TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 24, 2022

PLANNING BOARD MEMBERS

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

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

CONTINUED PUBLIC HEARING – ZONE CHANGE – 279 Cady Street (Assessors' Map 1B, Parcel 5A) Joe Alves (Agricultural with a portion of Agriculture Moderate Density (AMD) to Agriculture Moderate Density (AMD) Overlay District)
(mail item #13 included – Petition for Zone Change for 279 Cady Street from Board of Selectmen/Ellie Villano - *tabled from meeting of 3/10/22)*

SEE ATTACHED MINUTES

SITE SKETCH – 599 East Street (Assessors' Map 15D, Parcel 126) Luso Federal Credit Union (addition of five (5) diagonal parking spaces on west side of building)

Carlos Nieto of Berkshire Design was present for the appointment via telephone.

Mr. Nieto explained that in 2005 Luso Credit Union got a site plan approval for the building, and then five or six years ago they added an improvised gravel parking area on the west side of the building, off of Amherst Street, for employee parking. He said that Luso now wants to formalize and pave the parking area.

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Mr. Coelho read the comments from the Town Departments in which the Conservation Commission, Fire Department, and DPW all had no comments.

Mr. Phoenix noted that the applicant asked for two waiver requests, one for a waiver of the full plan down to a sketch, and one of the public hearing. He said that he is agreeable to waive the plan down to a sketch but is not in favor of waiving the public hearing.

Mr. Phoenix: I'll make a **MOTION** to grant the waiver of the full plan in favor of a sketch as has been provided, however, to deny the request of the waiver of the public hearing and to therefore schedule a public hearing and address this matter subsequent to or during that public hearing.
SECOND Mr. Carpenter.
5-0 in Favor.

Documents included: Master application; Request for waivers; Comments from Town Boards/Depts; Plans: Site Sketch Approval – Luso Federal Credit Union -599 East St, Ludlow, MA 01056 (Existing Conditions Plan, Site Layout Plan) (February 1, 2022)

File Mail Item #16 – Letter to Justin Larivee, Building Commissioner from Daniel J. Valadas, Chief of Police re: Nick Silva Radio Project Site fencing

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File Mail Item #17 – Ludlow Community Center Randall Boys & Girls Club Focus Group invitation

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File Mail Item #18 – Reorganization after the Town Election from Kim M. Batista, Town Clerk

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Mr. Phoenix requested that the Change of Occupancy for 60 East Street be pulled out of the Consent Agenda.

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 15. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of March 10, 2022
- SIGN Special Permits:
  - SNAB, LLC, Brian McLaughlin – 245 & 0 Moore Street (estate lot)
  - Thomas L. Engwer, III – 0 Lyon Street (estate lot)
- APPROVE/SIGN Bills – W.B. Mason (office supplies)

APPROVE Change of Occupancy:
Luis Teixeira (Tin Cup Simulator Facility) – 60 East Street (from warehousing to golf simulator facility)

Mr. Coelho remarked that this is an old warehouse adjacent to Pizza Corner that was used for wholesale Portuguese products. Mr. Phoenix said that he is concerned that it is not a like for like change and that there may be a difference in traffic generation. He also questioned whether there is a site plan on file for the required parking and the existing use.

Mr. Stefancik pulled the site plan from the file for the Board's review.

Mr. Carpenter: **MOTION** to approve the Change of Occupancy at 60 East Street.
SECOND Mr. Phoenix.
5-0 in Favor.

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Mr. Coelho mentioned that the Town Election is Monday from 10:00 to 8:00.

Mr. Carpenter: **MOTION** to adjourn at 8:00 p.m.
Mr. Phoenix: I'll **SECOND** it. I'll point out that those are always in order and not debatable.
5-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes; Mr. Coelho – yes.

Meeting adjourned at 8:00 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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The following two items were not reached for discussion at the meeting:
Cannabis Facilities (Meet with Board of Selectmen April 5, 2022 @ 5:30 p.m.)
Meeting regarding Center Street traffic (April 14, 2022 @ 7:15 p.m.)

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

TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – ZONE CHANGE
279 Cady Street (Assessors' Map 1B, Parcel 5A)
Joe Alves
(Agricultural with a portion of Agriculture Moderate Density (AMD) to Agriculture Moderate Density (AMD) Overlay District)
March 24, 2022

PLANNING BOARD MEMBERS

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

The public hearing was continued from March 10, 2022.

