actually before I was working in this area. Someone else sort of went through this process. I know there was something with the planning and zoning involved, I just wasn't involved at the time. So, I assume so, but I don't personally know.

Ms. Hodgman: Understandable.

Mr. Hillis: It has been years since that was installed, so.

Mr. Phoenix: When did you start working in the area, just to kind of give us a time frame on that?

Mr. Hillis: This is just off the top of my head, our company, not me personally.

Mr. Phoenix: Well, you're saying when you started, this was, the one at Our Lady of Fatima was before you started working in the area, so I'm just trying…

Mr. Hillis: Before I started personally in the area, that would have to have been six or seven years ago. I'm not sure.

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Mr. Phoenix: Yeah, so I'm guessing it was before, 'cause like I said, the bylaw change went into effect in 2012.

Ms. Hodgman: That was eight years ago.

Mr. Phoenix: Yeah, so that was before him, it was probably before the bylaw as well. So, that was a different set of rules that didn't involve that.

Ms. Hodgman: Ok, I didn't know.

Mr. Phoenix: Yeah, 'cause we did that and I think that may have been around the same time that we did like the Red Box machines and stuff like that and put those in.

Ms. Hodgman: There's also a clothing, not a St. Pauly's clothing donation box, but there's a Planet Aid box at St. Elizabeth's Church, and that's only been there for a few months. So I was just curious, did they do a permit?

Ms. Houle: No.

Ms. Hodgman: Public meeting?

Mr. Phoenix: I didn't see anything come in on one for there.

Ms. Hodgman: Ok.

Mr. Phoenix: That's something that might need to be looked into just to make sure that the i's are dotted and t's are crossed for that.

Ms. Hodgman: Thank you.

Mr. Phoenix: Could you just make a note Doug to ask Justin to take a look at that?

Mr. Stefancik: Yeah.

Mr. Phoenix: Thank you. Is there anything else from the public? Hearing nothing, would the applicant be agreeable to withdrawing and then coming back once the Bylaw's been revised?

Mr. Hillis: Yup, we're ready to do whatever we can to make sure that this happens, so.

Mr. Phoenix: Ok, do we need that it writing Doug, that they're requesting a withdrawal?

Mr. Stefancik: Yes, we should get it in writing.

Mr. Hillis: So, I'm just writing a note that we're requesting a withdrawal?

Ms. Houle: Withdrawal without prejudice.

Mr. Phoenix: Well, as long as they ask for withdrawal we can take care of that in the motion. Since he's writing it, I would entertain a motion that the, to accept the request to withdraw the application at this time without prejudice and to allow the applicant to resubmit with a waived application fee after the Bylaw has been revised, hopefully pursuant to May Town Meeting.

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Ms. Houle: **SO MOVED.**
SECOND Mr. Quiterio.
3-0 in Favor.

Mr. Phoenix: I'll entertain a motion to close the public hearing.

Ms. Houle: **SO MOVED.**
SECOND Mr. Quiterio.
3-0 in Favor.

The public hearing ended at 7:17 p.m.

APPROVED:

Kathleen Houle

Kathleen Houle, Secretary

su

Documents: Master application; Comments from Town Departments/Boards; Request for waivers; Site Plan - 859 Center Street Ludlow, MA owned by The First Church in Ludlow (November 23, 2019)

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

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – ZONE CHANGE
347 Miller Street (Assessors' Map 26, Parcel 22)
Todd & Jeanne Bousquet
(Agriculture to Industrial A)
March 12, 2020

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PLANNING BOARD MEMBERS

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

Hearing began at 7:21 p.m. in the Selectmen's Conference Room.

In attendance: Todd Bousquet, Raul Matta – Willow Street Legal, Amanda Hayes – Willow Street Legal, attendees

Mr. Phoenix read the legal notice, advised the attendees that cameras are recording, and reviewed the application. The legal notice included the description of: Zone Change Requested from Agriculture to Industrial A; to change a portion of the property to Industrial A.

