TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
July 28, 2022

PLANNING BOARD MEMBERS

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

The meeting began at 6:51 p.m. in the Selectmen's Conference Room.

ANR – 44 & 50 Miller Street (Assessors' Map 29, Parcel 39 and Map 30, Parcel 129) Kathleen Pease (revise property lines between 44 & 50 Miller Street)

Kathleen & Roy Pease were present for the appointment.

Mr. Pease said that they are changing the lot lines so that the building locations on the lots are more in compliance so that they can sell the property at 44 Miller Street.

Mr. Stefancik said that the plan met all of the criteria.

Mr. Carpenter: If the board has nothing, I **MOVE** to endorse the ANR in the standard form.
SECOND Ms. Houle.
4-0 in Favor.

Documents included: Master application; Subdivision Approval Not Required Plan Miller Street Ludlow, MA owned by Millerwood Properties, Inc. (July 12, 2022)

PUBLIC HEARING – Special Permit / Home Occupation – 19 Pine Knoll Drive (Assessors' Map 17, Parcel 153) Brent Allen (process paperwork for landscaping business)

SEE ATTACHED MINUTES

CONTINUED PUBLIC HEARING – Special Permit / Site Plan – 590-596 Center Street (Assessors' Map 16B, Parcels 116 & 116A) JLL Real Estate, LLC (redevelopment of site into a self-storage facility in an Agricultural Moderate Density Overlay District)

SEE ATTACHED MINUTES

File Mail Item #33 – Approval of Articles 13, 14, and 15 from May 9, 2022 Ludlow Annual Town Meeting from Maura Healey Attorney General

---

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 32. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of July 14, 2022

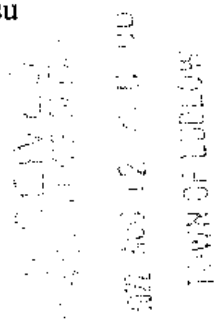
Mr. Carpenter: I'll make a **MOTION** to adjourn at 8:12 p.m.
SECOND Mr. Coelho.
5-0 in Favor.

Meeting adjourned at 8:12 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 – SPECIAL PERMIT / HOME OCCUPATION
19 Pine Knoll Drive - Brent Allen
(process paperwork for landscaping business)
July 28, 2022

PLANNING BOARD MEMBERS

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

The hearing began at 6:56 p.m. in the Selectmen's Conference Room.

In attendance: Brent Allen, attendees

Mr. Queiroga read the legal notice and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: process paperwork for landscaping business.

Mr. Queiroga: What are your plans?

Mr. Allen: The nature of the business is just a lawn care company and I'm just using my breezeway as my office.

Mr. Queiroga: As your office?

Mr. Allen: Yes.

Mr. Queiroga: And --- I just wanted to let everybody know that this is being recorded both voice and picture. You have any vehicles that will be at, is this your house?

Mr. Allen: Yes, it is, yup.

Mr. Queiroga: You have any major vehicles that will be there?

Mr. Allen: I just have a Chevy Silverado parked in the driveway. That's it.

Mr. Queiroga: Ok.

Mr. Coelho: It's not over 10,000 pounds GVW?

Mr. Allen: No, it's well under, yup.

Mr. Coelho: Any other outward manifestations of the business?

Mr. Allen: None, no.

Mr. Queiroga: You gonna have any employees ---?

Mr. Allen: My employees work out of their own homes, so.

Mr. Coelho: Nobody coming to the house?

Mr. Allen: No, no one.

Mr. Queiroga: Questions from members of the Board? Ok, this is the bill for the publication. If you'd like you can leave a check with Doug over there…

Mr. Allen: Sure, ok.

Mr. Queiroga: …or it can go right to Turley.

Mr. Allen: Ok, thank you very much.

Ms. Houle: We still have to vote on it, so.

Mr. Coelho: Are there any comments from other boards?

Mr. Stefancik: No comments from the other.

Mr. Queiroga: No.

Mr. Allen: Take care.

Ms. Houle: We haven't voted yet. We're not done yet.

Mr. Carpenter: Do we have any waivers?

Mr. Coelho: Yeah.

Mr. Stefancik: You need to act on a waiver and a finding.

Mr. Coelho: Mr. Chairman.

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I **MOVE** to waive the full registered site plan for 19 Pine Knoll Drive in favor of a sketch and photos prepared by the applicant since this is in relation to a home occupation and doing so is consistent with the purpose and intent of the Bylaw.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. da Silva – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

Mr. Coelho: Mr. Chairman.

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the landscaping business as described by the applicant of 19 Pine Knoll Drive is a suitable home occupation under the Bylaw.
SECOND Ms. Houle.
5-0 in Favor.
Roll call vote: Mr. da Silva – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

Mr. Coelho: Mr. Chairman.

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1-6.2.13 for 19 Pine Knoll Drive with the restriction that the permit will go with the applicant and not with the property.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. da Silva – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

Mr. Carpenter: Mr. Chairman, did you make a **MOTION** to close the public hearing?
SECOND Mr. Coelho.
5-0 in Favor.

Hearing ended 7:02 p.m.

