TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
February 9, 2023

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

Mr. Phoenix acted as Chairman in Mr. Queiroga's absence.

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

PUBLIC HEARING – Special Permit / Site Plan – Mr. Joe Alves - 279 Cady Street (Assessors' Map 1B, Parcel 5A) (construction of a self-storage facility with associated site improvements to be located within the Agricultural Moderate Density (AMD) Overlay District.)

SEE ATTACHED MINUTES

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 10. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of January 26, 2023
- APPROVE Change of Occupancies:
  - Consolidated Singh MD PC (Willow Primary Care) – 185 West Avenue, U-200 (change of ownership – medical practice)
  - BS Towing & Recovery – 442 Holyoke Street (from towing company to same)
  - EV Automotive – 442 Holyoke Street (from auto repair to auto repair)
  - Gyalchen Sherpa (Pizza Corner) – 70 East Street (new ownership of existing pizza shop)

File Mail Item #11 – Legal Notice – Ludlow Zoning Board of Appeals – 0 aka 184 Howard Street

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Warrant Article to delete existing Medical Marijuana Treatment Center/Dispensary Definition & Prohibition on Marijuana Establishments

Mr. Stefancik explained that this is just housekeeping because when the new bylaw is put in, the prohibition needs to be removed, and the medical marijuana would be coming in under the new definition.

Mr. Carpenter **MOVED** to send both articles to town meeting.

SECOND Mr. Coelho.
Mr. Phoenix: Just for clarification, that's to send both of these to the Board of Selectmen for inclusion on the warrant?
Mr. Carpenter: Yes.
4-0 in Favor.

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Documents included: Draft Articles: Section X: Definitions, by deleting Medical Marijuana Treatment Center/Dispensary; Section III: General Use Regulations 3.0 General Regulations 3.2 Prohibited Uses by deleting 3.2.3 Prohibition of Marijuana Establishments

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ANR – Travis A. & Lee-Ann S. Wheeler – 523 & 545 Miller Street (Assessors' Map 25A, Parcels 17 & 28B) (add portion of 523 Miller Street (Lot 17-1) to 545 Miller Street (Lot 28B))

The applicants were not present for the appointment.

Mr. Phoenix and Mr. Stefancik agreed that the plan looked to be complete.

Mr. Carpenter: I **MOVE** to endorse the ANR for Travis and Lee-Ann Wheeler for Lots 523 and 545 Miller Street.
SECOND Mr. Coelho.
4-0 in Favor.

Documents included: Master application; ANR Lot Plan of Land in Ludlow, Mass Surveyed for Marco & Bonnie L. Louvitakis & Travis A. & Lee-Ann S. Wheeler (Jan. 23, 2023)

Mr. Phoenix brought up the fact that there are traffic concerns at the Harris Brook Elementary School, specifically during the afternoon pick up time, and that something needs to be done. He suggested that the superintendent or the school principal needs to be contacted regarding the unsafe vehicular circulation on and around their site. Mr. Phoenix said that the first step would be to let them know that the Planning Board sees that it's not working and that they need to do something to fix the traffic situation, and then if they don't fix it, the Board will need to look at whether they are meeting what is on their site plan the way that any other property in town would be expected to.

Mr. Coelho: I'll make a **MOTION** that Doug write a letter to the superintendent and cc the principal and the school committee something to the effect that the traffic situation has come to our attention and we feel that a plan needs to be in place to improve it or you're gonna be subject to further site plan review, something of that nature.
SECOND Mr. Carpenter.
4-0 in Favor.

Mr. Carpenter: Mr. Chairman, I make a **MOTION** to have a brief recess until 7:30.
SECOND Ms. Houle.
3-1 in Favor. (Mr. Coelho)

The Board took a recess from 7:28 p.m. until 7:30 p.m.

PUBLIC HEARING – Site Plan – Daniel Roberts – 541 Center Street (Assessors' Map 16A, Parcel 41) (Add 5-foot vegetative buffer to rear & side of property; add dumpsters behind fence & office building; propose location of future storage building.)