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

In attendance: Joe Alves, Rose Crowley – Town Counsel (via telephone), attendees

Mr. Coelho: Ok, so this is a continued public hearing for 279 Cady Street, Assessors' Map 1B, Parcel 5A, Joe Alves, Agricultural to portion of Agricultural Moderate Density (AMD) Overlay District. Mail Item 13 is included, tabled from meeting 3/12. So, let me go ahead and read Mail Item #13. *(Mr. Coelho read Mail Item #13 – see file)* So, there's somebody there on the phone?

Ms. Crowley: Yes hi, Rose Crowley here.

Mr. Coelho: Hi Rose. Ok, so Rose Crowley's on the phone. She's the town attorney which we had some legal questions for her last week, correct? So, I guess we could probably start there.

Mr. Phoenix: Well, I heard something about there may or may not have been a letter of some sort that came in already from her. I wasn't sure if that happened.

Mr. Stefancik: No, there's no letter. Rose is on the phone to speak about the procedure, whether the zone change was appropriate to go through or whether it was a change in the definition. And in speaking with her, she did say she'd be available for the meeting to explain in talking if the zone change is the correct procedure.

Mr. Phoenix: So, what basically it comes down to, like Doug said, is as I'm sure you've seen in the Bylaw, the AMD District is pretty well defined in the definition section as being within 1,000 feet from the sewer line that was in existence in July of '91. So, my question is, since it's an overlay and it's defined in the definition, if we just look at doing a zone change, we're not actually just changing the definition, so we're creating something that's in defiance of that definition. If we were to correct the definition to something different that might extend it further, wouldn't that be the more appropriate avenue for doing something like this?

Ms. Crowley: So, the text of the definition is meant to be read together with the zoning map itself which is part of your bylaws. And so, by putting before the town meeting an article to amend the zoning map and changing the boundary of the overlay district, that does accomplish the purpose that is sought by the applicant. Your question about the text of the definition of this particular overlay district is, it sort of points out that it would be helpful to have an additional sentence in that definition that says, you know, applicants should look, or changes to this boundary are reflected on the zoning map which are also part of this bylaw. But, that would be informational and so it wouldn't, you don't need to change the definition to include this parcel in the overlay district. So, you can simply include this parcel in the overlay district by amending the zoning map. But, I think your question does point out, makes a very good point that it would be helpful. You know, you guys are familiar with the zoning bylaw. You do know how to read them. And so, if somebody who, if a layperson comes along and they read the definition they might think, oh, I read the definition, this is what it looks like, I don't have to, I don't need to know anything more. And they wouldn't necessarily be alert to the fact, wait a minute, the zoning map itself is part of the bylaw and I need to look there for a change in the boundary.

Mr. Phoenix: Ok, so we can essentially eliminate any issues with, assuming this were to go through this potential discrepancy and any future ones by adding that language that you were talking about. I don't know if there's a more formal version of that that you could send us that we could review and possibly look at adding that in.

Ms. Crowley: Well, you can't do it under the notice that was issued for this hearing. The only notice that has been issued for this hearing is to change the zoning map.

Mr. Phoenix: No, no, no, I get that. I get that. I'm talking about doing that separately as a review of the way this is handled in the Bylaw in general because I think there might be an idea from this Board that using a boundary determined from where the sewer was in 1991 might not be the best most intelligent way to handle this in the current day. So, I think, if we're gonna be discussing this section of the Bylaw it'd be good to have something that's approved language that we could use to add in to cover us for future possible issues.

Ms. Crowley: Ok, but that, to change the text of the definition is an actual amendment to the bylaw...

Mr. Phoenix: Yup.

Ms. Crowley: ...even if it's informational and directional, so therefore you'd need another hearing process.

Mr. Phoenix: Right.

Ms. Crowley: You'd need to go through the process again.

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Mr. Phoenix: Absolutely. That's why I'm saying like if we were to look and, I'm not saying this is what we'd be doing, but if we were to theoretically as a board agree that it would be good to change that from July 1st '91 to July 1st, I don't know, 2011 or 2021, if that was the decision of the board, I think during that hearing process would be the appropriate time to add that language.

Ms. Crowley: Yes, yeah. But I would think, you know, we're looking at the earliest possible date would be the fall town meeting. Does that make sense?

Mr. Phoenix: Yup.

Ms. Crowley: Yeah, ok, yeah absolutely. If you, I can work with Doug and we can work up some language that is more appropriate.