APPROVED:

Kathleen J Houle
Kathleen Houle, Secretary

su

Documents: Master application

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

TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT / SITE PLAN
590-596 Center Street (Assessors' Map 16B, Parcels 116 & 116A)
JLL Real Estate, LLC
(redevelopment of site into a self-storage facility in an Agricultural Moderate Density Overlay District)
July 28, 2022

PLANNING BOARD MEMBERS

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

The hearing began at 7:03 p.m. in the Selectmen's Conference Room.

The public hearing was continued from July 14, 2022.

In attendance: Richard Kowalski, Attorney Tony Dos Santos, Brent White – White Engineering, attendees

Mr. Queiroga: Ok, as I've read before the cameras will be, it's an open public hearing and that the cameras will be recording both your voice and so. Alright, let me read some of this into the record. The first comes from Thomas Gruszkos, Ludlow Conservation Commission subject…

(multiple attendees stating that they can't hear anything)

Mr. Coelho: The microphone's for the tv, we don't have speakers.

Ms. Houle: There's no speakers. That's for the tv.

Mr. Coelho: You'll have to speak up Mr. Queiroga.

Mr. Queiroga: Ok, *I know the hearing was last month and I'm not sure if you reached out to any of my colleagues while I was out, but I took a quick look and there are no mapped wetland resource areas that I can see. Additionally, I can't see any apparent wetlands in the aerial imagery.* From Robin…

Ms. Houle: Wdowiak.

Mr. Queiroga: …yes, *to whom this mail is addressed. We ask that you take a moment to read out Letter of Opposition prior to a scheduled meeting this upcoming Thursday. We apologize for the lateness of this email however we feel it is extremely important and warrants a postponement of vote to allow for proper responses from each department. If you could please address your comments to include each of the recipients above. We thank you in advance.*

Ms. Houle: I think that one's been read in Joe. That's been read in.

Mr. Carpenter: That's in the record.

Mr. Queiroga: That's been read in?

Ms. Houle: Yes, that was the last meeting when you were in.

Mr. Queiroga: Was the one from Chief Valadas read in?

Mr. Stefancik: No.

Ms. Houle: No.

Mr. Queiroga: Ok, from Chief Valadas. Hello Ms. Wdowiak…

Ms. Houle: Do you want me to read?

Mr. Queiroga: No, it's all right.

Ms. Houle: Chris want to read?

Mr. Queiroga: No, it's all right. *I received your email from Lt. Brennan concerning the proposed storage facility being considered for #590 Center St. near Sroka Ln. At least initially, from what we have existing in town already, I have no opposition to this storage facility. I don't think that it will have any significant impact on crime or even traffic in that area. We've seen limited calls to these types of facilities in town and Center St. is a heavily traveled state route, so adding a relatively low-traffic type storage facility shouldn't have too much impact. Many other nearby businesses impact traffic far more. I also spoke with my representative on the Safety Committee, Sgt. Shameklis, and he stated to me that they also had no opposition to this proposal. Please feel free to contact me if you wish on this project.*

(abutters talking about not being to hear)

Ms. Houle: There's no microphone. These microphones are strictly for tv. The Selectmen don't have microphones.

Mr. Coelho: You want me to read them?

Mr. Queiroga: Yeah, sure.

Mr. Coelho: Well that first one was a letter from police chief indicating that he doesn't see any negative impact on public safety due to this proposed subdivision, in a nut shell. Would you like me to read the whole thing over again?

Ms. Gamache: Yes.

Mr. Coelho: You would?

Ms. Houle: The DEP one. Read the DEP one as well.

Mr. Coelho: Give me those. I'll read both of these over. This is from the Ludlow Conservation Commission to the Planning Board, specifically Doug Stefancik. *Hi Penny, I know the hearing was last month and I'm not sure if you reached out to any of my colleagues while I was out, but I took a quick look and there are no mapped wetland resource areas that I can see. Additionally, I can't see any apparent wetlands in the aerial imagery. Thanks, Tom Gruszkos.* I'm not good at names. *Division of Wetlands and Waterways, MassDEP.* This is from Daniel Valadas who is the police chief, to Robin at AJE Financial. *Dear Ms. Wdowiak, I received your email from Lt. Brennan concerning the proposed storage facility being considered for #590 Center St. near Sroka Ln. At least initially, from what we have existing in town already, I have no opposition to this storage facility. I don't think that it will have any significant impact on crime or even traffic in that area. We've seen limited calls to these types of facilities in town and Center St. is a heavily traveled state route, so adding a relatively low-traffic type storage facility shouldn't have too much impact. Many other nearby businesses impact traffic far more. I also spoke with my representative on the Safety Committee, Sgt. Shameklis, and he stated to me that they also had no opposition to this proposal. Please feel free to contact me if you wish on this project.* Now we have an email here from Robin at AJE Financial. *Good morning, please see the attached follow up from the abutters with regards to the bylaws for the special permit request for the proposed construction of self-storage facility at 590-596 Center Street, Ludlow including commentary from Brochu Real Estate and the proposed devalue of property value due to external obsolescence. Thank you, Robin Wdowiak.* We have a letter here to Malissa and Chris from Jeff Brochu. *(Mr. Coelho read the letter from Jeff Brochu - see file)* And we have here a --- seven-page letter that's also attached to that.

Ms. Houle: That's from, got to read it in.

Mr. Coelho: *(Mr. Coelho read the letter dated Thursday, June 28, 2022 – Planning Board Public Hearing Meeting 7:15 PM – see file)* Duly noted. Those comments are recorded, and they are in the record.

