TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
June 22, 2023

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PLANNING BOARD MEMBERS

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

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

CONTINUED PUBLIC HEARING – Special Permit / Home Occupation – Charlene L. Cavanaugh – 55 Stevens Street (Assessors' Map 15D, Parcel 74) (conversion of single garage to hair/nail salon)

SEE ATTACHED MINUTES

CONTINUED PUBLIC HEARING – Special Permit / Home Occupation – Lenna Andre – 137 Vienna Avenue (Assessors' Map 11A, Parcel 168) (office for cleaning service business)

SEE ATTACHED MINUTES

CONTINUED PUBLIC HEARING in accordance with the Remand Order issued by the Hampden County Superior Court – Special Permit / Site Plan – 590-596 (0) 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)

Mail items included in hearing:
#30 – Letter from Abutters and Community Residents re: Public Hearing for 590-596 Center Street &
#33 - Revised letter from Abutters and Community Residents re: Public Hearing for 590-596 Center Street

SEE ATTACHED MINUTES

ANR – Jeffrey Daley, Westmass Area Development Corporation – 105 First Ave / 0 State Street (Assessors' Map 14C, Parcels 105 & 106) (propose to transact certain portions of adjacent parcels 14C-105 & 14C-106)

Sarah LaCour – Westmass Area Development Corporation, and Alex Fagnand – Tighe & Bond were present for the appointment.

Mr. Fagnand explained that Westmass owns a large tract of land east of First Avenue and south of State Street, along with a smaller piece of land with a funny tail to it, where the Pieroways building is. He

said that this ANR effectuates a land swap between the two, putting the tail of the smaller lot into the larger parcel.

Mr. Phoenix commented that he didn't see a call out on the plan of whether the ways a private or public. Mr. Fagnand noted that both First and State are public ways.

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Mr. Phoenix: I'll entertain a MOTION to waive the requirement that the public or private status be called out on the plan based on the overall completeness of the plan and how well established most of the streets called out on the plan are, and further to endorse the ANR in our standard form.

Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.
4-0 in Favor.

Documents included: Master application; Plan: Approval Not Required, State and First Street, Ludlow, Massachusetts, Prepared for Westmass Area Development Corporation (June 1, 2023)

PUBLIC HEARING – Definitive Subdivision - Jeffrey Daley, Westmass Area Development Corporation – 0 State Street (Assessors' Map 14C, Parcel 106) (for the subdivision of the undeveloped portion of the Ludlow Mills Phase IV site for commercial and industrial development. An 1,800 linear foot (+/-) roadway with utilities will be constructed to service four building lots on the site.)

SEE ATTACHED MINUTES

File Mail Item #34 – Reorganization of Ludlow Recreation Commission

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Mail Item #35 – Request for meeting with the Planning Board re: Construction of independent free-standing structure @ 66 Stivens Drive from Walter & Sally Trusz

The letter stated that a building application was submitted in January 2023 for a free-standing structure to be used as a professional office/accessory apartment, and that in April, Leslie Ward, Building Commissioner sent a denial letter as it goes against Town of Ludlow Zoning Bylaws, and that a special permit may be needed from the Zoning Board of Appeals.

Mr. Phoenix commented that an accessory apartment or a home business approval would come from the Planning Board.

Mr. Coelho: I'd like to make a **MOTION** to file this until our next meeting and discuss this with Doug.

Mr. Phoenix: Can we add into that, to ask Leslie for further insight into any details surrounding the letter?

Mr. Coelho: Absolutely.
SECOND Mr. Carpenter. I want to make sure that we're all on the, that Leslie ---.

Mr. Phoenix: Is that or is that not the most hesitant second I've heard ever?

Mr. Carpenter: The motion is to table it till next meeting to talk to Doug and get more input from Leslie.

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Mr. Coelho: And get more input from Leslie, absolutely, before our next meeting I'd like to have something.
SECOND Mr. Carpenter.
4-0 in Favor.

File Mail Item #36 – Legal Notice – Zoning Board of Appeals – 51 Chapin Circle

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Mr. Phoenix asked that the documentation for the storage facility (590-596 Center Street), in particular, the comments from the neighbors and the response letter from the applicant, as well as all of the review comments from the various groups on the Mills Project (Westmass, 0 State Street) be emailed to the Board Members before the next meeting.

CONSENT AGENDA:

The Board pulled out two Change of Occupancies from the Consent Agenda for further discussion:

- Jeremy Valentin (Trippys) – 348 West Ave. (from Artistic Interiors Kitchen Design to novelty store/retail)

The Board Members determined that a site plan needs to be submitted for the change in use. They agreed that since the property owner already has to come in for a site plan for the adjoining unit on 346 West Avenue, that 348 West Avenue could be included on that site plan.

Mr. Phoenix: So, I'll entertain a MOTION to inform the applicant for 348 West Ave. of the prior steps that were taken for that property with the prior Change of Occupancy and inform them that they may want to reach out to the property owner to coordinate whatever's going on with the site plan.
Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.
4-0 in Favor.

- Michael A Martin (Martin Geo Environmental LLC) – 411 West Street (from new building (empty) to storage)

Mr. Phoenix: I'll entertain a MOTION to table that until some further research can be done on what plans we have on file for 409B West Street, sorry for 411 West Street.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

The Board approved the rest of the Consent Agenda under unanimous consent.

- FILE Mail Item 32. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of May 25, 2023; and Executive Sessions Minutes of April 13, 2023, May 11, 2023, May 25, 2023
- APPROVE Change of Occupancies:
  - Marco Vieira (Grit 24 Fitness) – 56 East Street (change of ownership of existing gym)
  - Tia Fortier (Nails by Tia Lynn) – 120 East Street (from day spa / Blanco Electric to manicure shop)
  - Samantha Cranham (Fluff 'n Mutt) – 85 East Street (from barbershop to dog grooming)
  - Eric Smola (B.C. Gate Co. LLC) – 409B West Street (from environmental testing storage to gate storage)
- SIGN Special Permits:
  - Jennifer Wright – 113 Moore Street (telehealth mental health counseling)
  - Margaret Kibugi – 165 Dowd Court (cleaning business)

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ANR – Joan Foster – 0 Loopley Street (Assessors' Map 11D, Parcels 78D-F, 79, 79A-E) (combine parcels into two lots; Lot C & Lot D)

The applicant was not present for the appointment.

Mr. Phoenix ran through the ANR checklist and noted that he didn't see anything missing on the plan.

Mr. Carpenter: Mr. Chairman I make a **MOTION** to endorse the…

Mr. Phoenix: ANR in the standard form?

Mr. Carpenter: …ANR in the standard form.
SECOND Mr. Queiroga.
4-0 in Favor.

Documents included: Master application; Approval Not Required Plan of Land, Loopley Street Ludlow, Massachusetts, Surveyed and Mapped for Anlo Realty Corporation & Casimir S. Lopata (owners) (6-07-2023, Rev'd 06-14-2023)

ANR – Joan Foster – 0 Swan Avenue (Assessors' Map 16A, Parcels 7 & 8) (combine parcels into two lots; Lot A & Lot B)

The applicant was not present for the appointment.

Mr. Phoenix ran through the ANR checklist.

Mr. Carpenter: Mr. Chairman I make a **MOTION** to endorse the ANR in the standard form.
SECOND Mr. Coelho.
4-0 in Favor.

Documents included: Master application; Approval Not Required Plan of Land, Swan Avenue Ludlow, Massachusetts, Surveyed and Mapped for Anlo Realty Corporation & Casimir S. Lopata (owners) (6-07-2023, Rev'd 06-14-2023)

Mr. Carpenter: **MOTION** to adjourn.
SECOND Mr. Coelho.
4-0 in Favor.