Mr. Phoenix: So, for notes I have, this is Safety Committee, safety issues this comment: restrict commercial vehicles from exiting/entering Miller Street. Then I have the colored in map. Are there any other comments that I'm missing here? Is that the only one that we got back?

Mr. Stefancik: No, that was the only one.

Mr. Phoenix: Ok. So, that's what I have on this side. If you just want to explain for us what you're looking to do with the zone change.

Mr. Matta: Yeah, my name is Raul Matta, and I work for Willow Street Legal. I'm here with Amanda Hayes, an attorney from our office, and Todd Bousquet the current owner of the property on Miller Street. And the application is in for a zone change to take the section that was shaded, turn it into Industrial because Baltazar Construction is in contract to purchase the property, and the idea is that that back 59,000 square foot section, that was shaded, would be used and later ANR'd off for the construction company who has an abutting parcel. And so, the section connecting to Miller Street is to make it a conforming lot, so it can be ANR'd off. And so, we are just here for that.

Mr. Phoenix: Ok. And just so that everyone's on the same footing, with a zone change application, essentially, what we need to look at, we can have some thought process about what the presented use case is going to be, but ultimately what we're looking at is the change from all of the possible zoning uses allowable now under existing zoning versus all of the possible uses under the proposed zoning because this is not going to restrict the applicant to only doing the uses being proposed tonight. I would submit that in this case, changing to industrial the way that

it is being described is probably one of the more intense use cases that you can have. So, it's not going to be something where they're coming in saying I want to do this minimal thing and then, all of a sudden, something bigger happens. So, I think that's a little bit less of an issue in this case, but I want to make sure everyone is aware that that is what we're looking at, is the actual zone change itself, not the specific use that's being presented. With that said, is there anything from the Board?

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Mr. Quiterio: Nope.

Mr. Phoenix: Kathy?

Mr. Quiterio: I'm not even sure if I can vote on it 'cause I work for Baltazar, Mr. Chairman. I didn't realize that's what this was.

Mr. Phoenix: Well, we could bring you in by the rule of necessity because we do need to have a quorum to act on it. So, now that you're aware of that, and you've made us aware. What is the protocol for the rule of necessity? Because if we just have us voting on that to bring him back in, seems weird if he'd be voting on that himself.

Mr. Stefancik: I think if he has no financial interest in this zone change or property, I think he can just state that. More formally something should have been filled out to that matter.

Mr. Phoenix: I suppose in the end it's up to you and your comfort level.

Mr. Quiterio: I'm comfortable with it. ---

Mr. Phoenix: Ok. So, if there's nothing else from this side of the table at this time, I will open it up to public comments, questions, and concerns. Much like with the last hearing, I would ask that anyone that has anything, state their name and address for the record. That way there we can keep things straight in the minutes, and just address anything that you have through myself as Chairman, and I'll do my best to get you any answers that you need. Does anyone in the public have anything at this time? Yes.

Ms. Evans: Sandra Evans, my husband Bruce and I live at 341 Miller Street. The parcel in question abuts our entire backyard and the access road runs within 20 feet of our back screened in porch, where we spend a lot of time in the summer. We love to live out there. I was told that they're wanting to park construction equipment in this area, Baltazar. I don't know if you've been told that, or I don't know what the situation is, that's what I've been told.

Mr. Phoenix: Well, even if at this moment they had no intention of doing that, if the zone change goes through, they'd be able to put in a site plan and then they would be able to do that. That would be a legal case for what they're gonna do with their property. It would be something that as long as they meet the requirements for parking, etcetera, the Board would have to grant it. There's no special permit or anything like that required. It would be usable by right with a site plan. There'd be a hearing on it, that sort of thing.