Ms. Houle: There any others?

Mr. Coelho: There's probably more. Is there more? No, we have something?

Mr. Carpenter: No, just the Bylaw.

Mr. Coelho: I'm not reading the Bylaw.

Mr. Queiroga: Thank you Chris.

Mr. Coelho: You're welcome. I should've taken that water when you offered it.

Mr. Queiroga: I haven't opened it yet. Ok. Before we open it up now, this is the third meeting on this issue. I wasn't here for the second, but I was here for the first and it was quite lengthy. And I understand that the vice chair took my place while I was on vacation also let everybody speaking and question and it was an open forum and it lasted quite a bit from what I can tell. Now, we, do you have anything before I open up to?

Mr. Dos Santos: Yes, If I may Mr. Chairman.

RECEIVED
TOWN OF LUDLOW
2022 JUL 21 A 11:03

Mr. Queiroga: Yes.

Mr. Dos Santos: Tony Dos Santos, Attorney Dos Santos from Crear, Chadwell, Dos Santos & Devlin, PC. Mr. White, the engineer, and my client Mr. Kowalski, the property owner and applicant before you. Before we get started, I also was not at the first two hearings, but I did read all of the…

(attendees stating again that they can't hear)

Mr. Dos Santos: Mr. Chairman, I'm sorry but I have to address you this way. I'm not addressing the audience. I am going to direct my comments to you, and through the Chair, and I'm hoping that any other comments afterwards are directed through you, and any questions are through you the Chair so as to avoid what seemed to be in the record from what I could understand from the last meetings. I understand this project. I'm not gonna tell the Planning Board what their job is. You guys have been here a long time and know exactly what your job is. The specifications of the project have all been set forth before. I don't need to go over that again with you. You have read all of the comments from the various town departments. There is no traffic impact, there is no public safety impacts, there is no environmental impact. We have additional studies or additional report stating that again. My client had to disprove the negative because people had anecdotal evidence saying that there was a vernal pool, there was wetlands. And the Conservation Committee has, and the state have come back and said there's nothing there. And it's not really fair to my client to have to disprove what isn't there, but he's done so. You know why? Because Mr. Kowalski's committed to building a nice project that is harmonious with the community and is least obtrusive to anybody, and he's done that. I don't know the qualifications. I wasn't given that letter. I wasn't had the opportunity to see the qualifications of the person who wrote it. I did hear what you had to say Mr. Coelho. I'm not sure they read what the various town departments came down and said. Our DPW, the town engineering department had no comments. Mr. Phoenix was, not here, was surprised. He was concerned about that. And I talked to the engineering department today who said the project was done, the reason why they had no comments was because he did everything he was supposed to do. The letter that was spoken mentions of lights, traffic, water flow. The DPW has already determined, the engineering department already determined the water flow is not an issue, the lights are illuminated, and an engineer can talk about this, are down flow. There isn't flood lights on the property. Mr. Kowalski, all the concerns that have been brought forward, Mr. Kowalski has addressed with this project. I get it. Neighbors don't like change. Everybody gets that. Nobody wants a change in their backyard. But if people want to have trees and native vegetation that are kept forever, they had the opportunity to buy that property, but Mr. Kowalski bought that property.

(multiple attendees talking)

Mr. Queiroga: Please don't interrupt. You'll get your chance.

Mr. Dos Santos: Mr. Chairman, the problem is nobody wants change. I understand the abutters concerns, they don't want to have a change in the neighborhood. I get that. But, Mr. Kowalski has done everything to limit the impact. You're not even going to barely see the project from the street. You have other businesses within .25 miles from there. You have a farm stand which has a ton of traffic with ice cream and supermarket establishment. You have financial services. You have a marble company. You have a bank. There's, all of them have high traffic, a dental office. All are gonna have more traffic on a continual basis in and out than a storage facility. I don't

mean to rebut every piece of information that came up beforehand. Mr. Kowalski has done everything to limit the impact to the community. Every town department has said there's minimal impact here. You know what does help in this community? It helps the tax base because every tax payer is concerned with tax rates going up. And if you don't have commercial development supplementing the residential tax rate, then just residential tax rates are going up and up and up. And this type of establishment has no impact on town services, virtually none. You're not having children in the school department, you're not gonna have to educate children. What you get is a significant tax payment every year. So, having said that Mr. Chairman, I'm happy to answer, or the engineer, will answer any questions you have on the project, but I'm not gonna get into a tit for tat on every anecdotal issue concern that people raise. I'll certainly happily to address any questions from you Mr. Chairman that ---.

Mr. Queiroga: Now we have provided a lot of time on this project to our neighbors here who have questions. They also, trying to them a, to let them speak and to, and we've had, this'll be the third fairly long meeting that we are involved in on this particular issue. I appreciate the neighbors coming out. Normally, we've already, the last time that I was here which was the first meeting, I let everybody speak at will almost. We had what started out as two minutes, ended up three and four minutes and we went around the room until everybody spoke and put in their two cents. So, I want to be fair to the neighbors and we want to be fair to the applicant and we have rules to go by, ok? So, at this point, what do we, how much time do we give to more questions?

Mr. Coelho: Well, there is no end on the agenda. I would, my personal opinion would be to give everybody a minute and not repeat any questions that have already been asked or addressed in this comprehensive letter that I already read into the record. So, if anybody has anything else new to add, they should probably get a minute.