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Mr. Carpenter: Mr. Chairman, I make a **MOTION** to adjourn at 8:05 p.m.
SECOND Mr. Coelho.
4-0 in Favor.

Meeting adjourned at 8:05 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 / SPECIAL PERMIT
279 Cady Street – Mr. Joe Alves
(construction of a self-storage facility with associated site improvements to be located within the Agricultural Moderate Density (AMD) Overlay District.)
February 9, 2023

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PLANNING BOARD MEMBERS

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

Mr. Phoenix acted as Chairman in Mr. Queiroga's absence.

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

In attendance: Joe Alves, Rob Levesque – R Levesque Associates, attendees

Mr. Phoenix read the legal notice into the record, advised the public that the cameras are recording, and gave the applicant the invoice from Turley Publications. The legal notice included the description of: construction of a self-storage facility with associated site improvements to be located within the Agricultural Moderate Density (AMD) Overlay District.

Mr. Phoenix: Before I get into correspondence, which is normally where I would start in a hearing, it's my understanding that you have a request that you wanted to make, and we can discuss where we want to go from there.

Mr. Levesque: Thank you sir. Good evening, for the record, Rob Levesque from R Levesque Associates here this evening representing Joe Alves. Based on the available members this evening, we would like to postpone the start of the hearing to the next available date certain. We would like to start with five members on the Planning Board. We would be happy to respectfully request a continuance to your next available public hearing which we believe is, did you say the 22nd or 23rd?

Mr. Phoenix: I think that would probably be the next best bet would be the fallback of February 23rd at 7:00 p.m. Sue, nothing else got scheduled on that date and time, right?

Ms. Urban: We have three things that day, the last one is at 7:40 which is a zoning bylaw public hearing, so I'm not sure how long that would take.

Mr. Phoenix: Do we have anything in that 7:00 slot?

Ms. Urban: We have 7:00, 7:10, and we have 7:40.

Mr. Phoenix: Not that it's germane to this hearing in particular, but if this were cancelled, if something happened and town hall disappeared before the meeting started tonight, legal notice was that this was gonna be rescheduled to February 23rd at 7:00, so why would we have something else scheduled on February 23rd at 7:00?

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Ms. Urban: Well, we usually just do that in case it's cancelled.

Mr. Phoenix: Ok, we might need to look at changing that because that doesn't make a whole lot of sense to me. So, you said 7:40 we have bylaw discussion, which part of that includes, a large part of that includes the marijuana bylaw. So, that may be a fairly lengthy discussion. What's the next meeting after that?

Ms. Urban: We have March 9th. We have nothing for that night, so.

Mr. Phoenix: Ok so, I'm gonna open it up first of all, I mean, from the board, what your thoughts are, if we want to get that in writing from the applicant, what your thoughts are on moving forward with the request to continue until March 9th at 7:00 or continue just going forward with things tonight since we do have a number of people that showed up for the hearing. What's everyone's thoughts?

Mr. Carpenter: Mr. Chairman, I have no issue postponing provided the applicant submits something in writing.

Mr. Phoenix: Any other comments from the board?

Mr. Coelho: I'm at the will of the board on this one.

Ms. Houle: I have no problem.

Mr. Phoenix: Ok, so can we get something in writing asking for the continuance and then we can have a motion on that? While that's happening, I would just say, and I know you mentioned that you've thought about it and you'd like to be able to have all the members present. Tonight we had one member that wasn't gonna be able to be here. I don't know all of the details of that situation. I know another one had a family emergency. There's no guarantee that we get to March 9th and there's not gonna be another one of the people who has an emergency, or something come up. And in fairness to the people that have come in tonight, that do have an interest in this, I want to make sure that we're not wasting their time and energy and having them come in if we're not gonna be having the discussion. So, at least speaking on behalf of myself, not the whole board, if we do continue this tonight to that other meeting, whether we have five members or four members, as long as we have enough to be able to act on it and to act on the associated waivers, I think we need to move forward.