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Meeting adjourned at 10:06 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

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

TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION
55 Stevens Street – Charlene L. Cavanaugh
(conversion of single garage to hair/nail salon)
June 22, 2023

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PLANNING BOARD MEMBERS

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

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

In attendance: Charlene Cavanaugh, Joe Frade, attendees

Mr. Phoenix advised the public that the cameras are recording and explained why the hearing was continued.

Mr. Phoenix: So, this is for a special permit home occupation like I read off of the agenda and like I read the legal notice last time. You want to just tell us what you're looking to do?

Ms. Cavanaugh: I basically wanted to put my salon in my house to make my life a little easier.

Mr. Phoenix: And I'm looking for, see I knew there was gonna be a lot of paperwork, so I didn't set up my laptop in front of me today, now I'm digging through the file.

Mr. Frade: Basically, she has a one car garage on the side of her house. It's about 19 feet by 11 feet wide. It's about 209 square feet. And what we'd like to do is take out the garage door and put vinyl siding up with a 36" wide door for egress and approximately a window if it would fit, maybe a small window. And then we would have a bathroom that would fit, handicap accessible which I believe is 36 square feet, one salon table, we'd have a water heater out there for hot water for the bathroom and her salon station, which would just be one salon station. You said one nail station?

Ms. Cavanaugh: One nail station ---.

Mr. Frade: By the time you get the bathroom in, water heater and stuff, you're looking at about 170 square feet, so it's kind of a one-person deal. One person getting their hair cut, maybe a mom and a daughter, daughter getting her nails done, that's it. The amount of cars coming in and out, one, possibly two. One person coming in, doing what they have to do, somebody else waiting for a couple minutes, they leave and the person comes in. She has parking in the back for herself. She has a two-car garage in the back of her house, so it's like her vehicles would be in the back, so there's not even by the road, so it won't make any…

Ms. Cavanaugh: Nobody would be --- parking in the street, they'd be all in the driveway.

Mr. Frade: --- be parking in the street; they'd all be in the driveway.

Mr. Phoenix: Ok. Just to kind of run through the checklist which is what I was digging for, some of this is covered by what you just described. But the total area of the home and other buildings housing the occupation is 1,694 square feet. The area that we're counting as being used for the home occupation's a little larger than what you said although but still within our limits of 209. No nonresident employees. You are looking to have signage. I believe you understand that it does have to be a small sign less than two square feet and cannot be lighted.

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Ms. Cavanaugh: Right.

Mr. Phoenix: Yes, customers at the house because otherwise that'd be weird. Will there be any deliveries made unlike those of a normal residence, yes products. I'm assuming that that's not gonna be huge shipments of things since it's now a days everyone getting everything from Amazon or Fedex.

Mr. Frade: UPS.

Mr. Phoenix: It's probably in line with most other residential deliveries.

Ms. Cavanaugh: Sometimes I go to the stores to pick them up, so.

Mr. Phoenix: And no changes to the site which would make it look less residential.

Ms. Cavanaugh: No.

Mr. Phoenix: No commercial vehicle. I do have a signed request for the waiver of the full site plan in favor of a sketch and photos as prepared by the applicant. And we have not yet made a finding on this particular issue. So, that's what I have on this side. I saw no comments from any other boards or anybody else around town.

Ms. Cavanaugh: Ok.

Mr. Phoenix: So, with the description that the applicant's been able to provide, do we have any questions from this side of the table?

Mr. Coelho: So, no employees and you're not gonna start the new Vidal Sassoon in Ludlow?

Ms. Cavanaugh: No. Just me, myself, and I.

Mr. Phoenix: Well, maybe they will but it's gonna grow and go somewhere else.

Mr. Coelho: Well, that would be nice.

Ms. Cavanaugh: No, no. I'm downsizing.

Mr. Frade: That's exactly ---.

Ms. Cavanaugh: I'm downsizing.

Mr. Phoenix: So, not hearing a whole lot from this side of the table, I will entertain a MOTION in our standard form to find that this is a suitable home occupation under the bylaw and to grant the waiver as requested by the applicant down to the sketch and photos that they prepared.

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Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: We still do have to figure out if everything's all set with what you're looking to do, but at least those things are right. We're basically saying that what you're doing here at the house and nails is fine in general and that you don't have to do the full plan. So, with that done, I'd like to open this up to the public any comments, questions, concerns that they might have about this particular issue.

Ms. Francisco: I have a question.

Mr. Phoenix: Sure.

Ms. Francisco: Did I understand that you're saying that you're gonna have a sign?

Ms. Cavanaugh: They said I could have one as long as it's not lit.

Mr. Frade: And that's two square feet.

Mr. Phoenix: Yes, they're allowed to if they go and get a sign permit, they can have a sign of up to two square feet advertising the business, not two feet square, two square feet. So, if they wanted, they could do six inches by four feet, whichever configuration to make the two square feet. But, for a home occupation they're allowed to have one small non-lit sign.

Ms. Francisco: So next month the next-door neighbors gonna ask to open a business, two months later another one, so eventually that's gonna be a business street?

Mr. Phoenix: I wouldn't say that. I think this is special permit, looks like number 708, and the vast majority of those I would say are home occupations, and most of those have no signage or anything. This one just happens to be looking to put up a sign which I would argue if they're gonna have people coming to the house is probably a benefit so they'll know which house to be going to and not stop in front of the wrong one.

Ms. Francisco: Well, it benefits the people and them, not the people that it's next door paying horrendous in taxes like I do. 'Cause I pay more taxes in that little house than I used to pay when I had a huge house.

Mr. Francisco: Would I be able to turn my house into a duplex? The lot size is good ---.

Mr. Coelho: It's not the same.

Mr. Phoenix: Can I just get your name and address for the record so we can keep that all?

Ms. Francisco: Because I'm sure they know where I live in the new house. I pay more taxes in that little house. I have no backyard. My backyard is from here until Mr. Queiroga.

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Mr. Frade: If she didn't have a sign up would that be ok?

Ms. Cavanaugh: Personally, I wasn't planning on putting up a sign, I was just gonna make a wood sign and put it out there ----.

Ms. Francisco: --- sign in front of the business, that's my concern.

Mr. Frade: The sign would be, if there was a sign…

Ms. Francisco: You know, will my taxes go down because now I have a business next to me.

Mr. Coelho: That's a question for the Selectmen.

Mr. Phoenix: Or the Assessors or…

Mr. Coelho: Or the Assessors.

Mr. Phoenix: But as far as whether it's legal or not, I think we have a handful that have had signs, I think the applicants said that they weren't really planning on putting up much of anything for a sign. But we certainly have hundreds of home-based businesses in the town. So, that's not a unique situation for this particular neighborhood.

Ms. Francisco: Actually, that was pretty much my concern because, I mean, she could've opened up her own salon without anybody knowing, just her friends going there. I mean…

Mr. Phoenix: Well, if she did that and she was…

Ms. Francisco: ---

Mr. Phoenix: If she opened up her own thing for whatever and was running it as a business and didn't come through this process, that would be illegal. So, she's doing the legal thing.

Ms. Francisco: I know. I know that, but.

Ms. Cavanaugh: I could lose my licenses too.

Mr. Coelho: And additionally, part of the rules she has to follow is it's not supposed to look like anything but a house. So, if it looks like a…

Ms. Francisco: It's going to be on the small garage or the big garage in the back?