Mr. Phoenix: Fantastic.

Ms. Crowley: Or, I should say, more informational to the citizens of Ludlow.

Mr. Phoenix: Thank you.

Ms. Crowley: Ok thank you.

Mr. Coelho: Thank you.

Ms. Crowley: Is there anything further?

Mr. Coelho: I don't think so. We're all clear with all the legalities now? No, I think you can enjoy dinner and family time.

Ms. Crowley: Alright, well, have a good meeting and I hope you'll be home enjoying your families and having a nice dinner as well soon.

Mr. Coelho: Thank you.

Ms. Crowley: Goodnight everybody.

Mr. Coelho: Bye now.

Mr. Stefancik: Goodnight Rose.

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Mr. Coelho: Ok, so I'm pretty clear on what's going on here. Does anybody on this side of the table have anything to add to this?

Mr. Queiroga: Now Doug, as I understand it, the applicant can go ahead with his zone change request and then we can, at the next available town meeting that we can get to, we can then make the change. Is that correct?

Mr. Stefancik: That's correct, yup.

Mr. Queiroga: That's what she…

Mr. Stefancik: That's what she indicated.

Mr. Queiroga: She met with the Attorney General?

Mr. Stefancik: She did call the Attorney General's office about the proper procedure.

Mr. Queiroga: And he was in, he was ok with that?

Mr. Stefancik: He concurred, yup.

Mr. Queiroga: Ok.

Mr. Phoenix: And then it's not necessarily particular to this hearing, but since it's on topic for this zoning in general, I think when we do look at that I'd like to be able to utilize what we have in GIS to possibly expand out what that would look like depending on what date we might change that to. Maybe get a few different drafts of what that could be, so we know what the impact would be. Because it's gonna affect a number of people if we do change that line.

Mr. Stefancik: Well, initially Rose said just to leave the 1991 in there just as a base where this starts and ends and that any time you wanted to change it, it would be through a bylaw change, through the amending of the zoning map.

Mr. Phoenix: Ok.

Mr. Stefancik: I mean, I'm just trying to get…

Mr. Phoenix: We can do that too, I just figured we should probably have a discussion about that as a board.

Mr. Stefancik: Sure, I think we need to probably change the bylaw itself further. I think there's a lot of things in there that can be updated about it.

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Mr. Coelho: Put that on the to do list.

Mr. Stefancik: Yup, I'll add it on.

Mr. Coelho: Ok, anybody else? I'm gonna go ahead and open it up to the audience again one last time.

Mr. Phoenix: Before you do that Chris, just to refresh everybody on what we're looking at tonight. We're looking at what the Planning Board's recommendation to town meeting would be. This wouldn't be anything that actually determines what's going to be happening with the property with the exception of if we recommend against and Town Meeting votes against, then there's a hold between now and the next time this could come in. Other than that, we're just making a recommendation whether it's thumbs up or thumbs down here tonight. It's also, what this is not is, a site plan approval for anything that might be done on the site that would need to come in separately for the approval process. However, what this is being a zone change, is it's looking at all of the potential uses under the current zoning versus all of the potential uses under the zoning that we're looking to move it to. So, whether it's the proposal that we would hear from the applicant that's in front of us today or somebody that could be two or three owners down the road. We need to be looking at what could be there now versus what can be there if this change is made. So, that's kind of the, to level set everybody on what we're doing tonight. That's what we're looking at.

Mr. Coelho: Ok, so we got some time today, which is good. We'll start from right to left, or my left to your right. If you stand up, say your name and address and go ahead and address questions though the Chair.

Mr. Glista: My name is Mike Glista. I live at 297 Cady Street and I'm just curious as to how they're gonna deal with the water situation since they filled in the wetlands that were there prior. Before Del's took over that property the water flowed from the north side of Cady Street to the south side of Cady Street and it went down a small stream, ended up in a brook or a little pond down by the power lines and eventually it went down toward the Mass Turnpike. Well now, whoever ok'd Del's to fill in all of that land, all that water backs up on both sides of Cady Street now. When we get torrential rain storms or serious snow melts during spring, the water puddles up on both sides of that street and it encroaches at least half way or better into each lane. So, somewhere down the line before anything happens up there with that property, that should be addressed because it hasn't been addressed for years.

Mr. Coelho: Well right, it hasn't been addressed for years because Del's has been there for years and…

Mr. Glista: Well, why wasn't it addressed prior to Del's getting there and who allowed them to fill it in?