Ms. Houle: I would agree Mr. Chairman.

Mr. Carpenter: I would agree as well.

Mr. Phoenix: Do we have that in writing?

Mr. Levesque: We're doing that right now, thanks. Do you want a signature from the applicant?

Mr. Phoenix: Yes, please. March 9th at 7:00 p.m. So, we have a request from the applicant on behalf of the applicant Joe Alves, we request that the hearing for 279 Cady Street be postponed to the next available meeting date. So, at this time, I would entertain a **MOTION** to continue until March 9th at 7:00 p.m.

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Mr. Carpenter: Mr. Chairman, I **MOVE** to continue the hearing to March 9th at 7:00 p.m.
SECOND Ms. Houle.
4-0 in Favor.

The public hearing was continued until March 9, 2023 at 7:00 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

Documents: Legal Notice; Request for continuance from Joe Alves

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE PLAN
541 Center Street (Assessors' Map 16A, Parcel 41)
Daniel Roberts
(Add 5-foot vegetative buffer to rear & side of property; add dumpsters behind fence & office building; propose location of future storage building.)
February 9, 2023

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

Mr. Phoenix acted as Chairman in Mr. Queiroga's absence.

The public hearing began at 7:30 p.m. in the Selectmen's Conference Room.

In attendance: Daniel Roberts, Miranda Roberts, attendees

Mr. Phoenix gave Mr. Roberts the invoice from Turley Publications, that the cameras are recording, and read the legal notice which included the description of: Add 5-foot vegetative buffer to rear & side of property; add dumpsters behind fence & office building; propose location of future storage building.

Mr. Phoenix: I do have some correspondence here with this, but before I get into that, does anybody need a copy of the plan?

Mr. Coelho: That would probably be helpful on this side.

Mr. Phoenix: You got something there, Josh, or?

Mr. Carpenter: I would like one actually.

Mr. Phoenix: I know you can't steal a glance off my laptop tonight.

Mr. Carpenter: I know, you're so far away tonight.

Mr. Phoenix: So, for comments I have, Conservation says that they have no issues. From our own office, Doug has reviewed and in red ink I see: *Existing gravel parking will need to be paved once building in the rear on property is built.* And then additional comment: *Applicant is asking for four waivers: o. Additional requirements 1, 2, 3, & 5*, which are somewhat standard, and: *if utilities are added to the rear building the site plan will need to be updated. Mr. Phoenix read the comments from the Fire Department which noted that there were no issues or concerns with the proposed site plan.* We have from the Building Department, Leslie Ward in particular, we have: *I have no comments for this application.* From the Health Inspector: *Permanent*

dumpsters require permits from the Board of Health. Mr. Phoenix read the comments from the Department of Public Works which noted: All parking areas shall be paved and noted on the site plan as either paved or to be paved with the type of pavement to be used. As stated in the note, grading and drainage plan to be submitted prior to the issuance of a building permit for the proposed building. This plan does not propose any changes in topography or existing drain flow. I then have some things here for complaints and emails. *Mr. Phoenix read the complaints from Robin Chandonnet, James Reich, Serena Hagg, Roberta Chandonnet, and reviewed the photos submitted by the abutters (see file).* And the last thing that I have in this initial stack is the request for waivers. *Mr. Phoenix also read the request for waivers from 5.a.1 (Lighting Plan with Luminaire Schedule), 2 (Elevations), 3 (Signage Design Plan), 4 (Snow Storage), & 5 (Traffic Study) from DMR holdings LLC (see file).* So, I'm gonna take a sip of water, and while I do that, I'm gonna ask you to briefly describe what you're looking to do at the property.