Ms. Cavanaugh: The small one.

Mr. Frade: The small one. The small garage door would be removed…

Ms. Francisco: Whatever's done inside I'm fine, because --- it's the outside that may affect my house.

Mr. Frade: I understand that, it would be small sign, say --- that's it. Just so that people can see it. Like he was saying, you don't want someone going to your house to figure out what the street number is and everything like that, it's just that would be nothing that, she still lives there, she doesn't want everybody coming to her house, you know?

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Mr. Francisco: No, but the problem is in the next couple weeks somebody else – there and they gonna ask to open another business ---.

Mr. Phoenix: Well, signs are regulated by the building inspector…

Mr. Francisco: It's not the sign, it's the business itself.

Mr. Phoenix: If you wanted to open up…

Mr. Francisco: If I wanted to open up a business --- I can just turn my house into a business. I got plenty of land.

Mr. Phoenix: Sir, you asked a question, I'm trying to answer you. So, if people want to open businesses in their home, as long as they are meeting the criteria in the bylaw, they're allowed to do so. If you wanted to open a business for an appropriate reason, whether it was as a consultant as any of the things that we allow as an appropriate home-based business, you can certainly do that. You have that same right in your house that they have in theirs.

Mr. Francisco: Ok, that's good to know.

Ms. Francisco: My concern was the sign 'cause it kind of makes it more like business area, not a residential area. The rest, whatever she does inside ---.

Mr. Frade: Well like I said, we have to…

Ms. Cavanaugh: Were you thinking a sign like a sign out on the street or?

Ms. Francisco: No, like a sign on your front yard, like a for sale sign.

Ms. Cavanaugh: No, that's definitely not gonna happen.

Mr. Frade: In the door, it's be in the door.

Ms. Cavanaugh: If anything, it would be in my window or whatever, just so people could see where I was, but.

Ms. Francisco: And you also mentioned there will only be one car, two cars, but as long as there's no business names on the car, anyone can have twenty cars.

Mr. Phoenix: Well, if they have more than two cars there during business hours than they do during non-business hours, that's a violation of the special permit and then they could be getting

fines or have the special permit revoked. So, that's something where that could be reported to the building commissioner, and they could follow up on something like that.

Ms. Francisco: I'm fine with it, as long as, my concern was the sign.

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Mr. Frade: ---gonna have to do, when she opens up, you're gonna have to come over and maybe she'll do your nails for you.

Ms. Francisco: My hairdresser will fire me.

Mr. Frade: Alright, well maybe you won't tell her, alright?

Ms. Francisco: Ok.

Mr. Phoenix: Anything else from the public? Hearing nothing, anything else from the Board? I'd entertain a MOTION in the standard form to approve the special permit and then to close the public hearing.

Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

The public hearing closed at 7:15 p.m.

APPROVED:

Joseph Queiroga, 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 / HOME OCCUPATION
137 Vienna Avenue – Lenna Andre
(office for cleaning service business)
June 22, 2023

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

The continued hearing began at 7:16 p.m. in the Selectmen's Conference Room.

In attendance: Lenna Andre, attendees

Mr. Phoenix advised the public that the cameras are recording.

Mr. Phoenix: We do not, to my knowledge, and Sue correct me if I'm wrong, but I don't believe we have any comments from any of the other boards or committees around town on this?

Ms. Urban: No.

Mr. Phoenix: So, I believe this puts us, from what I saw before, yes, we are in a similar situation to with the last one as far as we still need to make a finding and grant the waiver if we're so inclined. And I have the checklist of the supplement sheet here. Do you want to just describe for us though what you're looking to do?

Ms. Andre: I'm opening a cleaning business. I'm just cleaning residential and commercial.

Mr. Phoenix: Ok, so basically for something like that, I'm guessing that's essentially like a desk, a phone, computer, basic home office kind of thing.

Ms. Andre: Yeah, just somewhere to do the billing and paperwork from.

Mr. Phoenix: And on the sheet you're saying you're looking to use about 50 square feet out of 1,700, no nonresident employees, no planned signage, no customers at the house, no deliveries unlike a regular residence, no changes that would make it look less residential. There is a commercial vehicle that's under 10,000 lbs. GVW, and you're saying that's a 2011 Dodge Durango. Is that correct?

Ms. Andre: Correct.

Mr. Phoenix: And we do have a signed request for the waiver of the site plan down to the sketch and photos that you've been able to prepare for us. I think that brings us up to speed. Does anybody on the board have any comments or questions?

Mr. Queiroga: You did say that you won't have any employees?

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Ms. Andre: No.

Mr. Phoenix: Hearing nothing from this side of the table, I'll open up to the public if anybody has any comments, questions, or concerns at this time. Hearing nothing from over there, the first thing that I would look for is a MOTION in the standard form for granting the waiver and for making the finding that this is a suitable home occupation under the Bylaw.

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: And I would also entertain a MOTION to approve the special permit and close the public hearing using our standard form.

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

The public hearing closed at 7:19 p.m.

APPROVED:

Joseph Queiroga, 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 in accordance with the Remand Order issued by the Hampden County Superior Court– SPECIAL PERMIT / SITE PLAN
590-596 (0) 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)
June 22, 2023

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

The continued hearing began at 7:21 p.m. in the Selectmen's Conference Room.

In attendance: Attorney Matt Provencher – Town Counsel, Attorney Thomas Reidy – Bacon Wilson, Richard Kowalski – JLL Real Estate, Luke DiStefano – Bohler Engineering, attendees

Mr. Phoenix advised the public that the cameras are recording.

Mr. Phoenix: That said, I think we're opening up some plan sets over here. Some more here. Sue, did you ever get that figured out with the computer without Doug or no?

Ms. Urban: They're bringing easels and paper and that's how we're going with it.

Mr. Phoenix: That'll work. That'll work. So, while we're getting everything set up, I don't know if you want to just start describing a little bit about what you're looking to do and then we can go through some of the comments we've gotten back and everything along those lines. Actually, before that, just to catch everybody up, we looked at a similar plan to this previously for this property. There was an appeal to the courts and the decision was made for them to bring that back to us with some modifications. So, we are looking at that revised plan and determining whether the revised plan is suitable for approval by the town or not, and that's the point that we're at now. So, this is a new hearing on a new version of the plan. This is not the same plan that we were looking at before, at least not entirely. Same type of business, same general idea, but a different plan. Is that?

Atty. Reidy: Well said.

Mr. Phoenix: Ok. So, just making sure that everybody knows what we're looking at tonight, so hopefully everybody's in the right frame of mind.

Atty. Reidy: So, for the record, Tom Reidy, attorney with Bacon & Wilson out of Amherst, here on behalf of JLL Real Estate in the special permit hearing for a self-storage facility. I think it

was called a warehouse under the town zoning bylaw. With me this evening, Rich Kowalski of JLL Real Estate, and also Luke DiStefano of Bohler Engineering, also the site designer. I think before we get too far into it, I know we've got four members here, I guess one of the questions is, do we have four voting members? Is everybody intending to vote, do we have any abstentions? And I guess the other question would be has the town adopted the Mullins Rule, just because a five member board, I'm looking for four votes, obviously to get the special permit, and if we weren't gonna vote tonight, I don't know what the intention of the board is, if there's thoughts of having it continued, and you have adopted the Mullins Rule, you know, with those other two members at least, I would suspect that I'd have at least five to choose from.

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Mr. Phoenix: Yes. We have, so they can review the minutes or the video and attest to that fact and then join in after missing a session.