Mr. Queiroga: Ok, just make sure it's.

Mr. Webb: I've got a question.

Mr. Queiroga: Can you identify yourself and your address?

Mr. Webb: I'm Jeff Webb. I live on 31 Sroka Lane.

Mr. Queiroga: Ok Jeff.

Mr. Webb: If they clear cut this and the water flows and my basement fills up with water is he gonna pay for it? Does he pay for it because he did the problem? 'Cause I will sue him and the town for you doing this to me.

Mr. Queiroga: Ok, did you, please let him just answer. You heard the comments from the DPW and the state on the water that was supposed to have been there and is not there? You heard that?

Mr. Webb: I'm not talking about the swamp, I'm talking about you taking all the vegetation out of there and the water flow on top of the ledge that's all ledge, is gonna flow down to my yard. Are you gonna pay for that?

Mr. Queiroga: Ok.

Mr. Webb: If I have water problems, and I don't now, is the Town of Ludlow gonna pay for it?

Mr. Coelho: Mr. Chairman? I'm not an attorney, but I believe you would have legal recourse if you could prove that.

Mr. Webb: Well you can inspect my cellar and see if there was water and you can go from there because I'm gonna do it. If I get filled up with water, that's what's gonna happen.

Mr. Queiroga: Ok.

Mr. Martin: Hi, Dennis Martin, 587 Center Street, directly across the street. I've lived there for 38 years. I bought the house and I was told I had to get flood insurance because I'm on a flood plain. What makes you think that they're not? I'm directly across from him.

Ms. Houle: The flood plain maps, we do have flood plain maps.

Mr. Queiroga: We have from…

Mr. Martin: We're cutting all that, where's the water going?

Mr. ---: Right down the hill to your house.

Mr. Queiroga: Please, we'll give you a chance, ok?

Mr. Martin: I see heavy rain now as it is, the way it pours down Center Street. I can imagine when that's clear cut what I'm gonna get. I'll be in the same boat as him.

Mr. Queiroga: We were told by Mass…

Mr. Carpenter: Department of Environmental Protection.

Ms. Houle: That was the DEP.

Mr. Coelho: One of the design criteria for a project like this is that he manages his own storm run off on site that is designed by an engineer. It has been reviewed by the DPW. I don't believe the DEP reviews that, but they might have a part in that, and they've both been approved by the engineer that stamped it and the town, and to some degree the state.

Mr. Queiroga: ---

Mr. Coelho: The state referenced…

Ms. Houle: Wetlands.

Mr. Coelho: …as wetlands. This is specifically related to that there are no wetlands on the property. It doesn't have anything to do with drainage.

Mr. Queiroga: Ok. Anyway.

Ms. Gamache: My…

Mr. Queiroga: Could you identify yourself please?

Ms. Gamache: Linda Gamache…

Mr. Queiroga: Ok Linda.

Ms. Gamache: …39 Sroka Lane. I can look back, but I can remember Mr. Phoenix commenting. I believe it was the first or second meeting, that the DPW feedback was incomplete. And I can look back on that, but I kind of remember him saying that it hadn't been complete from our DPW as far as the plan for --- storm drain or what have you. And my second comment is, and I don't mean to do the tit for tat sir attorney, but none of the abutters have been approached to purchase the property. I want you to know that. None of us have been approached to purchase the property.

Mr. Queiroga: Ok, hold on a minute.

Mr. Dos Santos: I'm gonna answer that Mr. Chairman. I'll be happy to answer any of those questions. First of all, Mr. Phoenix questioned there was no comments from the DPW, and Mr. Stefancik can probably confirm this, there was no comments because they had no comments. Everything was done in accordance with the plan, and they were ok with it. And I confirmed that today on the phone. As far as the property, it was listed for sale. Anybody could have bought it. They didn't have to go and offer it to somebody, it was listed for sale.

Mr. White: Mr. Chairman, may I just add one technical point to that please? The second letter that was read this evening that made reference to a grant application that identified rain events of two inches or greater were problematic within the town and causing greater damage. The system as designed is going to be able to capture eight inches, 7.97 inches of rainfall on all impervious areas to be stored within below grade chambers that we did test pits in to verify that there is no ledge or ground water before we factor in any infiltration, any outflow. As a conservative design in light of the sensitivity in the area of Center Street as well as the abutters on Sroka Lane, we took a more conservative approach, and on multiple occasions on my part, to reach out to the DPW. There is no questioning of that for the fact that they understood that what was designed by a professional engineer was indeed above and beyond the minimal standards of the Town of Ludlow as well as the Massachusetts stormwater management standards. So, I just wanted to make that.

Mr. Queiroga: Can you identify yourself and tell people what your?

Mr. White: Yeah so, my name is Brent White. I'm a principal at White Engineering from Pittsfield Massachusetts. I hold a Massachusetts professional engineers license as well as a master's degree in civil engineering. I was a professor for eight years at the --- School of Graduate and Continuing Studies and I over designed the stormwater management system to the extent that the site allows me to. Thank you.

Mr. Bal: I have two questions for the applicant. First of all, are there gonna be any…

Mr. Queiroga: Can you identify yourself?

Mr. Bal: Alexander Bal, 233 Tower Road. Are there gonna be any motorized vehicles that are gonna be stored on the property outside of a shed?