Mr. Roberts: Thank you for your time tonight. So, start off by when we first grew interest in the property, we worked closely with the previous owner and we received permission from him and Ethel Lee from Prime Condominiums, she manages Chapin Greene, and they said they had no issues with us removing trees as long as they were on our side of the fence. And the main reason for that was insurance issues with our provider. There had been several claims throughout the years with trees down on the building, vehicles, etcetera. So, we had and have full intentions to replace with evergreens around the whole property which will grow 20 – 40 feet over time.

Mr. Stefancik: Just as a picture, these are the type of trees that were three to four stories tall.

Mr. Roberts: They're pine trees.

Mr. Stefancik: ---

Mr. Roberts: Covered in poison ivy and vines. And in the picture, the storage container had since been removed after working with Doug. We were unaware of the bylaw, so it was there for three weeks and is now removed. Other notes, the dumpsters were moved behind the house which have a fence around them, and they're mixed in with the vehicle parking. And at this time the proposed building is just a thought. We would, of course, go through all permits and follow all codes and laws to move forward on that.

Mr. Coelho: So, currently there's two storage buildings behind the house?

Mr. Roberts: It's one, yeah.

Mr. Coelho: It's got two different roof lines.

Mr. Roberts: Yeah, once, I believe, it was separate.

Mr. Coelho: Are you planning on razing those and building a new building there?

Mr. Roberts: Well, the new building would go in the rear just for cold storage.

Ms. Houle: You're gonna keep those?

Mr. Roberts: Yes, correct.

Mr. Coelho: Ok.

Mr. Roberts: Just to keep the surplus of inventory out of sight, keep it neat, nice and neat inside, you know, the building.

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Mr. Coelho: This lot is zoned business, I'm assuming?

Mr. Stefancik: Yeah, Business A.

Mr. Coelho: It's Business A, and it had a residence on it at some point in time.

Mr. Stefancik: Probably years ago, but…

Ms. Houle: Back in the 40's.

Mr. Stefancik: …it was after that, and I think there was a site plan for a used car lot, so I think that was a grandfathered use on the property, but I don't they, I don't know if they kept a license current on that. It had some different mixed uses.

Mr. Coelho: And you own the whole property now?

Mr. Roberts: We do.

Mr. Coelho: And you're intending on using it for one business purpose?

Mr. Roberts: For one business.

Mr. Coelho: And he did do a Change of Occupancy on the property, it went from Bath Fitters to Overhead Door.

Mr. Phoenix: At any point, have you seen, because I believe Doug when you brought this out, this is the most recent approved plan that we have?

Mr. Stefancik: We have a whole pile of, some were withdrawn and…

Mr. Phoenix: Is this the most recent approved?

Mr. Stefancik: Yeah, 1994.

Mr. Phoenix: This one says '92. Is there a '94 that's newer then?

Mr. Stefancik: Yup, this is '94.

Mr. Phoenix: Ok, so it looks like there are a couple additional revision dates on here, same person working on it. So, this is the most recent approved? Ok, so have you seen this plan at all?

Mr. Roberts: Yes, as of recently, yes, we have.

Mr. Phoenix: So, the first thing that I would just kind of comment on as far as what's going on here, whatever was shown on this plan is what should have still been there, so.

Mr. Roberts: Correct.

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Mr. Phoenix: We have existing tree line, existing trees to remain, things like that that are called out here. When you took down the trees, were you aware that those were on the site plan, that those were supposed to be there as a buffer?

Mr. Roberts: We were unaware of that.

Mr. Phoenix: Ok, 'cause that's obviously kind of a big issue. And I understand like trying to replace large trees is not easy, but that's part of what the expectation has been since, you know, the early to mid-90's on that property, is that that buffer was gonna be there. And then, when I'm looking at the newer plan, and I know it's kind of reoriented from the old one, but this vegetated area toward the back of the property, now we're showing that you're putting the proposed building in there, you've got kind of some vegetative buffer along the edge, but you're losing a lot of that depth. So, you're losing height on what you'd be replacing it with and you're losing the depth. So, you're losing a lot of the ability to screen, even from ground level, let alone from anybody that's on a second level or something like that. What are you proposing to try and do to mitigate that for those neighbors?