Atty. Reidy: Ok, so then I think what we would ask for then is to not have the vote tonight. We're happy to give the presentation. Everybody's come out here for the second time, so we don't want to waste anybody's time, we'd like to give the presentation, have those other members view it, and hopefully have those, have the complement of the five to vote at the next hearing if that's ok. So that would be the request.

Mr. Phoenix: Ok.

Atty. Reidy: Ok, so with that front matter out of the way, as the Chairman noted, this project was before you last year. I wasn't part of the hearings. I reviewed the video, I watched the tape, seems like there was some loose ends, and obviously did not receive approval. But then there was an appeal and then I think a pretty significant redesign of the project. If you look at what you have, we provided you tables showing the comparison of what was not approved and what we're proposing. We've got a 25% reduction in the storage facility, down to 29,550 square feet. We've got a 14% reduction in impervious surface. We've got a decrease in lighting, there were 62 lights proposed, now there's 38. We've got a photometric plan included in the plan that we can talk about. There's been an increase of landscaping. We've got 255 landscaping plants that we're proposing, and then I think what I would say most significantly is really pulling back the project from the southerly residential abutters. And so, you know, not only is there a 20 foot, I'll call it, no disturb along that southerly property line, but then there's an additional 20 feet of landscape plantings before you get to the back edge of the nearest storage facility. And so, I think when you look at the two side by side, you'll see that it's a significant reduction than even just stand alone. And what we've done is we know that you approved a project, I think at the end of April for Cady Street, and this project is incredibly similar to that project, and we've provided you with a table showing the similarities between those two projects as well. And I'm happy to go through the details of the comparison between previous and now. We're happy to go through the details with the two projects side by side, Cady Street and this one, but I think maybe to step back I'll turn it over to Luke and maybe talk through the site plan.

Mr. DiStefano: Sure, good evening. For the record, Luke DiStefano with Bohler Engineering. So, like Tom, we weren't part of the initial round of permitting, but we were asked to come in and take a look at the site plan to see if there was some opportunities where we might be able to enhance the development versus what it was under its original design. We were made aware of the various concerns raised by abutters, so what we looked to do is minimize the development footprint as Tom mentioned. We basically reduced the number of structures from eight to six, so there is a 25% reduction, a significant reduction in the overall square footage of buildings on the property. And most importantly, and I know the rendering's a little difficult to see, but what we

tried to do is maximize the landscape buffering especially to the abutters to the south. So, as noted, there is a significant existing vegetative buffer of 20 linear feet from the southerly border into the property, and then another 20 feet of landscape barrier that will be heavily planted with arborvitaes that'll be anywhere from six to eight feet in height at the time of planting. There's 45 arborvitaes along that southerly border. So, not only will you have the existing natural vegetation that's there, you're gonna have another 20 feet that is stacked with arborvitaes to again help minimize any impacts visually from this location. We've also proposed a significant stormwater management system. We understand there was some concerns about stormwater management, water in basements, things like that. Well, as I'm sure the Board knows, one of the things we have to do as engineers when we're designing a site like this is mitigate any impacts that might result from the development. So, if you've had an opportunity to review the stormwater management report that was provided, you'll see that for all design storms up to and including the 25 to 100 year, we've reduced runoff rates significantly to basically the design point which is Center Street. So, I believe the reductions were 50% minimum and they went all the way up to about 60%, So, that's being done basically by collecting all of the runoff from any impervious surface that's being created, directing it through deep sump catch basins --- hoods, ultimately through a proprietary stormwater --- unit before it is discharged into an underground infiltration system where the stormwater will be treated, will be reintroduced back into the groundwater. So, that's a lot of engineering talk, but basically, what it really results in is that there'll be no stormwater impacts, no negative stormwater impacts in this development. Again, as engineers we're tasked with making sure that doesn't happen in our design, not only meets the Town of Ludlow design requirements, also the state requirements for stormwater management.

Mr. Phoenix: Just to pause you for one moment, so that we can be clear when you're saying no negative stormwater, by that you mean that there essentially would be negative stormwater, there'd be less stormwater going, there'd be less flow, it's gonna be getting contained more.

Mr. DiStefano: What we're required to do is look at stormwater runoff rates. So, that's the velocity in which the runoff which exits the property. Typically, when you are introducing impervious cover, you're not gonna be able to reduce volumes. It just, it doesn't happen. But what we're required to do is mitigate the runoff rates, and that's what we've done by over 50% for all design storms. Really what it means is the same amount of water, for lack of a better term, is making it back to that design point only at a much slower rate.

Mr. Phoenix: To rephrase, saying that there's gonna be no negative, I just want to be clear, no negative quantity or no negative quality is the?

Mr. DiStefano: Both.

Mr. Phoenix: Ok.

Mr. DiStefano: Correct.

Atty. Reidy: And I think maybe, if I may, instead of negative are we saying detrimental?

Mr. DiStefano: Detrimental, pick your word.

Atty. Reidy: Instead of actually a quantitative figure, I think it's just a qualification of with this stormwater system there won't be any detriment to the surrounding properties as a result of the stormwater.

Mr. DiStefano: Correct, and I guess the easiest way to out it, is we're required to mitigate like I said, but we're also required to try and mimic existing conditions, which right now, anybody's been to that site knows that the runoff is at the lowest part, sheet flow is untreated basically into the right of way. And we are, again, we're collecting it, treating it, infiltrating it to the greatest extent possible and then putting it into the street. It's not gonna flow off onto abutting properties, it's not gonna flow over land and onto our abutter's properties, that type of thing. So, it's being contained and discharged back to where it's going today. And then just, the only other modification is the lighting as noted again, if you had a chance to look at the lighting plan, you'll see that it's a really muted lighting plan, designed to put light where we want it, which is adjacent to the units and not onto abutting properties or abutting rights-of-way. So, you'll see that we have zero trespass at any of the property lines. So again, another attempt made to basically reduce any impacts to the surrounding properties. With that, I'm certainly happy to answer any more questions as it relates to the site design.

Mr. Phoenix: Just kind of pause from that for a moment, as far as things that we've received for documentation, correspondence, things like that to try and cover some of that ground, one of the things that I had seen in the packet, kind of just dug down to find it here, there was a document prepared, which we can certainly make available for everybody to read so that I'm not reading seven pages of text to everybody, because that seems like a waste of everybody's time when they can read it, that basically goes through the arguments that you have as the applicant as far as how this plan meets the things that the other plan was found to be deficient in. So, obviously that's, you guys are gonna argue that you meet everything. It's up to us to decide whether those arguments hold or not or whether we agree with all of that. But you have provided a document with all of that justification. I don't know if you wanted to hit some of the highlights of that before I go into anything else, or if you just want to say the whole thing is what it is.

Atty. Reidy: I mean, if I may, a couple things, and well the whole thing is what it is. Given some of the letters, or the letter that we've seen from the neighbors, we can certainly address specifics, though I will step back and do rely on the entire document. But I also want to talk about, you know, a traffic study was done, had been submitted. McMann & Associates, and it identified that there was less than 1% increase. So, we've had a professional identify that. We've had GZA out on site identify that there aren't going to be any environmental issues as a result of the development of the site, and then we had a certified forester go out and look at the actual trees on the site and identify that it won't be, I forget he said, no significant negative impact to the nearby natural resources. This is, obviously, --- go through, been through Fire, Building, Planning, Board of Health, Safety, DPW, and Conservation. We have updated the plans as a result of some of those comments from Fire. I think most specifically, and then I think some of Doug's comments as well, but we can, through the process we can certainly hit on some of the findings, but I think that's, between the plans that you have, between the other professional opinions that we've provided, and between the findings, we think all of that suggests that we do meet all of those requirements of the bylaw.