Mr. Kowalski: No.

Mr. Bal: In your current facility that you run, are there any motor vehicles that you store outside the shed at your current facility?

Mr. Dos Santos: Through you, Mr. Chairman?

Mr. Queiroga: Yes.

Mr. Dos Santos: What was the question? I couldn't hear.

Mr. Queiroga: Why don't you repeat it?

Mr. Bal: The question is, in his current facility are there any motor vehicles stored outside shed units?

(conversation between Mr. Kowalski and Mr. Dos Santos)

Mr. Dos Santos: No storage outside.

Mr. Queiroga: No storage outside is their response.

Mr. Bal: No storage outside, and he will attest that there will be no storage outside in this facility?

Mr. Queiroga: Yes. I don't want to answer for you.

Mr. Dos Santos: Yeah, no, that was covered in the first meeting.

Mr. Bal: Ok, thank you very much.

Ms. Edgar: Hello, my name is Lorna Edgar. I don't know exactly how, I guess I would address you, the Chairman. I would also be addressing the attorney as well as this gentleman if that's ok. I'd like to hear how the Board as well as these individuals on the Bylaw 5.1.1 a & d, the location. The proposed property plan is to construct, oh well, let me go down the bylaw. This bylaw states that the proposed site plan will be located near uses which are similar to the proposed use. I heard the attorney speak about businesses, but I didn't hear him address how it is suitable in people's backyards, so.

Mr. Queiroga: How it what?

Ms. Edgar: How it is suitable or harmonious as this also discusses with the property abutters. I know these businesses he speaks about as well, and these businesses for the most part are harmonious. Randall's Farm is not an eyesore. The tax attorney, you know, there's a house. And just go down the road, it's not a 180-storage facility. Now, you may not see it from Center Street, but I know that one of the abutters is gonna have a hedge or wall of stone. Now we're talking about people, you know, that have lived. I grew up in Ludlow, I no longer live in

Ludlow, but I'm here to support my friend, and I don't know if the kids still slide on Sroka Hill, but that was the thing to do back then, and it's a shame to lose that. And I would just like to hear the board especially, address that bylaw. How it is harmonious with the abutters, not the businesses.

Mr. Coelho: I'll address that personally for myself. There are businesses adjacent to this property. That is a business corridor. There's a reason why we put the, the state was lobbied to have an exit where it is on the Mass Pike, and that was to increase business use. There are adjacent businesses, as a matter of fact some of the complaints are coming from adjacent businesses that have been allowed to operate their business in the same area. So, in my opinion, it's a business and there are other businesses there already.

Ms. Edgar: But again, I would just like to hear. I'm not hearing anything about how it's harmonious with the abutters. You keep addressing.

Mr. Coelho: In use it's harmonious with the neighboring properties.

Ms. Edgar: How is that when it talks about being harmonious as being a view.

Mr. Coelho: It fits within our --- bylaw.

Ms. Edgar: What bylaw?

Mr. Coelho: It fits within the bylaw for the agricultural moderate density overlay. We have...

Ms. Edgar: --- bylaw is. I'm not seeing where it agrees with it. I'm sorry, I'm just not seeing --.

Mr. Coelho: It's in our Table of Principle Uses Section, yeah, I don't have it memorized, but warehousing is an allowed use under the AMD classification, as is financial services, as is the granite company, as is the daycare, as is the fire department. That's an accepted use as well. And I'd be willing to bet there are more hazardous materials within the fire department garage that will be stored in this facility. It's gonna be used to store people's extra furniture.

(multiple attendees talking)

Mr. Coelho: That's a business decision. If he can't fill his facility, the only person that's gonna lose out is the business person.

Mr. ---: Well if it goes in there, I'm not gonna be a night watchman.

Mr. Coelho: Nobody's gonna ask you to.

Mr. ---: I'll let it either burn or get robbed. I'm not your night watchman.

Ms. Gamache: Excuse me, how do you know nothing's being stored at the fire department. Aren't you on the Safety Committee ---?

Mr. Queiroga: If you're just gonna keep on, you know, I already gave you a chance to talk. This isn't gonna help you.

Ms. Gamache: He's on the Safety Committee with the fire department and you're telling us there's no hazardous materials at the fire department?

Mr. Coelho: No, I'm saying there probably are more hazardous materials in the fire department than there are gonna be in this facility.

(multiple attendees talking)

Ms. Wdowiak: Robin Wdowiak, 588 Center Street. What was the intent with that warehousing? Was that, were you considering 180 warehouses in one spot? What was the intention?

Mr. Coelho: I can't comment on the intent, I didn't pass the bylaw.

Ms. Wdowiak: Oh, you oh.

Mr. Coelho: The bylaw's in the books and that's what we go by.

Ms. Wdowiak: Ok, so there was no intent behind that particular bylaw?

Mr. Coelho: I'm sure there was intent.

Ms. Wdowiak: Ok, and this is a special permit application, correct?

Mr. Queiroga: Yes.

Ms. Wdowiak: So, we're addressing the special permit guidelines as well?

Ms. Pilon: Karen Pilon, 871 Lyon Street. I'm also chairman of the Ludlow Agricultural Commission. The majority of my seven-member commission is present here at this meeting and we are all unanimously opposed to this facility for numerous reasons. Being environmental, you're displacing tons of wildlife. That is a very large tract of agricultural land. And we understand that the town needs businesses to grow, but it feels like there's too much of that type of growth in this town and we feel that there should be a better balance between residents and businesses. We already have at least ten banks in town.