Mr. Roberts: So, we're starting with evergreens, and we can add trees if needed.

Mr. Phoenix: I see the stockade fence called out. What height are you looking at for putting in?

Mr. Roberts: So, we're buying the largest you can, which is about six feet, realistically, when you buy a trailer load of them, and they will grow up to forty feet. The green giants grow quickly from the research we've done. They grow thick, they grow full. They get ten to twelve feet wide. So, it will not be the minimum five feet buffer. It will be, eventually, twelve feet width, height will be.

Mr. Phoenix: Maybe. The other piece of that is you're putting these right up against the property line, so if you're talking about something that's gonna be able to get to twelve feet in width. I don't know that that's realistic for where you're putting it, 'cause then you're saying that they're gonna be pushing the fence into the neighbor's property. So, they're not gonna get that deep. And obviously they're not gonna grow as close together as you get higher into the trees too. So, I think we might need to look at some of that, but there might be a need for another look at how that's gonna be structured. There has been a lot of difference and I think we need to try and mitigate as much of that as possible.

Mr. Stefancik: For a 30,000 square foot parcel, the depth of a buffer required landscaping Table 3, is five feet for side and rear.

Mr. Phoenix: I get that, but the bylaw for what they can do on a new site plan is fine, but as of now, what we have that's approved is still, without taking out a rule to measure it, that looks like about maybe forty, so that's about forty feet in depth. That's actually calling out a fifty-two foot measurement, so we're talking about fifty-two feet of depth, ten feet of depth, six feet of depth depending on where along the property edge you're looking, and that's what was taken away, and if we approve the plan that's in front of us now, we're saying let's take where some of that

was supposed to have been and then let's slap a proposed building there that we don't even have elevations for because they're saying it's a proposed building in the future. We don't know what it's gonna look like so we don't want to provide elevations, but then we can't see what it's supposed to look like which is the whole point of asking for elevations in the first place.

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Mr. Stefancik: I don't think he provided just an elevation, but he did provide a front view of the building. I believe it should be in there. I think it was like a metal building, correct?

Mr. Phoenix: Well, we have this.

Mr. Stefancik: Yeah, that was the only thing.

Mr. Coelho: Well, that's already clear cut. Is that the case?

Mr. Phoenix: That's my understanding. It's just pretty…

Mr. Roberts: On one side, one side. We left any tree that was worth saving, which was one oak.

Mr. Carpenter: Yeah, Mr. Chairman, I was there this afternoon kind of looking at it and pretty much where they're putting that whole vegetative buffer is pretty much gone.

Mr. Phoenix: And as far as the building portion of it, the proposed building is for a future expansion location therefore a waiver is requested for elevation showing the building design. So, either we have the building design, and this is that, or they're asking for a waiver, and this is speculative, but I don't know why we'd be waiving it if this is gonna be that. It's confusing for me.

Mr. Stefancik: They could take the waiver request off on that.

Mr. Phoenix: Well, I mean, if this is what that building is going to look like, then I would think we don't need to waive giving us what the building looks like. But normally we're looking for those views so that we can see what this is going to be. I'm just me. I got three other people here, but I don't think that makes sense to me.

Mr. Carpenter: Mr. Chairman, if I can.

Mr. Phoenix: Sure, Mr. Carpenter.

Mr. Carpenter: When did you purchase this property?

Mr. Roberts: We purchased it October 31st.

Mr. Carpenter: 2022?

Mr. Roberts: Correct.

Mr. Carpenter: I'm just looking at the dates on the complaint form. So, within three weeks it looks like you started…

Mr. Roberts: The property was cleared before we bought it.

Mr. Carpenter: It was?

Mr. Roberts: Yes, because we could not obtain the appropriate insurance on the property.

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Mr. Carpenter: Looking through these…

Mr. Phoenix: Well, that's different.