Mr. Phoenix: If we were looking at even the possibility of you having a motion tonight, I would certainly want to make sure this all got covered so everybody in the room knows what's in it and can speak to it, and ask questions and comments on it, but the understanding that that's not what we're looking to do this evening, I think it's just easier for everybody to be able to digest that on their own and then when we come back if anybody has any feedback on that, they can certainly bring that up. Does that sound reasonable to everybody? 'Cause I find that when somebody just reads seven pages at me, it just kind of. Now that I said that, let me read some things at people.

Comments that we have from Safety: At this time Safety has only concerns regarding the lighting and fencing being appropriate for the project. From Health, we have: Will need dumpster permit. Building Commissioner, we have: Building, electrical, and plumbing permits will be required through the Building Department prior to the start of construction. From ConsCom we have: Conservation has no issues with property due to no wetlands. From Public Works we have: We reviewed the site plan for the self-storage facility (590-596 Center Street) prepared by Bohler Engineering dated 4-7-2023 and have the following comments: 1. Supply copy of the NPDES Construction General Permit and the SWPPP when completed and submitted; 2. The illicit discharge statement needs to be signed (*see file*). From our own office, more specifically from Doug as the Town Planner, he ran through our checklist that we normally look at for site plans. I'm seeing one thing that is in red which is monumentation, endorsed ANR plan will need to be incorporated into site plan. Applicant can add in existing land surveyed plan until new ANR is endorsed. Then nothing else from Doug. From Fire: Good morning, I have reviewed the updated plans and changes that were made to the 590-596 Center Street Storage Project. The Ludlow Fire Department is satisfied on the updated changes and has no further comments at this time. Captain Falconer. And that was in response to being notified that the plans were updated from the prior existing comments as noted in here which are made moot by the fact that they're ok with it now, which I believe that's this letter here. Fire Department access roads and things like that, but again, that's superseded by what we have from them. That's all that we have from other boards. Let's go to this one. This is mail item number 30 off of our agenda for the evening. It's not listed, I think it was actually on the agenda for the prior meeting. That might be why it's not showing on here. (*Mr. Phoenix read Mail Item #30 Letter from Abutters and Community Residents re: Public Hearing for 590-596 Center Street and Mail Item #33 Revised letter from Abutters and Community Residents re: Public Hearing for 590-596 Center Street – see file*)

Atty. Reidy: For what it's worth Mr. Chairman, we've seen it, so I don't know that if you don't want to read it, if it's from the neighbors, if you don't want to read it into the record, we're fine with that.

Mr. Phoenix: I was gonna suggest the same thing as I was with the other one, especially if you already have read it. I think certainly everybody who's involved with the decision making needs to make sure that they have read it, just as they need to read documentation that you've presented. But again, I think given the length of the document, reading it, physically reading it is not going to serve much of any constructive purpose. If anybody on the Board disagrees, feel free to speak up and I'll take out a bottle of water and start going. The one thing that I would say in regard to some of this, is I think there's, and town counsel correct me if I misspeak, but because this is a new submission, taking into account what was said on the other one is not necessarily going to carry forward onto this one because it's not all the same thing. There are gonna be some of the same concerns, there are gonna be some concerns that don't exist anymore. There may be new concerns. So, just taking that whole sale for the other one and bringing it forward is not necessarily the appropriate step.

Atty. Provencher: There are really two things here, Mr. Chairman. The first is whether you should take the previous submissions as requested and incorporate them into the record with this new hearing after remand order. You can certainly do that. The second question is how much weight you assign to the concerns expressed in those previous submissions for the reasons you just identified. They may no longer be responsive or addressed to the current state of the plans that you're assessing to the extent that you find that they express valid concerns that are responsive to the current plans before you, yes you can consider them to the extent that ---, I

think that's a judgement call for the board to make in discretion as to which portions are relevant and have continuing validity, which portions may have been superseded. There certainly is no issue with accepting them and keeping them as part of the record of what you're considering in this current application.

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Mr. Phoenix: Does that sound agreeable to everybody? Can I get a MOTION to bring those comments forward into this public hearing for consideration in so far as they may apply to this particular matter?

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: So, we'll do that, and then we'll just have to decide what is still relevant based on the current submission. So, I think that covers the things that I have in front of me, and you've had an opportunity to explain what you're looking to do. I think the next thing to do is ask if we have any comments or questions from this side of the table.

Mr. Carpenter: Not at this time, Mr. Chairman.

Mr. Coelho: Can you highlight some of the changes you've made, that you might feel are the most impactful to the surrounding abutters?

Atty. Reidy: Certainly. Luke, I don't know if you want to get up and maybe point it out or we can walk through it. I think most impactful is gonna be that no disturb on the southerly side. It leaves, Vanna White here, sorry Luke, so on that southerly side we're leaving it undisturbed for 20 feet at the property line, so what's there now will continue to exist. So, it's not like take it down and then replant it, it's leave it. And then beyond that, to the north of that, first 20 feet is an additional 20 feet where we've got plantings. And I think you said, six-to-eight-foot arborvitaes. Let's see if we can flip to the site plan that'll probably be a better way to do it. So, you got that in conjunction with a reduction in the number of buildings, from eight to six and also the overall square footage of buildings. I think it's from 39,400 to 29,500, so about 10,000 square feet of reduction just in the square footage of the buildings. You'll see that if you compare both plans, it just looks less dense, likely it is less dense. Increase of trees, shrubs, perennials, grasses, increase of landscape buffer from 11,000 square feet to 21,000 square feet that's set back on the south. We talked about the lights. We talked about the impervious coverage is being reduced. So, you know, as far as overall sight design, and frankly, Bohler did a really great job of, and I don't know if you want to just show or talk through the stormwater and how you proposed it being handled.

Mr. DeStefano: Certainly, again I think as most folks in this room probably know, basically the site tends to sheet flow from back to front and basically makes its way, for lack of a better term, entirely into Center Street. So, what we try to do is, again, we tried to mimic that as much as we could, but we did it in a way that would ultimately reduce, or effectively eliminate any negative impacts that, detrimental impacts resulting from stormwater exiting the site. As I mentioned, anything that's impervious whether it's building, whether it's asphalt, will be collected via deep sump catch basins. They will take that water, pipe it to this underground infiltration system here, and then that will recharge or infiltrate back into ground water before it is ultimately discharged

through a small overflow area here where it will sheet flow back into Center Street. But again, at runoff rates in excess of 50% reduced over what you have today. So again, that's a fancy engineering way of saying we've taken the stormwater, we've treated it, pretreated it, we're infiltrating it, we're meeting again the Town of Ludlow's requirements and the Mass DEP stormwater regulations as well.

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Mr. Phoenix: Ok, Anything else Chris?

Mr. Coelho: Yeah, we talked a lot of technical and legal jargon, let's talk esthetics. I know we don't have an architectural review committee or anything like that in this town, but maybe esthetics are something to be brushed over.

Atty. Reidy: Sure, and so as far as the buildings go, we've proposed essentially two variations, one with a steeper roof, one with a flatter roof. Frankly, it doesn't make a difference to Richie. He'd be happy with either. I don't know if either one of those is satisfactory to the Board. We're proposing green siding to make them look relatively agrarian, so they blend in a bit. And I think when you're really thinking about what the topography here looks like, and I don't know when you talk about aesthetics, if you're talking about on the site or from the road, because…

Mr. Coelho: What am I gonna think when I drive by it?