Ms. ---: Seven on Center Street.

Mr. Coelho: Do you have a quorum?

Ms. Pilon: I have five members here.

Ms. Houle: How many are on your board?

Mr. Queiroga: Ok, thank you.

Ms. Houle: You have a quorum.

Ms. Martins: Excuse me, just quickly, Paula Martins, 587 Center Street.

Mr. Queiroga: Yes Paula.

Ms. Martins: You know, we listened to how great the plans are, but unfortunately nothing's been built yet. You know for a fact best laid plans, there's gonna be issues. You can put lipstick on a pig, but it's still a pig. I'm sorry, that sounds rude, but all the people that are pro, don't see a problem, don't live on that Center Street corridor or Sroka. We do. We're gonna deal with it. And just as an FYI, I didn't make the June 23rd meeting, but that day on WWLP storage unit in Newington Connecticut at 4:00 in the morning, a guy broke in, already in three storage units before the cops showed up ---.

Mr. ---: And he came from Palmer.

Mr. Queiroga: Mr., hold on a second.

Mr. Dos Santos: There is just as much likelihood of a crime being committed in a residential home as in a storage unit. As you know, the plans have this entire development with a buffer. It's not like this is entirely seen. The entryway is designed so you can't see it from the street. The abutters have a buffer as well. I mean, Mr. Kowalski has done everything possible to make this the least obtrusive as possible.

Mr. Queiroga: Just a couple more. Wait a minute. That gentleman ---.

Mr. ---: ---

Mr. Queiroga: Let the gentleman next to you talk.

Mr. Lizzotte: Chris Lizzotte, 63 Sroka Lane.

Mr. Queiroga: Yes, Chris.

Mr. Lizzotte: I'm a direct abutter. I'm sorry, I'm really confused Mr. Chairman about, they're talking about buffer --- you can look at the plan and all I've got for a buffer against that property and my property is a couple of conifers, no real fence except for the back side of the facility itself. Now to me, that goes back, and I know you don't like the repetition stuff going, but you've got the run off, you've got the lighting because I know that the elevation is gonna be twelve feet above, pretty much twelve feet above where it sits now. So, even though the lighting is covered it's still gonna be twelve feet higher, so we're gonna get that --- in our yard.

Mr. Queiroga: Ok thank you. Let's give some that haven't had a chance alright.

Mr. Prokop: Yeah, Ed Prokop, 877 Lyon Street. And I just want to speak to one issue in particular here. This is allowed under a special permit, and this board can grant that permit, and I've said this at the June 23rd meeting. Only if, only if the benefits to the town and the abutters outweighs the adverse effects. Could this board please explain to me how that happens here? What are the advantages to the town that outweigh the adverse effects to the abutters?

Mr. Queiroga: Thanks for your comments. It is up to the board to.

Mr. Prokop: And I want to hear it. I'm dying to hear it before you vote.

Mr. Queiroga: Ok.

Mr. Dos Santos: Mr. Chairman, as you can see on the plans that were submitted with a twenty-foot buffer around the perimeter of the property and Mr. Kowalski has proposed arborvitaes around other, you know, natural buffer around it.

Mr. Queiroga: Is there any fencing?

Mr. Kowalski: There's currently not fencing. I would be willing to offer that up to, I'd be willing to work with the neighbors to make something that would be suitable and accompanying to them whether it be arborvitaes, whether it be a fence, whether it be a picket fence, whether it be a vinyl fence, whatever would work that would be, that would suit their fancy. I'm very willing to work with them to make this as minimally impact to their yard as possible.

Mr. White: Mr. Chairman. Since it came up a few times with respect to the lighting. If you recall during the first meeting, we reviewed the lighting plan. All of the light fixtures are focused within the center of the array. There are no lights that are directly facing any of the abutters, and the height of the light fixtures will be set lower than the maximum height of the buildings. So, the buildings themselves serve as a screen to the direct abutters to the south, north, and west, and the lights are dark sky compliant with a shield, so the light footprint goes downward, but it does not go out laterally towards any of our abutters.

Ms. Matheson: My name is Rebecca Matheson, I live at 136 Sroka Lane. I do have a comment. I feel like it would take more than a minute, so I respectfully request more than a minute to read my statement to the board as I feel these things may be a little tit for tat, but they need to be said.

Mr. Queiroga: How long is it?