Mr. Carpenter: Looking through the complaints, I mean, I didn't see the container trailer there today. I did see a couple of vehicle pull trailers. Let me go a little out of order here, you did want to say you were gonna put dumpsters there?

Mr. Roberts: Yes, behind the office building.

Mr. Carpenter: What time would pick up be for those just because that is a semi residential in that area?

Mr. Roberts: Average between 12:00 p.m. - 4:00 p.m. Monday through Friday. That's what it's been since we've been there. We try to be respectful.

Mr. Carpenter: While I was there today it was kind of hard not to look into those condos from where I was parked, and I wasn't, and I didn't go much further than the first building that was there. There was a stack of pallets where I parked, so I wasn't even halfway into the property. So, it's very easy to see those lots. So, I could see how they are extremely unhappy with what their views were, especially from the first picture of the resident in her backyard to what they see now.

Mr. Roberts: Understood.

Mr. Carpenter: That being said, obviously if you paved, do we have to give them, they have to have a stormwater plan, correct, if they add paving or ---?

Mr. Phoenix: Well, that depends on the amount of impact that they have.

Mr. Stefancik: --- affecting an acre of land stormwater comes into play. I think with this, there could be a small amount of stormwater with the new pavement and then the new building, and they'd have to file a stormwater permit with the DPW. I think that was Jim's comment from Engineering. So maybe a catch basin might be needed in the future in the rear of the property.

Mr. Carpenter: And you guys filed for building permits and all that when you guys did everything that you already did?

Mr. Roberts: Correct. Well yeah, we put ---.

Mr. Carpenter: ---

Mr. Roberts: Yeah, yeah.

Mr. Coelho: Did the insurance company assess the trees and found that they were a risk?

Mr. Roberts: Yes.

Mr. Coelho: Did they provide that to you in writing?

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Mr. Roberts: No.

Mr. Phoenix: And the dumpsters, you said those are gonna be behind the office building?

Mr. Roberts: Yes.

Mr. Phoenix: Because I don't see those on the plan. --- location.

Mr. Roberts: They are in between the parking spaces.

Mr. Phoenix: They're in between?

Mr. Roberts: Correct.

Mr. Phoenix: Ok, so they're not…

Mr. Stefancik: --- space ten ---.

Mr. Phoenix: …like right up against the building, they're…

Mr. Roberts: No, they're spaced out for safe access.

Mr. Phoenix: Okey-dokey.

Mr. Roberts: So normally we have three trucks that are parked around them which completely block them. We have a vehicle parked in eight, nine, and ten after hours, so it completely blocks the view of them.

Mr. Phoenix: Is there anything else from the board at this point? Hearing nothing, I'm gonna open it up to comments and questions from the public. As this is a public hearing, if you do have anything that you would like to add or ask, I would ask that you state your name and address for the record and address any comments, questions that you have through myself as chairman, and we'll do our best to get you whatever information you need. Does anyone in the room have anything at this time?

Ms. Gendron: Lorraine Gendron, 112 Chapin Greene Drive. Just a clarification because --- at this time.

Mr. Phoenix: Sure.

Ms. Gendron: So, all those circles on the right are indicating the trees will be placed there?

Mr. Phoenix: Yes.

Ms. Gendron: I just wanted to clarify that, thank you.

Mr. Coelho: Pine trees, arborvitae, oak tree, and proposed evergreens. So those are going to be proposed evergreens. So not even arborvitaes, more pines. They do grow quickly.

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Mr. Roberts: ---

Mr. Coelho: On the right side, or the north.

Ms. Gendron: Where the condos are, yeah.

Mr. Roberts: In line with the condos.

Mr. Coelho: The condos are in the back, no?

Mr. Roberts: The back and side. They're arborvitaes.

Mr. Stefancik: Arborvitaes. The existing are pine trees.

Mr. Roberts: The pines are on the other side of the property.

Mr. Coelho: Ok, so.

Mr. Stefancik: --- stories tall.