Atty. Reidy: You're not gonna know that it's back there. I mean, you're gonna see an entranceway and landscaping. And Luke, I don't know if you've got it measured there, but how far from the road to the first storage facility? We have the elevation at the road and then the elevation of the first floor of that storage facility.

Mr. DiStefano: I say it's about 80 feet to this particular storage unit here from the road. And then as far as elevation change, you're at about 240 right at the driveway, and your first building has an elevation of 256. So, you got about 16 feet, a little more than 16 feet of rise from the road to your first structure.

Atty. Reidy: And then, I don't know if you have a landscaping plan there, but if we could show, if there's a hearing from the abutters that they're afraid that their gonna be able to see it, and what we're proposing are those plantings, and I'll specifically focus on the southerly side. Go ahead.

Mr. DiStefano: Yeah, so what you have, this is that 20 feet of existing vegetation that's going to remain right here. So, that's a 20-foot swath of existing trees and whatnot, and then you can see we have this row of evergreen plantings, that's 45 that will be planted in addition to, that will again provide more of a vegetated buffer to the site from any of the properties to the south.

Mr. Coelho: The side yard as it is in our table is 20 feet? Agriculture.

Mr. Phoenix: I'm trying to remember for agriculture, I think 20 feels right, but I'd have to double check the chart to be sure.

Mr. Coelho: For AMD?

Atty. Reidy: Yeah.

Mr. Coelho: Either or, they're 20 feet on the sides.

Mr. Phoenix: Ok.

Mr. Coelho: --- 40.

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Atty. Reidy: Yup, 100% increase.

Mr. Phoenix: You good or anything else Chris?

Mr. Coelho: That's about it.

Mr. Phoenix: Joe? Hearing nothing else from this side of the table. I am gonna open this up to public comments, questions, and concerns. I will point out that we do have other items on the agenda, and we have actually just reached time on this. So, what I'm gonna do is I'm gonna say we're gonna allow the other things to run a little bit late, and then I'll allow for about half an hour-ish of discussion on this before we take in continuance and I'll allow up to three minutes for each person to speak. If you go past three minutes, I'm gonna have to cut you off and move on to somebody else. I think that's the only way to fairly address the number of people in here. If there's still time after everybody's had a fair shot to speak their mind, if there's something else you'd like to add that's new and relevant to what we're discussing, you certainly have another bite at the apple. But I want to let everybody that wants to speak have the best shot that they can. So, with that said, I am gonna start looking for people that want to speak. I will ask you to state your name and address for the record so we can keep all of that straight in the minutes.

Mr. Bal: Alexander Bal, 233 Tower Road. In the event that this enterprise becomes successful, does the gentleman sitting there, state in public meeting that in the future, he will not come back to seek an enlargement for this facility? Yes, or no?

Mr. Kowalski: Yes, I would be willing to say that.

Mr. Bal: So, you will not come back?

Mr. Kowalski: Correct.

Atty. Reidy: Through the Chair.

Mr. Phoenix: Good enough. Next sir.

Mr. Weiss: The point about.

Mr. Phoenix: Your name and address please.

Mr. Weiss: Oh, my name is Spencer Weiss, I live at 40 Sroka Lane.

Mr. Phoenix: Thank you.

Mr. Weiss: Across the street from the abutters. About the point about the similarity to Cady Street, the obvious difference is that Cady Street has no residential abutters whereas this, you're putting it into a residential area. It is inappropriate to put such an industrial operation in such a

Mr. DiStefano: No well.

Mr. Coelho: Ok.

Mr. Phoenix: Ma'am?

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Ms. Martin: Paula Martin, 587 Center Street. Mr. Coelho asked, what will I see when I drive by. He's absolutely right, he won't see it, but we live here, we see it daily. We deal with the traffic, and I don't care what the traffic people tell you, stay at my house for two days and you'll be going crazy. You can't even sleep at night because it's like somebody's driving through our bedroom. So, you just add more traffic. Granted it's gonna be up there, but it's gonna affect everybody on Sroka and everybody on that part of Center Street. It's not good. I don't care what the traffic people tell you. We deal with it daily.

Mr. Phoenix: Next.

Ms. Mathison: Rebecca Mathison, 136 Sroka Lane. I have a question and a comment. My question is, will the public comment be allowed next meeting when this comes to a vote?

Mr. Phoenix: I would expect so. My expectation, and I can only speak for myself, but my expectation is that especially that since we have other members that are gonna want to review what's been going on so that they may be able to take action on it. They may have comments and questions. We have those documents that people are gonna be able to review and make sure that everybody's aware of what's been written on both sides of things. I would fully expect that we'd be continuing from tonight until another meeting where we'd have an open session where people can again ask questions and make statements as appropriate.

Ms. Mathison: So, you're giving me assurance that I will be able to speak at the next meeting?

Mr. Phoenix: To the extent that I as one member of the board can, but.

Ms. Mathison: I just want to make sure that, you know, I have some things to say. I have a question regarding the site plan for today, but there's something I'd like to say right before the vote. So, if I'd like to say that then, I'd like to reserve that comment for then. Can I ask a question or a statement about this?

Mr. Phoenix: Sure.

Ms. Mathison: Are the roofs blue?

Mr. Kowalski: They are not blue.

Ms. Mathison: What color are they?

Mr. Kowalski: I don't think we've decided that yet, to be honest with you.

Ms. Mathison: Ok, so the Board needs to know that my property is at the end of the street. I'm not a direct abutter ---. However, my elevation is much higher. I will be looking at this daily. Every time I walk out of my door, I will be looking at this. Any future plans, if I ever decided to

highly occupied residential area. And secondly, with three units already approved and operating not at capacity, the town is not gonna be served by a fourth. Thank you.

Mr. Phoenix: The thing that I would say is, I don't know whether the other ones are at capacity or not. I don't know that a lot of the businesses we have in town are at capacity or not, but certainly the way that our country is put together, if somebody wants to take on the risk that their business won't have enough people to keep it afloat, they have the right to take on that risk.

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Mr. Weiss: But it still doesn't serve the Town of Ludlow.

Mr. Phoenix: That's something that can be taken into account and decided whether that's agreed upon or not, certainly. Let's keep going this way, then I'll wrap around.

Mr. Lizzotte: Chris Lizzotte, I'm at 63 Sroka Lane, direct abutter. Esthetics was mentioned. Can't see it from Center Street. Well, I'm a direct abutter, I'm gonna see it everyday I walk out my door. Just wanted to make that comment. Also, I've got a real big issue with excavation, tree removal, heavy machinery. I've got a very shallow well. The land is pretty much shale. I've tried to dig in my yard before, I know what the property is ---. Who's going to be liable if my foundation caves in and I lose my well? Is this, it's not gonna be up to my insurance to take care of it, that's gotta be up to the person that's doing the actual construction.

Mr. Phoenix: I would say I know who I think should be responsible if it's provable that somebody else caused it, but I think that, --- our lawyer at the end of the table, but I suspect that that would depend on what the lawyers all say in that kind of a situation, wouldn't it?

Atty. Provencher: It would be almost impossible to predict at this point, because as you indicated, it would be subject to prove based on the facts that existed at the time and any claim would need to be brought against the party that could be proven to be responsible for causing the outcome. Not to try to avoid giving you an answer, sir. I'm just responding to the Chair. It's just to say that in any kind of legal case it's impossible to predict until something happens until there are actual facts to measure against the wall, you know what's going to happen, but certainly you would have the right should something happen to bring a legal action against ---.