Ms. Matheson: Just a page. I read fast. Thank you very much. Mr. Dos Santos brought up harmony, so I'd like to discuss that. Harmony is defined as agreement or concord. The quality of forming a pleasing and consistent whole. The proposed establishment is question is not in accordance with the current scheme of the area. It does not provide a harmonious or advantageous benefit to the Town of Ludlow. This self-storage facility is not the appropriate type of business for this particular location. There will be no significant economic growth for the Town of Ludlow. It offers no possibilities for employment. It offers no potential added economic growth to the surrounding businesses. It offers no opportunities for new residents that would purchase goods and services of the town. The only economic gain would be to a gentleman who has no vested interest in this town. However, it does present the real probability of detrimental effect on the property values of direct abutters and surrounding properties. It does present a further degradation of environment. It does present for extraneous like pollution. It does present for increased traffic issues to the already congested Center Street corridor. It will be cause for expense and safety parties of this town as they will need to respond to any happenings at the unmanned facility, monitored only by security cameras. The current state of the world has led the global community advocating and demanding preservation of the environment. Progressive communities will begin to reevaluate their existing open spaces and the impacts of manmade structures on surrounding environments. Younger Americans with an environmentally conscience mindset will move into these progressive communities creating an upsurge in economic growth. The board has the opportunity to move the Town of Ludlow into this progressive new mindset. You wanted to be a part of the board to make an impact, institute change, and preserve all that you know about this town. Keeping in mind of the objectives as stated on the Planning Board's duties and responsibilities webpage, the Planning Board acts to

implement provisions of zoning bylaws of the Town of Ludlow and to review and update those laws as necessary. Zoning bylaws of which implementation is the responsibility of the Planning Board pertain to the promotion of health, safety, welfare, convenience, and the morals of the town's inhabitants. Objectives for zoning laws have been established to include conserve health, secure from safety, fire, flood and other dangers. To provide adequate light, air, less congestion in streets, prevent overcrowding of land, to avoid undo concentration of population, to encourage housing for persons of all income levels, to facilitate adequate provisions of schools, transportation, ---, water supply, drainage and sewage, and to promote development of natural scenic and esthetic qualities of the community. Finally, they say history repeats itself. I'd like to bring to the board's attention another property on Sroka Lane that was issued a special permit many years ago. This property was issued a special permit on agricultural lands for the purpose of warehousing. It has continued to be misused without any commission, board, or department willing to take action. It has been the site of a large seizure of animals by the MSPCA. It is being used to warehouse several unregistered broken-down vehicles. It is currently under investigation by the Department of Environmental Protection. For the past three years it's been a permanent residence of an individual living in a travel trailer and it is a repulsive vision of blight. Yes, it's hidden from the rest of you in town, but that doesn't make it acceptable. In conclusion, we, the residents of this neighborhood ask you, the Planning Board, to vote appropriately and with regard to the residents of Ludlow. Please do not allow history to repeat itself and create further blight upon our neighborhood. Please do not allow the financial interest of one to outweigh the standard of living for the residents of this town and specifically this neighborhood. As you consider this, please remember the foundations of this town as displayed in the town seal of agriculture and manufacturing. The foundations which have brought this community to celebrating its 250th anniversary. Thank you for taking the time to really listen to our concerns.

Mr. Coelho: I think you're obligated to let everybody speak Mr. Chairman.

Mr. Queiroga: The gentleman in black.

Mr. Ellison: Hi, my name's Bud Ellison. I have a lot that I lease with the property. I'm just gonna point out the property on this side as well, 20 acres there. With all due respect to the White Firm and Mr. DaCruz, and the DPW and all the studies and geo stuff that was all talked about. I've been plowing this land, a 22-inch plow for roughly 25 years. I've broken two 22-inch plows right above here on ledge. I know what the engineers say. I know what I broke. 22 inches down there's ledge. I can also tell you that the state and the Department of Agriculture provided terraced plans for both sides of this because of the rain. Interesting enough, it's raining. The rain that comes down here already washed out my corn, several years. We have now had to terrace it to keep the erosion under control. So, with all due respect to all your studies, I can tell you from real life, that's gonna roll down this hill. And when you put pavement there, it's gonna roll down fast. That I know, I'm just telling you from a guy who works the land. The other thing I'm gonna mention is, I've got a $16,000 corn crop there every year. It gets pollinated by bees in this area and on the other side of town, up on the other side of that hill that's far off this map. The rest of the areas are open. The bees are in here and the bees are up there. If you eliminate the bees, you eliminate my corn crop. That's $16,000 a year I got to come up with. Thank you.

Mr. Coelho: He's already spoken.

Mr. Bal: Alexander Bal, 233 Tower Road.

Mr. Queiroga: Pardon me?

Mr. Bal: Alexander Bal, 233 Tower Road.

Mr. Queiroga: Ok, just quick, please.

Mr. Bal: Ok, I have a question. Does the applicant have his tenants sign a disclaimer if under any or certain circumstances he does not, or is not accountable for liability given certain circumstances? Does he have his tenants sign that disclaimer?

Mr. Queiroga: He doesn't know who his customers are, so I'm sure that.

Mr. Bal: No, that's not what I'm asking. As a general practice of business does he ---?

Mr. Dos Santos: I don't even know if that's relevant to the plan or the process.

Mr. Bal: The answer's no.

(multiple people talking)

Mr. Bal: -- liable for everything. Thank you.

Mr. Coelho: Mr. Chairman, he's already spoke.

Mr. ---: Is he supposed to have an office?

Mr. Coelho: This was already presented in the first meeting.

Mr. ---: Does it have to have a bathroom? Gonna have a part time employee there?

Mr. Coelho: Point of order Mr. Chairman.

Mr. ---: What are the hours?

Mr. Queiroga: Well that subject ---.

Mr. ---: Well if it passes what will be the hours?

Mr. Kowalski: Correct, we've gone over this already.

Mr. Queiroga: That they could be changed and…

Mr. Kowalski: Limited.

Mr. Queiroga: Ok, so they did do that on the first meeting, the one I was here for. Ok.