Ms. Houle: This is where they're…

Mr. Roberts: --- we have the minimum of fifty proposed.

Mr. Phoenix: Anything else from anyone that's here this evening?

Mr. Archambault: Mr. Chairman, Robert Archambault, 16 West Belmont Street Ludlow. I think that --- of the business putting in trees trying to compensate for the ones that were taken down really shows effort on behalf of the business to compensate for these people that are living behind them in the condos. I also want to say as a resident of Ludlow, bringing in business is good for all of us. So, I think we should hear out the business owner and, you know, applaud him for trying to bring in these trees to remedy the situation. That's just my opinion, sir.

Mr. Phoenix: Thank you.

Mr. Coelho: That's usually my opinion too, but I'm not used to hearing that from that side of the table. So, you're gonna have to excuse me if I'm a little beside myself right now.

Mr. Phoenix: For what it's worth too, I think one of the things that may have slid under the radar, but had an impact on my thinking, is you said that the trees were gone before you actually took ownership of the property. So, it's not something where you made that change, you walked in after that was already done. So, in case other people didn't catch that when it was originally said, I certainly did because to me that makes the world of difference. It's not that you came in and just got rid of all the trees. They were already gone. You're looking to try and do something to bring it back to get that better for the neighbors. I think that's a huge difference in what we're looking at.

Mr. Roberts: We're trying to be neighborly for everyone and just work together. We've worked closely with Ethel Lee several times. There was damage with the fence. We took care of it right away. She calls us right away and we take care of the issue whatever it may be.

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Mr. Phoenix: The one other thing that I do need to make sure that I do since we are in the current era, I do need to ask if anyone has either dialed in or joined via Uber Conference if they have anything that they would like to add or ask because I don't have that pulled up on my computer to know if anybody's even in that room at the moment. Hearing nothing.

Mr. Coelho: Mr. Chairman, may I read the emails of concern on this?

Mr. Phoenix: Well, it's just like one email and then a bunch of complaint forms. But it all starts…

Mr. Coelho: I just want to take a look at those on paper. It's just a little, I'm old fashioned.

Mr. Phoenix: That's fine. And just to clarify, the picture that's in here, is this the actual intention is for that rear building when that gets put up?

Mr. Roberts: Most likely, yes.

Mr. Phoenix: Ok. And is there, obviously it's a proposed building, things can change, but as far as the timeline, do you have any idea when you're looking to have that building?

Mr. Roberts: We are hoping within five years.

Mr. Phoenix: Ok.

Mr. Roberts: In this economy it's been a little struggle.

Mr. Coelho: You're growing a business too, so.

Mr. Roberts: We, my wife and I purchased the building, the business in April 2022, and we were struck with having to move after 35 years on Moody Street. We've been taking one punch at a time. We're just trying to get on our feet and find employees.

Mr. Coelho: Could I see the sign in form right behind you? Would you mind passing that to me? Behind you. Thank you.

Mr. Phoenix: While you're doing that Chris, let me see if I can pull this up here. So, on Doug's thing, we got the waiver request for 1, 2, 3, and 5. Are you looking to have any utilities for the rear buildings?

Mr. Roberts: No, just cold storage.

Mr. Phoenix: And Fire said no comments. Engineering, the comment about the parking area needs to be marked as paved or to be paved, which it's gonna need to be paved. I know Doug had made a comment about that as well that as that's going on it needs to get paved. So, we might just need to have a notation about that marked on the plan. And grading and drainage plan

to be submitted prior to the issuance of building permit for proposed building. Plan does not propose any changes in topography or existing drain flow. So, it looks like that's separate from this process. Then we have the waiver request. And we don't need to waive 4, we're just looking at 1, 2, 3, and 5. So, 1 is the exterior lighting, and again, the reason is provided on the letter for the waiver is it has residential style lighting at entrance doors and two spotlights facing the driveway on motion sensors. On 2, there's no proposed exterior alterations to the building as proposed. Building is for future expansion location therefore waiver is requested for elevations showing the building design. Maybe it's worth it, just to waive that because we're not getting an elevation on the front building, I don't know. I'll leave that up to the Board's thinking. Number 3, the sign is existing with permit, therefore waiver is requested for sign design plan. They're not changing it. That makes sense. And then 5, proposed changes will have no effect on the amount of traffic to the property therefore a waiver is requested for a traffic study. And they did mention 4 in here, but snow storage is shown, so.