Mr. Lizzotte: --- do I go after the builder? Do I go after the town? I mean, valid question.

Atty. Provencher: I can't give you legal advice here, but what I would encourage you to do should anything like that happen you should talk to a lawyer. An attorney would be able to advise you, based on the law, you could bring claims against individuals that cause damage to you for personal injury or to your property. You would be able to bring a claim in an appropriate court seeking damages to compensate you for any losses you would have. You could also report, as you indicated, the damage to your insurer which may pay out any damages to you --- in exchange for assignment of right to file that lawsuit for property damages which is usually a standard part of most insurance agreements whether they're automobile or home coverage.

Mr. Coelho: Will there be a draw on water table here?

Mr. DiStefano: No.

Mr. Coelho: I didn't think so.

sell my scenic, extremely scenic piece of land in this town, is destroyed. You are destroying any future profits I may have in my sale of property. Thank you.

Atty. Reidy: And if I could for the record, I think we are proposing brown standing seem metal roofs.

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Mr. Phoenix: Ok, 'cause I seem to recall seeing a color listed somewhere, but

Atty. Reidy: In the narrative, yeah, green siding, brown roofs.

Mr. Phoenix: Ok, does that sound?

Mr. Kowalski: Yes, it is very open. Like I said, we…

Ms. Mathison: The color doesn't matter. I'm not putting a beautiful street like Cislak Drive up there, though I could 'cause it's lovely, this is taking that away.

Mr. Phoenix: Thank you.

Ms. Mathison: You're welcome.

Mr. Phoenix: Sir.

Mr. Ellison: Bud Ellison, 555 Miller Street. Remember the --- Open Space Planning Committee and I also have leased the abutting land for about 15 years --- for agricultural purposes. A couple quick comments, questions for you folks. I appreciate all of the ---. I do have to ask you though, what do you have for geo on underground, in terms of the ledge and the stone? I brought this up at the last meeting. Have you done your geo studies, and do you expect to have to worry about all that ledge blasting, and how will that blasting affect these folks?

Mr. Phoenix: Is there an expectation that you're gonna be encountering ledge and needing to blast or what kind of work are you looking to do on site?

Mr. Ellison: Have you done any geo? It was a direct question.

Mr. Kowalski: We don't expect to be doing any blasting at all. These are…

Mr. Ellison: So, the reason I bring it up is 'cause I broke several --- 24 inches down. I know you're not digging super deep foundations, but adjacent to your property, I know there's ledge 'cause it's cost me several thousand dollars. I'm just throwing it out there. You're welcome. Check it out. But, if you have to deal with it, and if you have to impact these folks with blasting or whatever else happens with heavy equipment, moving big boulders and ledge, they should have some assurances of what's gonna happen. So, to your point, I think it should be part of this group to kind of assure them up front before it happens, before, like town counsel says, go find a lawyer ---. I know it's on these folks to have to prove to them or at least do a better job of proving to them of things like impacts to your well, and your cellar and everything else ---. Because right now they're not happening, right? There's no problem with your well. There's no problem with runoff. Everything's great. You guys are the ones that's gonna change that. So, I think you kind of own that to prove beyond the shadow of a doubt. I like the trees, I like the --- reducing a few things ---, but the big money is if you wreck their well or you wreck their cellar,

right? So, I think you need to spend a little more time on that one. That said, I was wondering what you thought about the impact. You had some foresters in there and some wildlife folks or whatever. What did they say about the bees and the impact on the bees when the trees come down?

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Mr. Phoenix: Was there any comment on the bees?

Atty. Reidy: I don't know if there was comments specifically on the bees, but I know that what Richie just said is that we are adding more trees that are being taken down. And I'm sure if, we could probably find some space on site to do some pollinators as well. I don't know if that was something that the Board was looking for. But I don't know that they looked specifically for bee habitat frankly.

Mr. Ellison: So again, there's currently bees on that site ---. And we take advantage of the pollination, so we'd certainly wouldn't want to see an impact negatively to that, might be a little hard to measure, I give you, but we would still like that taken into account. All that said, I will just give you my personal opinion that I think these storage facilities are great. I think there's a need for them. I think there's a need for them in town. I think there's a lot of places where we should have them. I don't think, myself personally, north of Center Street and Chapin Street's intersection is the right place for them. As an Agricultural Commission we've looked at that, we've talked to the Planning Board about that. In the bee area, --- talked about that. Whether or not we should have these type of businesses at all moving forward that don't relate to agriculture is a great question that the town maybe some day's gonna have to think about. ---.

Mr. Phoenix: Ok, I know you've had a little bit of extra time 'cause there was some back and forth, but you have reached your time limit.

Mr. Ellison: ---

Ms. Wdowiak: I'll give him my three minutes.

(Multiple people talking)

Mr. Phoenix: Nobody has to give him their three minutes. Like I said at the beginning. If we have time left at the end, then everybody has another shot to speak, if they so choose. The point is that everyone that wants to speak can, not that one person's able to speak for 15 minutes. So, that's what I established at the beginning, that's what we're gonna try and stick to. So, we're going this way and we're gonna kind of come around. I do see one other hand up over here though.

Ms. Lizzotte: Malisa Lizzotte, 63 Sroka Lane. So, what are your hours going to be, 24/7, 9:00-5:00?

Mr. Phoenix: I believe we discussed that last time, and I think that was a pretty hot topic of discussion. I don't recall seeing anything spelled out for that in this proposal. I may have missed it. Do you have anything that you're anticipating for hours of operation right now?

Mr. Kowalski: We plan to keep it, the facility open, as people need it and as is necessary. We typically don't see traffic beyond 9:00 p.m., so we typically don't manage that or close the facility. It's not, in my past experience and my past operation of facilities, you know, are, I'd

Mr. Webb: Hi Jeff Webb, 31 Sroka Lane. I'm a direct abutter. Several years back they put a sewer system up our street and it took like three, four years. Two construction companies went out of business because they had to blast and they only went up maybe a third of the street because they couldn't go through the ledge and even --- with like stages in the cellar because they couldn't get all the ledge out of there. Then another thing I'd like to see is the chart with the, how far from my line to the first storage, you said 40 feet or 20 feet?

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Mr. DiStefano: From the south?

Mr. Webb: From the south.

Mr. DiStefano: At least 40 feet.

Mr. Webb: From the first building to my property line?

Mr. DiStefano: Correct.

Atty. Reidy: To the property line.

Mr. Webb: 40 feet?

Mr. DiStefano: At least.

Mr. Phoenix: Anything else sir?

Mr. Prokop: Ed Prokop, 877 Lyon Street. I had a brief conversation with Mr. Kowalski on the way in, I'm not opposed to this business, I'm just opposed to the location. I think it's in the wrong place. I have here a list of, the check off list here what a business has to meet in an agricultural moderate density overlay, and it says it has to, the Planning Board has to determine that the proposal benefits the town or vicinity will outweigh any adverse effects. And there there's a whole list of things. But right in that statement, I mean, you're hearing these people, this is gonna destroy their quality of life, you know. They are gonna hear these doors rolling or however they work. They're gonna see the lights even if they're facing down, they're gonna reflect up. This is gonna financially impact them. Their property values are gonna go right down the drain. Once again, I'm not against the business, you know, perhaps Mr. Kowalski would be better suited hanging around for the next people to come in here that are proposing a subdivision for industrial land and put it where it should be located.