Mr. Carpenter: Mr. Chairman. Mr. Coelho brought up a good point. I'm not sure if it's an open meeting law violation, but if Ag has a quorum here.

Mr. Coelho: That's not our business right now. I just.

Mr. Carpenter: Ok, I just didn't want to fall into a.

Mr. Coelho: That's their business if they have a quorum here and didn't advertise.

Mr. Queiroga: Ok, alright, members of the board. Are we ready to vote?

Mr. Coelho: Mr. Chairman. I **MOVE** to approve the special permit for 590-596 Center Street under 7.0.4 a-m with the condition that the special permit will run with the applicant and not with the property, additionally, I'd like to add the hours of operation that were first agreed upon in the first meeting which were 8:00 in the morning till 8:00 at night?

Mr. Kowalski: No, I think they were before that. So, from ideally, if we're gonna be limiting hours and I would like them, I guess, from 6:00 to 9:00, 6:00 a.m. – 9:00 p.m.

Mr. da Silva: Is that a deviation from the original plan or is that the original plan?

Mr. Kowalski: The original plan was…

Mr. da Silva: Because at the first meeting you said that you were willing to ---to be willing to make changes.

Mr. Kowalski: I'm willing to make changes, so…

Mr. da Silva: --- changes on the plans from the original day was presented --- the entire plan for the original proposal was for 24-hour access. That's the original proposal, that's the way most of our facilities operate.

Mr. Coelho: Ok, so I'm gonna amend my motion and I'm gonna put what the hours of operation to be from 8:00 to 8:00 and that a proper hedgerow or fence be installed along the neighbor's boundaries as applicable to stop any view from the neighbor's property directly into the development.

Mr. Queiroga: Is there a second to this motion?

Mr. Queiroga: No second, is there a different motion?

Mr. da Silva: I'd like to ask a couple questions before I move onto a vote if I can.

Mr. Queiroga: Go ahead, sure.

Mr. da Silva: So, like I was saying before, is there any changes to the original plan? You said that you can see ---, you can see the reduce in the amount of the units. You can see the change in the lighting? Because those are all concerns I have. I believe the drainage is not an issue at all. I work in the industry and I know that the drainage is not an issue. Those are things that we shouldn't even talk about 'cause there's a proposed plan. That's not an issue, but.

Mr. Kowalski: So, we did reduce the facility by about 25% for, to accommodate safety primarily. We did also reduce the facility in size just to, so that the lighting wouldn't be polluting outside the facility, so we placed the buildings on the outside. So, we significantly

reduced the footprint of the property to accommodate, again, light pollution, to accommodate safety. And then in reference to neighbors, I'm, even beyond this meeting, I'm understanding of the neighbors and willing to accommodate them in whatever way necessary to, you know, whether it's arborvitaes, trees, conifers, fences, whatever would work, I'm willing to work with the neighbors to come up with a solution that works for them.

Mr. Coelho: Mr. Chairman, there's still a motion on the floor.

Mr. Queiroga: We're still looking for a second. Is there other motions? Without any motions, we're in a place.

Motion failed.

Mr. White: Actually Mr. Chairman, may I just address one point with respect to the lighting in terms of alternatives? The light fixture itself will only be mounted about ten feet off the ground. I think any lower light fixture would almost be lesser than the height of the actual door being serviced, so I think we've sited the lowest practical light fixture that would possible as well as specified would indeed be dark side compliant. So, I think we're really, in terms of we don't have 35-foot --- lights in the middle of this parking lot, they're about as low as they, maybe even lower than some residential frankly. But, I think we've really explored what is the absolute minimum that we need to provide a safe facility for people to use during the dusk hours but also --- operate properly.

Mr. Coelho: Mr. Chairman, we don't have a second to my motion, so I'm gonna go ahead and make a **MOTION** to close the public hearing at this point. We have no motion on the floor, public comment's done and until somebody can make another motion, then the hearing should be closed.

Mr. Carpenter: I will **SECOND** the public hearing closing.
5-0 in Favor.
Roll call vote: Mr. da Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga - yes.

The public hearing was closed at 8:06 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents included: Special Permit & Site Plan Review Application for JLL Real Estate, LLC (May 2022); Application for Stormwater Permit/Stormwater Pollution Prevention Plan (SWPPP) for JLL, LLC (May 2002); Comments from Town Boards/Depts; Plan Set for JLL Real Estate, LLC (5 Sheets)(Rev 2 - 06/16/2022); Petition from abutters; Request for continuance from Rich Kowalski (June 23, 2022); Traffic Assessment – McMahon Associates (June 17, 2002); Letter of Opposition from Robin Wdowiak (June 21, 2022); Response to Robin Wdowiak from Chief Daniel J. Valadas (June 23, 2022); Request to reschedule the public hearing to July 28 @ 7:00PM from Rich Kowalski (7/6/2022); Email from Tom Gruszkos, MassDEP – regarding no mapped wetland resource areas at 590 Center Street Ludlow (July 5, 2022); Email from Linda Gamache & Robin Wdowiak – Abutters comments on by-laws for Special Permit (July 27, 2022) including attachments: Lizzotte real estate broker letter regarding external obsolescence; Abutters commentary to Special Permit by-laws 7 26 2022

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

RECEIVED
2022 AUG 12 A 11:04
TOWN OF LUDLOW