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Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I'll make a **MOTION** to grant the waivers as requested in the request letter dated…

Mr. Phoenix: I don't think there's a date on it. It's the only one in the file.

Mr. Coelho: …the request letter in the file specifically to 7.1.5 o, numbers 1, 2, and 5…

Mr. Phoenix: And 3.

Mr. Coelho: …and 3, I'm sorry. 1, 2, 3, and 5.

Mr. Carpenter: **SECOND** for discussion.

Mr. Phoenix: Discussion.

Mr. Carpenter: So, there's gonna be absolutely zero lighting inside this proposed building?

Mr. Roberts: Yes.

Mr. Carpenter: I really don't like giving 2. Is there a way we can make this approval contingent on when they come back or when this building is going to be erected, they have to come back in front of us for elevations?

Mr. Phoenix: So, for you, you want something more?

Mr. Carpenter: I want something more than a picture.

Mr. Phoenix: We can certainly look at doing something like that. So, to be clear, are you asking for an amendment to the motion that number 2 be waived on a condition that when they do go to build that back building that we get elevations at that point?

Mr. Carpenter: Yes.

Mr. Coelho: With a luminaire schedule?

Mr. Carpenter: Well, no, it would just be an amendment to number 2…

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Mr. Phoenix: Elevations.

Mr. Carpenter: …only because there's gonna be lighting changings for 1, so 2 would be just when they are going to erect the building, I'd like elevations.

Mr. Phoenix: So, I think we can probably make the waiver contingent. We can then also make the actual motion contingent on that if that satisfies you.

Mr. Carpenter: That would satisfy me.

Mr. Phoenix: So, just for housekeeping purposes, I will entertain a MOTION to amend the existing motion to add language that the waiver of number 2 is contingent on receiving an elevation plan of the rear building prior to it being constructed.

Mr. Coelho: **SO MOVED.**

Mr. Carpenter: Mr. Chairman, are you making the motion?

Mr. Phoenix: No, I'm entertaining the motion and then we need to vote on the amendment and then we can vote on the main motion.

Mr. Carpenter: So, **SECOND.**
4-0 in Favor.

Mr. Phoenix: The motion is amended. On the motion itself as amended. All those in favor?
4-0 in Favor.

Mr. Phoenix: So, the waivers have been granted, but before you build that back building, we're gonna need to get more formal elevations.

Mr. Roberts: Yup.

Mr. Phoenix: With that said, I would be looking to entertain a motion in the standard form to approve the site plan, with the condition, that again, we get the elevation of that rear building prior to it being built, and then to close the public hearing.

Mr. Carpenter: Mr. Chairman, I make a **MOTION** to, this is a site plan, right?

Mr. Phoenix: Yup.

Mr. Carpenter: Approve the site plan with the contingency that we get elevations when the proposed building in the back of the lot is erected to get those elevations and to close the public hearing.

Mr. Phoenix: And for clarification, that's a motion is the standard form, not just to approve?

Mr. Carpenter: Yes.
SECOND Ms. Houle.
4-0 in Favor.

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The public hearing ended at 8:04 p.m.

APPROVED:

Kathleen Houle, Secretary

su

Documents included: Master application; Waiver request from DMR Holdings LLC; Comments from Town Departments/Boards; Dept. of Inspectional Services complaint forms & photos from James Reich, Serena Hagg, Roberta Chandonnet; Site Plan – 541 Center Street Ludlow, MA – Owned by DMR Holdings, LLC (January 12, 2023)

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