Mr. Coelho: Well, we're not back tracking history here. I don't know who allowed them to fill it in. I don't know that someone had to allow them to do anything.

Mr. Glista: It seems that somebody should be going after whoever allowed those wetlands to be filled in, or at least supply some sort of drainage so that that property, you know, Cady Street doesn't start filling up with water. It can't go the other way.

Mr. Coelho: Moving forward, if this property were to be developed, they would be required to manage stormwater on site.

Mr. Glista: Alright, now what about property values depending on what they do with the property? What about the rest of our property values?

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Mr. Coelho: I don't…

Mr. Glista: If this, let me, just hear me out.

Mr. Coelho: I understand what you're saying.

Mr. Glista: If this goes through, and let's say when like Del's got there, we knew it was going to be a nursery, ok fine, everybody was more or less ok with trees and bushes and stuff like that. You start putting buildings up and any kind of a commercial building, what's that gonna do to everybody's property values? Because the last time I checked anybody that lived next to any kind of a storage facility or business of any sort of that nature, I don't see those properties next door bringing high values.

Mr. Phoenix: Doug, we do have a site plan on file for Del's, correct?

Mr. Stefancik: I don't think so.

Mr. Phoenix: No?

Mr. Stefancik: It was either hand drawn.

Mr. Phoenix: I'm trying to get if we have something on file that would be enforceable through the Zoning Enforcement Officer, but…

Mr. Stefancik: And then it was agricultural too, so it was limited on site plan approvals.

Mr. Phoenix: Well, there's that, but I seem to recall it coming in, but I might be thinking of something similar that wasn't that. One of my concerns would be if there is a problem with stormwater, you know, the general rule of thumb is whatever is going off of your property now, needs to go off your property once it's managed. So, if they have a problem with excessive water flow now, and just gets managed to be the same way, that's not solving any problems.

Mr. Alves: So, that property right now is all pitching towards the pond, so nothing goes to Cady off the property itself. I have a topo on the whole parcel that I paid to have done which would show that all the water pitches away from the property. Regarding the drainage that you're speaking about, I contacted DPW and that pipe that runs across the road is half full of dirt so it's not working properly.

Mr. Glista: Yeah, but that doesn't change the fact that the water ---. Once the water hits a certain height, it's still gonna come across the road because whatever pond you got down there, it's already creating issues with houses down on the other street. One of the houses, I forget who it was, we've already heard complaints that they're starting to get water in their basement. That pond that was created over there was not where the pond was originally before Del's took that property.

Mr. Alves: No, the pond is still there though.

Mr. Glista: That pond may still be there, but not the original one because Del's filled the original one in and that's where the water used to drain down toward the pipe.

Mr. Alves: That I can't speak for.

Mr. Glista: I'm just saying. That's the way it was back before Del's filled that property in. Now Del may have created that pond down there.

Mr. Alves: No, I'm talking about the pond that's to the left of the building closer to Cady Street.

Mr. Glista: The reason that pond's there is the water's got no where to go. It used to all go down toward the pike.

Mr. Alves: But, that pipe that does go across the road, pitches from Del's side across the street going the other way.

Mr. Glista: Well, it doesn't go anywhere when it goes to the other side. Now, whether or not that pipe dropped over the years or whatever, that water…

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Mr. Alves: DPW told me that that pipe always shed the water across the street the opposite way.

Mr. Glista: Toward the north?

Mr. Alves: Correct.

Mr. Glista: No. The water always used to run toward the pipe. When I got into the house that I'm living in now, back in '79, '78 or '79, that water ran toward the Turnpike and the water never built up on the north side of Cady Street.

Mr. Coelho: I can't argue where the water builds up or it didn't build up or it did in '79 or where it's gonna in 2029.

Mr. Phoenix: Well, what we can say, is whatever's gonna be going in there's gonna need to come in for site plan approval. We can make sure that there's at least some kind of oversight of what's going in there, whether we can force improvement on the new owner, that's a separate question.

Mr. Alves: Well, I'll be responsible for the water on my property…

Mr. Phoenix: Yeah.

Mr. Alves: …but I won't be responsible for the street problem. I mean, that's a DPW issue, and I've gone ahead and contacted them and explained to them your concerns. I met with Goodreau and I also contacted someone else regarding it, and they said they were gonna go out and take a look at it, but, I mean, that's.