Ms. Evans: Ok. So, right now, behind us, that property in question, there are trees, there are rock walls which provide a barrier for us from all the construction sites on Carmelina's Circle. Now, I am sure if he's gonna purchase that land, it's for construction equipment. Those trees are all gonna go. The rock wall is gonna go. We're gonna have no protection at all. Now, we've

been through this before. When Carmelina's Circle was originally developed, and all the construction companies were allowed to have permits, we came for all the Planning Board meetings. We were told they had restrictions to as hours of operation and etcetera, etcetera, ok? Well, we have trucks starting up at 3:00 in the morning, at 10:00 at night. We have all kinds of noise, sometimes it's been so loud that we can't even hear our tv. Now, if that's gonna be right in our backyard, that's gonna be intolerable. It's going to affect our quality of life. Now we've lived in Ludlow all of our lives. We've been in that home 53 years. We raised our family there. We intended to stay there right through our whole retirement and enjoy our home. We've maintained our property. We maintained our home. We've minded our own business. We've been good neighbors. If you drive down East Street you see all these construction companies on the side on Carmelina's Circle, right? You see all kinds of construction equipment strewn about and trucks parked all enclosed and chain link fences. It looks terrible, and this is what's gonna happen in our backyard. And, on the other hand too, it's clearly visible, this property is clearly visible from Miller Street which is a residential street. It doesn't belong on Miller Street. I'm sorry. The zone change is also gonna affect the valuation of all our properties. Who's gonna reimburse us for that? So, I respectfully request that the Board disapprove this application.

Mr. Phoenix: Ok, just to make sure that one other thing is clear as well. Procedurally, what we're doing tonight is deciding what recommendation this Board is gonna give to Town Meeting. Ultimately, Town Meeting can disregard whatever we say, or they can agree with it. The main difference, legally speaking, that our decision makes, is if we say no, then that ends up making it so that if the applicant goes to Town Meeting and then they want to come back afterwards for another attempt at it, there's a longer period of time before they come back. There's some weight to what we say at Town Meeting, but it really depends on who's there. There have been some years, I think, you know, people are better off with us on the opposite side of a recommendation from them. But, it really does depend on who's making those decisions on that floor. So, if you feel strongly about it one way or another, I would urge people whether they're in favor or against, you know, if you do want to make sure that you're voice is heard, it's not just here tonight, Town Meeting is the decision where you really want to make sure that you're heard pro or con either way. That'd be my recommendation for everyone. Is there anyone else that has anything they'd like to add or ask?

Ms. Walsh: Kris and Deb Walsh, we live across the street. And Mrs. Evans. And I have actual visual aides I would like to show if I am able.

Mr. Phoenix: Sure.

Ms. Walsh: Seems silly to think people go down East Street and see this. This is shameful. This is what we drive by on East Street. These construction companies have made this area just a dump. This is the area that is directly behind the area in question.

Mr. Quiterio: Can I take a look at these? I can't see them.

Ms. Walsh: This is me taking a photo right on East Street. So, this is what our visitors see. This is what all of our residents see. It's shameful.

Mr. Phoenix: You can see the overpass right on that one there.

Ms. Walsh: This is directly behind the parcel of land now, so I imagine just more of that will be happening and come closer to East Street.

Mr. Quiterio: This one's on Carmelina's Circle.

Ms. Walsh: Yes, it is. And it's directly behind that parcel of land that we're talking about, so I imagine that will come up must closer to us. And these are our lovely homes. This is a home that is splitting the parcel of land. This is Mr. & Mrs. Evans home.

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Mr. Quiterio: This one right here, right?

Ms. Walsh: Yes. And this is Abel's home directly across the street from us. So, what I was showing is the lovely view we have from our front yards right now in contrast to the horrible view on East Street which is the industrial area.

Mr. Quiterio: --- across the street?

Ms. Walsh: Directly across the street from us, yes. So yes, Kris and Deb Walsh go on record as being opposed to this.

Mr. Phoenix: Thank you.

Mr. Walsh: I'm Kris Walsh. --- have an even greater concern about the access from Miller Street ---. I know you state that there might be some restriction from the Safety Committee, but I was a little bit concerned about that --- what the definition of restriction is, or definition of emergency use is. Your definition of emergency and my definition of emergency could be two totally different things, so. We start utilizing the construction vehicles coming on and off of Miller Street with that Carmelina industrial area, it's just gonna turn our whole area into decreasing our home value minimally. And that's it.

Ms. Walsh: And I have to say also that, along with Mrs. Evans, the house that we live in, 336 Miller Street, my dad built. So, I've lived there my entire life.