Mr. Glista: That doesn't give you an answer.

Mr. Alves: I mean, I even offered to help out if I could with anything I can do, but, it's basically up to them, you know?

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Mr. Coelho: Ma'am?

Ms. Glista: Janet Glista, I live at 297 Cady Street and I just, I would like to know what's gonna go in there, in this property.

Mr. Coelho: Ok so, that's not really the point of this hearing. Whatever's gonna go in there's gonna have a whole other hearing as well.

Ms. Glista: Ok.

Mr. Coelho: This is just for a zone change.

Ms. Glista: Ok.

Mr. Coelho: I mean, the developer's here. Maybe he has ideas and he's more than welcome to describe it.

(multiple people talking)

Ms. Glista: I just don't want property values to go down.

Mr. Alves: So, under the Agricultural Bylaw, you know, in the pamphlet that the town allows us, there's many options that we could do under agriculture which would be, have a lot more impact than what I would like to present. So, what I would like to present is a storage facility. It's low impact to the neighborhoods. There's really no noise to it, minimal traffic in and out, and compared to what we actually could do with it under the regulations that we already have.

Ms. Glista: I already have a zoo across the street. It's literally a zoo.

Mr. Phoenix: Do we have a printed out copy of the Table of Principle Uses?

Ms. Glista: This is horrible. It's absolutely horrible right now. I'm waiting for somebody to come up over the hill and try to avoid the ducks and crash into a tree. ---. Yeah, I got a zoo already ---.

Mr. Alves: Yeah, like I said, this is very low impact, noise, traffic…

Mr. Phoenix: Mr. Chairman?

Mr. Alves: …and compared to everything else that's, it's just gonna be.

Mr. Coelho: Ray.

Mr. Phoenix: So, just to go back to what I had mentioned before, the hearing that we're having tonight, you know, we can hear whatever the applicant wants to say what he wants to do with the property, but none of that really has anything to do with the decision that we make tonight. I asked Doug if we had a copy of this printed out. If you wanted to take a look at it, so that I'm just not reading the whole thing off. This is what we call the Table of Principal Uses. And you'll notice the columns across the top: A is Agriculture, AMD is Agriculture Moderate Density. That whole eleven pages is the one document. So, in that, when you're looking at it, if you see a Y it's something that's allowed. If you see an N, its not allowed. PBH is permit Board of Health. SPPB is a Special Permit form the Planning Board. SPBS is a Special Permit from the Board of Selectmen. SPA is Site Plan Approval. So, there are different levels of control that we have on different types of activity in both the existing zoning and the potential zoning. Largely by being in the overlay district, it allows more commercial type uses above and beyond what would normally be allowed in agriculture. That's why it's tied to where the sewer was because they wanted to make sure there was infrastructure to support increased demand. So just kind of starting from…

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Mr. Meyrick: Chris is that why?

Mr. Coelho: Hold on one second, he's talking.

Mr. Meyrick: Ok, sorry.

Mr. Phoenix: So, just to kind of give an idea of a few changes here, let's see. If we're looking at business uses, amusement parks are theoretically allowed, but I don't think you could get one on that piece of property though, but not allowed in agriculture, but you'd need a site plan and a

special permit from us to do that in AMD. ATM's are allowed with a site plan approval in AMD but not Agriculture. Banks are site plan approval special permit in AMD but not Agriculture. Bowling alleys same thing. A lot of it is gonna be site plan approval special permit.

Mr. Coelho: What could he do on it right now as it is zoned?

Mr. Phoenix: --- lumbermill, pretty much what you would consider to be agricultural or kind of low impact residential uses. So, in existing Ag zoning, you could have a single family, you can have room rental with site plan approval special permit, accessory apartment with special permit, brew pub is in either, kennel is in either. There are a few things, like I mentioned lumber mill 'cause that's one where it's actually more controlled in the overlay than outside of the overlay. The best option is whether you're here with us tonight and you're able to look over the copy that we're passing around, or if you're at home and you're watching this on video or on the internet, you can go to the website and on the Planning Board page you can find the Table of Principle Uses and you can look at that. There's actually a link that's just table without the rest of the bylaw to make it easy to review and you can see what is allowed in each different zoning versus the other.

Mr. Glista: Now, when you say low impact, does that take into consideration the property values around?

Mr. Coelho: No, it doesn't. It takes into consideration the way the town's zoned and property values don't have anything to do with that really.

Mr. Glista: I realize that, but if you change the zoning and this thing gets allowed, that's affecting our property values.

Mr. Phoenix: But, regular agriculture allows some things that I would personally consider to be fairly high impact if I were a neighbor. For instance, things that we've already mentioned, commercial kennels, things like that. I don't know that I'd want to live next to a commercial kennel, but it's allowed in agriculture. But, as far as uses that are more straight business oriented, not a service or an agricultural type business, that's where you start to see a difference between the current zoning and the one that the applicant is asking us to move it to. So, you're gonna see more things that are allowed that are of the type of like a store or a, you know, a service business where you're gonna have customers coming to and from or working out of the location. Kind of broad strokes, that's the difference between the two. Specifics are a little bit all over the place, but they're in the Bylaw, they're in that table.

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Mr. Coelho: Ok, sir. You seem to have a question.

Mr. Meyrick: Chris Meyrick, yeah, 274 Cady Street. So, right directly across from you and 141 West Street, the property's right directly across from you. That's where the water's coming onto that property. So, it's not backtracking like you said, far back, trying to, like, research the project. We already know what happened. We don't know why it happened. But what we would like it to be rectified because the guy, Ron Moura, who was running the DPW, I guess, before, said he was gonna put a catch basin in there, in front of that property to catch all that water. That retention pond was never supposed to be filled in, but it was, so it doesn't matter, like you said.

Mr. Coelho: It's not like it doesn't matter, but we can't undo stuff like that.

Mr. Meyrick: Exactly.

Mr. Coelho: I don't have a time machine.

Mr. Meyrick: But you can, you can rectify it.

Mr. Coelho: Well that would be a DPW issue.

Mr. Meyrick: So, that's part of the town part, which is on, like what you said, you shouldn't have to take road water either, neither should we. So, they should put…

Mr. Alves: No, I agree.

Mr. Meyrick: …that catch basin in there which they agreed to do many years ago and then never did for we don't know why. Your broad strokes in terms of, and I apologize, I just, I thought there was an opening but apparently there wasn't. Your broad strokes with why does it need to be moderate density? Is that so the storage units can go in, or can they go in anyways?

Mr. Phoenix: Storage unit, I believe, you would need the AMD zoning. That's why he's looking for it.

Mr. Meyrick: Ok. And the only thing that you were saying is I can already do other things that would be more disruptive with how it's zoned today, correct?

Mr. Alves: It would have more of a noise impact, correct.

Mr. Meyrick: Ok. Maybe a noise impact.

Mr. Alves: ---

Mr. Meyrick: I'm just trying to understand how this is going, that's all.

Mr. Alves: 'Cause I can do a flea market, I could do horse stables.

Mr. Phoenix: You can do a restaurant or a brew pub, you could do…

Mr. Alves: We could have fifty cows over there running around mooing all day.

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Mr. Meyrick: Right, so.

Mr. Alves: I'm just trying to put it out there.

Mr. Meyrick: You know what, and I completely understand. Not trying to prevent something from moving forward, just trying to make sure that everybody coming over that hill with that flashing light, when they come over, they're safe, they don't smash into people and kill people's loved ones. We don't want that. We want that water rectified. That's really what we want. We want that back the way it was originally. And I realize it's not all your responsibility, but since you purchased the property, now you are the current owner and in charge. So that's what my ---.

Mr. Coelho: So that being said, if he were to develop this, he will go through a site plan approval. He would have to get that approved and go through stormwater review by the DPW. At which point would probably be a good time to get them to put that catch basin in. If you guys were to organize and do it all in conjunction, you already have their attention at the DPW.

Mr. Phoenix: Well, can we just send a letter over to public works and just ask them to investigate what may have been committed to as far as a catch basin there previously and why that might not have happened, and see if you can just kick start that now?

Mr. Coelho: Is that a motion?

Mr. Phoenix: I'll make a **MOTION** to that effect.
SECOND Mr. Carpenter.
5-0 in Favor.

Mr. Coelho: Ok, so we're gonna send a letter to the DPW and have them take a look at that catch basin. Again, inter-town here. See how that rolls. But again, moving forward, if he's to develop this, he has to manage the stormwater on the property.

Mr. Meyrick: Correct.

Mr. Coelho: So, his design would include managing his stormwater.

Mr. Meyrick: And he seems like he wants to do that and I'm for that and I would like to work with him, not against him, but with him, with the town to get this rectified. That's all we want to do. Thank you.