Mr. Phoenix: As far as the comment from the Safety Committee, they can, in a case like this, they'd be able to make recommendations at a time when a site plan comes in, but what it would ultimately default to is what does it say in the Bylaw for what we're able to control. And there are some things that we can control if there's a special permit involved, but most of the uses that I would anticipate being likely on the site would not require that. So, they would need to meet minimum standards as far as parking and things like that, and as long as they meet those requirements, we would be obligated to approve that plan. It is difficult to get restrictions put on, in many cases unless there is a condition for a special permit approval, in addition to a site plan. So, I think it's something where we would have to end up having to try our best to accommodate that, if that plan were to come in, and ask for cooperation on the part of the applicant.

Mr. Walsh: Again --- I live --- recommendations and requirements are two totally different things. A recommendation, you can recommend this and --- a requirement ---.

Ms. Walsh: And the company on the corner there, that has that dump area on East Street, are they meeting minimal requirements ---?

Mr. Phoenix: Well it would be minimal requirements for the plan that would have been submitted. So, as long as their plan shows the location of the buildings, the elevation of the property, the parking area, number of employees.

Ms. Walsh: But the dumping, the dumping on East Street ---?

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Mr. Phoenix: You would have to look at the site plan to see what it shows on that site plan and then it could be determined if there were any compliance with their site plan. So, whether they're in compliance or not, that would be ultimately a determination that our building inspector would make as the zoning enforcement officer. But, the plans are on file in our office. They can certainly be looked at. That's something that's definitely possible.

Mr. Quiterio: Mr. Chairman, I just had a question.

Mr. Phoenix: Sure.

Mr. Quiterio: --- trying to do this, is the access from Miller Street or from the backside of Carmelina's Circle ---?

Mr. Matta: Access from the backside of Carmelina's Circle. I think the reason that the Miller Street section was included was in order to have the 50-foot frontage for it to be a conforming lot, yeah.

Mr. Quiterio: So, it's not to be used, it's to just add to the Baystate Blasting ---.

Mr. Matta: It was in order for us to be able to ANR it after it's been approved.

Mr. Phoenix: Well, you could ANR it onto, and do a permit or plan putting it onto the other piece of property as long as that other piece of property has the frontage, you don't need the frontage on the other street. That opens up the possibility for the truck traffic over there.

Mr. Matta: That makes sense, yeah.

Mr. Phoenix: Without pointing fingers, we've got another situation in Town right now where there's someone who has multiple points of access to various roads, and we have neighbors that are very upset with some of the ways that that truck traffic is going and we're working very hard to get that corrected. I think we're marking some forward progress on that. But, that leaves that door open.

Mr. Matta: Ok.

Mr. Phoenix: But, if the whole point is to have that added on to the other side, I think it would make it more saleable. I don't know if it would be what everyone's looking for, but I think it would at least alleviate that one concern if it wasn't showing that access.

Mr. Matta: The commercial trucks going in and out.

Ms. ---: Can I ask you one question? Is this the sale of this property contingent upon the zone change? Is this whole piece of property going to be sold, the house and the zone change property going to be sold as one parcel?

Mr. Phoenix: I can certainly ask for input on that, but I would just, again, say that…

Ms. ---: No, I'm just asking ---.

Mr. Phoenix: Sure.

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Mr. Quiterio: I think what they're trying to do is divide this. The front part, the one that faces Miller Street, will still be residential?

Mr. Matta: Yeah, so the section that's 40,000 square feet and includes the house and the pool and the residential area, will remain the same and will not be changed, just the back section. It's all going together.

Ms. ---: It's all going to be sold together?

Mr. Matta: Yes.

Ms. ---: So, if Mr. Baltazar doesn't get the zone change, he doesn't buy the property, correct?

Mr. Matta: We'd have to see, yeah.

Ms. ---: ---

Mr. Matta: We'll have to see, yeah.

Mr. Walsh: I'm sorry, can I just have you verify again the process? This is, I guess, the initial meeting?

Mr. Phoenix: Right.