Mr. Coelho: Ok, Ma'am? All set? Sir? Name and address please?

Mr. Samsel: Philip Samsel, 22 Grimes Street. I was wondering if the storage area is put in, if it would be a 24-hour open.

Mr. Coelho: Again, that would be stuff that we would address during the site plan special permit. That'd be a whole other hearing. And I'd have to imagine no, because 24 hours is, not really effective to manage a 24-hour business. You know, I mean, it's not like a Wendy's or something, you know, or a McDonald's.

Mr. Samsel: That was my question.

Mr. Coelho: Right, but that's just my armpit business sense speaking.

Mr. Samsel: Alright. Thank you.

Mr. Coelho: Sir?

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Mr. Setian: Peter Setian, 27 Grimes Street. I just listened to the discussion and I heard you say that once the decision is made or the presentation, there'll be more hearings as far as what is proposed to be developed ---?

Mr. Coelho: Yes. Sir?

Mr. Eriksen: Erik Eriksen, 25 Grimes Street. My only concern, my major concern, I should say, is route in, make sure they're not coming down Grimes Street to get into the development, whether they're coming right off the main road there. And number two, what late night noise would be?

Mr. Coelho: And again, that will be addressed when there was a specific site plan hearing for that which would be another step in this process, the ultimate step at the end.

Mr. Alves: So, here's another thing with that. So, if I could get this approved for storage facilities, I wouldn't need any access through Grimes. It would just be throughout Cady. If this doesn't go through and I need to go down a different avenue of trying to develop the property, then yes, I would have to have access through Grimes.

Mr. Phoenix: And similarly, if he goes forward with the storage facility and then ten, fifteen years from now there's another property owner, maybe sooner, maybe later, and they decide to do something different with the property, they're gonna have their own answer to that question and it might be the same, it might be different.

Mr. Alves: And as far as the timing and stuff, it would all be an automated gate system, so we could control the time frame of when it's allowed to be open and closed. As far as lighting, it's the same thing, so. You know, that's all controlled on timers and stuff like that, so we could work on that.

Mr. Queiroga: If I may, Mike, you were talking about the water problem, now as I understand it, the water problem exists, is on Cady Street, correct?

Mr. Glista: The water problem now is on Cady Street because when Del's had filled in all of that back when he took over the property back there, he filled in the retention pond that was already there that was alongside your property and basically ran kind of alongside the property and then down, there's a, the power company has the transmission lines are down there. There was a pond down in there that water flowed down to, and then from that point there it went down, what's that street down behind there? There's a few houses down in the back.

(multiple people talking)

Mr. Glista: Prospect. And the water ran down that way and then down toward the Turnpike and into the river.

Mr. Queiroga: And I understand from the people that live at Grimes, because unless we can figure out a way to get water to go uphill, you're about fifteen feet higher than the old property.

Mr. ---: Right, I'm not worried about the water.

Mr. Queiroga: Ok.

Mr. Coelho: Right, I don't think they had water problems over there.

Mr. Queiroga: And you never talked to DPW about fixing that over the last?

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Mr. Coelho: They said they did, but they didn't do it.

Mr. Glista: Yeah, the DPW was informed about that years ago.

Mr. Coelho: It would probably be a good idea, and I'm gonna cause trouble for them right now, that you guys call up there and find out when that meeting was and when that decision was made. And if you can get a copy of those minutes, that certainly can…

Mr. Glista: I don't even know if a decision was made on it. It's something that was just never done.

Mr. Queiroga: We'll also reach out to them on the same ---.

Mr. Coelho: And we're already gonna reach out to them to take a look at that too, so.

Mr. Glista: Like I said, right now, and he can attest to it, when we get a lot of rain it comes on both sides of Cady Street. And I understand you guys tried cleaning out the storm drain, or had it done, but with the water not flowing down toward the Chicopee River anymore, it, you know, it just backs up on Cady Street.

Mr. Coelho: So, we're gonna have DPW look into that again through a letter that we made a motion on here, so there'll be some movement on that.

Mr. Phoenix: Mr. Chairman?

Mr. Coelho: Yup.

Mr. Phoenix: Just in the interest of making sure everybody's in as much of the loop as they care to be, I'm gonna make a **MOTION** to request that after this meeting, anyone who's interested in the outcome of whatever we get back from DPW on that, that they notify our office, either Sue or Doug, and that whatever we receive back from DPW, we make sure is forwarded over to them if they're not already cc'd on it.
SECOND Mr. Carpenter.
5-0 in Favor.

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Mr. Coelho: Miss, you kind of came in a little late. You have anything to speak to on this?

Ms. Lipior: I'm just concerned about the ---.

Mr. Coelho: Can I have your name and address for the record please?

Ms. Lipior: It's Halina Lipior. I live on 289 Cady Street. I'm a direct neighbor. So, I'm concerned with the noise and with the traffic. The traffic is pretty bad right now, so that's my biggest concern.

Mr. Coelho: What he's applying for now really isn't gonna change anything. That'll be down the road when he gets a site plan. And we address things like traffic and light and noise through that process.

Mr. Glista: Could you just explain one more time the reason to go from agricultural to intermediate. What's the exact difference between the two?

Mr. Phoenix: Well, the difference is that table that we were passing around.

Mr. Glista: Ok, so it's basically just the types of businesses or things you can put from one to the other.

Mr. Phoenix: There might be a couple other things I'm not thinking of off the top of my head, but that's really the heart of it is what type of oversight the town has depending on what the zoning is.

Mr. Coelho: And there's typically more oversight on the AMD than there would be on Agriculture if he was using it for an agricultural purpose.

Mr. Phoenix: Well, right.

Mr. Coelho: If he was gonna start pulling rocks out of there, he could just do that.

Mr. Phoenix: Yeah, you kind of, when you're going from Agricultural to Agriculture Moderate Density, you're essentially, you're gaining more possible uses, but in most cases those all come with strings attached. Nothing that jumps to mind that's just allowed by right in AMD that's not allowed by right in regular agricultural zoning. Again, if I'm missing something I apologize, but there's nothing I can think of that does that. It's all pretty much, if you look through the SPA, SPPB, is the vast majority of things we allow in that zoning because it is a mix between the agricultural uses and allowing in some, we'll call it lower impact, I guess, businesses, not your big businesses. Not like, we've got one line in there for large scale retail, things like that. A lot of those things are still prohibited, but it just opens that door up more for people.

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Mr. Coelho: Ok, so that being said, we've reached our limit of discussion on this.

Mr. Setian: ---

Mr. Coelho: I'm sorry? We've kind of covered the water ad nauseum at this point.

Mr. Setian: Suggestion, it's my understanding that sometime this spring supposedly the DPW manager, came on the premises, and I showed him how much water is puddling on Grimes Street and coming down our driveway which I've had to drain through the winter before it turns to ice. My understanding is that now that the sewer project is completed, that not only Grimes Street, but all of this Cady Street is supposed to be repaved this spring.

Mr. Coelho: Ok, that's DPW.

Mr. Setian: --- I understand that, I'm just saying at the same time if they cover the two, if the street's gonna be all redone, then knowing that this has to --- water issue, they can do it ---.

Mr. Coelho: That does sound reasonably and logical, but we can't really say that. I mean, we're gonna send them a letter asking them to take a look at it and you guys are gonna get copied on their reply to that. So, that's about the extent this board has with that. You know what I mean?

Mr. Setian: Ok, it just makes sense to combine the two. ---

Mr. Coelho: It certainly does, it certainly does, at least from my perspective, but I'm not an engineer or DPW guy, so I don't know how they're gonna plan that out.

Mr. Phoenix: Mr. Chairman?

Mr. Coelho: Mr. Phoenix.

Mr. Phoenix: If there's nobody on the internet that's trying talk to us on this, and if there's nothing further from the Board, I have a motion.

Mr. Coelho: Is there anybody on the phone? I don't hear anybody.

Mr. ---: There's somebody on the phone but not for this.

Mr. Coelho: Ok.

Mr. Phoenix: Hearing nothing else from the Board, I'll make a **MOTION** in the standard form to recommend approval at Town Meeting for the zone change as submitted and to close the public hearing.
SECOND Mr. Carpenter.
5-0 in Favor.

The Public Hearing ended 7:37 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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Documents: Master application; Mail item #13 – Petition for Zone Change for 279 Cady Street from Board of Selectmen/Ellie Villano; Plan for Zoning Map Amendment 279 Cady Street – Assessors Parcel ID 1B-3200-5A.0 Ludlow, Mass. (February 9, 2022); Assessors' Map 1B (January 2019); Email from Rose Crowley to Doug Stefancik RE: 279 Cady Street zoning (January 24, 2022)

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