Mr. Walsh: And you're gonna have a recommendation, and then this goes to the Town Meeting?

Mr. Phoenix: This goes to the Town Meeting.

Mr. Walsh: And then it goes to…

Mr. Phoenix: After Town Meeting, that's pretty much where it stops, unless there's a disagreement, and somebody wants to appeal or if they wanted to reapply for the zone change if it were to get denied at Town Meeting, otherwise, that's kind of the final stop in the process. As far as this go, that's where the final decision is made. So, if we say, if we recommend yes and Town Meeting agrees with us, they get it. If we recommend yes and Town Meeting says no, they don't get it. Like I said, the main difference that our recommendation makes is that it puts a freeze on the resubmission if we say no. That's functionally the main thing that's actually binding. Everything else is we're just making a recommendation to Town Meeting.

Mr. Walsh: It's a limited --- you said, right?

Mr. Phoenix: Right, it's two years?

Mr. Stefancik: I believe.

Mr. Phoenix: I believe it's two years.

Mr. Walsh: Actually, if I can just put out a concern.

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Mr. Phoenix: Sure.

Mr. Walsh: If this whole property was sold to Baltazar, I'd be afraid of what may come of that with their current housing right now. Then my concern would be that the Evans move out and they buy that property and all we have across the street now is industrial, extended from Carmelina's.

Mr. Quiterio: Then every single property would have to be…

Mr. Matta: Rezoned.

Mr. Quiterio: …rezoned, you know.

Mr. Walsh: Right.

Ms. Walsh: But, we're here talking about it already, so yeah, it's a possibility.

Ms. Hodgman: Elaine Hodgman, 1475 Center Street. How much property are we talking about that, what's the size of the parcel that they're discussing right now, roughly?

Mr. Matta: The map up here, the front section that will remain agricultural and keep the residential premise is the 40,000, and then right behind it, the blue section with the line connecting to Miller Street is 59,000 square foot approximately.

Ms. Hodgman: Almost 60,000 square feet?

Mr. Matta: Yes.

Ms. Hodgman: And so, you want to change it from residential to, no agricultural to industrial?

Mr. Matta: Industrial A.

Ms. Hodgman: Industrial A. What are the surrounding zonings? So, are you spot zoning?

Mr. Phoenix: No, it's not spot zoning. It's adjacent to…

Ms. Houle: No, Industrial.

Mr. Phoenix: Industrial.

Ms. Hodgman: Did not know that, thank you. So that, it's adjacent to that, but it's also adjacent to agricultural so you can have other sides ---?

Mr. Phoenix: As long as it touches.

Mr. Matta: Yeah, the abutting property's behind it in the purple on the Industrial A properties.

Ms. Hodgman: And either side of it is agricultural?

Mr. Matta: Yes.

Ms. Hodgman: Thank you.

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Mr. Phoenix: Anything else from the Board at this time? Well, I think I know where my head's at. I would ask for a motion.

Ms. Houle: Mr. Chairman?

Mr. Phoenix: Ms. Houle.

Ms. Houle: And I think it's basically because of that strip, that 50-foot wide strip which bothers me. It's industrial property next to it, I understand the problems with industrial property, I do have problems with that 50-foot strip. So, my recommendation is to recommend disapproval of the zone change.

Mr. Phoenix: So, that your motion?

Ms. Houle: Yes, sir.

Mr. Phoenix: I have a motion to recommend disapproval to Town Meeting. Is there a second? I will **SECOND** the motion.
2-1 in Favor. (Mr. Quiterio)

Mr. Phoenix: Is there a motion to close the public hearing?

Ms. Houle: **SO MOVED.**
SECOND Mr. Quiterio.
3-0 in Favor.

Hearing ended 7:43 p.m.

APPROVED:

Kathleen D Houle

Kathleen Houle, Secretary

su

Documents: Master application; abutters list; Letter from Ellie Villano, Town Administrator re: receipt of Zone Change – 347 Miller Street; Comments from Safety Committee; Assessor's Map 26 (January 2018); Photos of surrounding area submitted by Deb Walsh

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