Ms. Gamache: Linda Gamache, 39 Sroka Lane. I'm gonna piggyback on something that was said very quickly, it was mentioned in the revised plan that Mr. Kowalski's site was very similar to Cady Street. I visited Cady Street. There is no similarity. What abuts that is Western Mass Electric Company, huge, huge pillars of electrical lines, the Turnpike, buildings, cars, the dump. I spoke to some of the people that live around that area, mainly the trailer park, they don't want anything like that. They said there's no similarities to Cady Street and Center Street for this self-storage facility, absolutely no similarities. It's residential, it abuts our property. I don't care if it's 22 or 40 feet, it still abuts our property. Our property values are gonna go down if that is put in there and it's zoned industrial our property values are gonna go down regardless. We're gonna lose property value on our home. And we pay taxes every year, and all these asterisks you see on that revised document are valid and need to be read at the next meeting. What's gonna happen when our property values go down and our taxes go up? We need a revision of our taxes

say most common times are that people access their units are typically on a Friday afternoon, on a Saturday morning, Sunday morning. That's typically where we see the traffic. And so we typically don't, we leave it open to access your goods as you need them.

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Mr. Phoenix: So, the short version of that is right now you're expecting 24/7, is what you're anticipating?

Mr. Kowalski: Correct.

Ms. Lizzotte: So, when I'm laying in bed, I'm the farthest one at the end, I'm the one that's gonna be affected the most, I'm laying in bed, my bedroom window is facing your facility, I'm gonna hear cars coming in because you're not gonna have anybody working there, come in and go as you please, doors opening, cars revving, and I'm gonna be woken up. How is that fair? Don't roll your eyes at me.

Mr. Kowalski: I didn't, I'm just taking in what you're saying.

Ms. Lizzotte: I mean, how is that fair to me? It's not.

Mr. Phoenix: I think there's always a valid concern with something like that. I think that's a good concern to bring up. To what extent it's going to impact you, that's impossible to predict right now, but I think it is a fair concern.

Ms. Lizzotte: I mean, if he's predicting that he only sees traffic in and out at a certain time, so have the facility open those times. I mean, I don't want to be woken up at 2:00 in the morning and have to call the police because I don't know what's going on.

Mr. Phoenix: So, I mean, that might be a discussion that we end up having as far as hours of operation. That certainly falls within the scope of the special permit. But if we're gonna have that discussion, let's get through a little bit more of this and then see where things land.

Mr. Kowalski: Yup.

Mr. Phoenix: Coming around to this side. I see a hand at the very end.

Mr. Campolo: Mr. Campolo, 92 Sroka Lane.

Mr. Phoenix: Thank you.

Mr. Campolo: I can certainly see, I mean, I've lived there all my life since I was six years old, so I can certainly see if you guys put a building there, there's no doubt I can see that building. And on what he said, as far as blasting, I know for a fact that you cannot blast on that street. They won't tar the street because they can't come halfway down the street, because if they use dynamite, they'll blow everybody off their foundation. So, when the Town of Ludlow tars, they only tar half the street, so the other half of the street is a mess. So, if you do any more blasting, if he happens to do any more blasting, I think that's gonna be a problem.

Mr. Phoenix: Thank you. I see a hand.

too. If you accept this modified version of this self-storage facility, you need to think about a modified version of reducing our taxes if we have to live there day after day after day. This is not a suitable property for a self-storage facility. Like I say, at the next meeting I want all these little points brought up that have a little asterisk beside it because it kind of speaks to what the new modified plan talks about.

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Mr. Phoenix: If the Board decides that they want me to read in all like 14 pages that have been presented by everybody, I will certainly do that, but I don't think that that's really in people's best interest to sit here while I do a reading session. I think we can all read both of those documents and we can all.

Ms. Gamache: Well, not everybody here has this.

Mr. Phoenix: It's available to everyone. It's been available for anyone that wants to get it, anyone would like a copy that hasn't asked for one yet can certainly get a copy electronically or can come into the office and get a photocopy. It is public information. It's available for anyone that wants it, whether they're here at the meeting, whether they're at home, whatever the circumstance is, if somebody wants a copy of that it is part of the record, it's been introduced from them, from you. That is something that we will be taking into account, both documents, it just doesn't, I don't think, personally I don't think it serves much of a purpose to physically read that out, but if the Board disagrees I'll certainly do it. I don't see any new hands. I see one familiar one.

Mr. Bal: Alexander Bal, 233 Tower Road. I asked the members of the Board to vote with their conscience. I truly believe --- attribute of integrity which is to be honest and to look to a high moral principal. To cast your vote with this in mind, and you have fulfilled the purpose which you have ---. Please vote your conscience and vote integrity and honesty.

Mr. Coelho: The problem with emotional arguments is that there's also integrity on the other side, and there's also other people that own property. So, integrity for them doesn't matter? Is that?

Mr. Bal: Mr. Chairman, I'm just asking the Board ---.

Mr. Coelho: I understand exactly what you're doing Mr. Bal. Yeah, you can continue to speak and tug at the heartstrings of integrity ---.

Mr. Bal: Could I speak?

Mr. ---: You're very arrogant, you know that?

(Multiple people talking)

Atty. Provencher: --- the Chair recognizes who is speaking. The Chair has made some recognitions, and if he wants to pick others, I'm sure he'll let people know just so we have an orderly proceeding --- indicate to the Chair that you want to be recognized and I'm sure he will as he has throughout the meeting.

Mr. Bal: My only intent is that I believe that the members of the Board are honest and possess integrity. And all I ask of the members of the Board to do is to vote with their conscience. I'm

not implying anything to anyone, or any principal involved in this meeting. That's all I'm asking. And all I'm saying is I believe you folks to be honest and possess integrity. That's all I'm saying.

Ms. Gamache: One more comment.

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Mr. Phoenix: I see one more hand and then I'm just gonna share a couple thoughts and then we'll see where we go from there.

Ms. Gamache: Mr. Coelho's comment. If somebody purchases a piece of property, I think that's wonderful if someone purchases a piece of property, but all I'm saying is when you purchase that property, try to be cognizant of what you're gonna do with the property as it relates to the entire community. And I'm not doing the emotional thing, I'm just saying, if I own a big chunk of property and I wanted to develop it, I would try to be cognizant of everybody who lives around me. And that's what I wanted to mention.

Mr. Phoenix: With that, we are starting to get a little bit close to the end of that half hour that I extended this for, for this evening. The thing that I would like to bring so that everybody can also take a look at this if they so choose in the interim between now and what I anticipate will be the next session of the public hearing, this particular use on this piece of property requires a site plan and a special permit. The special permit allows us to put restrictions and things like that onto it, whether it's hours of operation or other things to make sure that it meets the needs of the town. There are other things that can be done on the property that are considered to be by right, where they need to do a site plan. As long as they meet the letter of the law for a site plan, we don't have the ability to compel them to do things like have hours of operation. So, there are different types of businesses that could go in there. It's somewhat limited because it's agriculture but it's somewhat expanded because it's in the moderate density overlay, so it's in kind of a weird grey zone there. So, what I would just suggest to everyone is part of what you might want to be considering is if this doesn't go in there, what we've clearly seen on other pieces of property in town like further down on Fuller Street, if somebody owns the property and they are intent on developing it, there's going to be something that goes there, whether it's that person or whether they transfer the land because they don't want to be paying taxes on something that's sitting empty, something will end up going there if a person owns it and wants to turn a profit off of it. So, I just want to make sure that everyone's aware that it's also a question of is this the right thing and are we certain that we're not going to be setting up the neighborhood for potential worse outcome with something else. So, under the current thing that's proposed, if this Board finds that it's appropriate, we can move forward with some of those restrictions to try and protect the neighborhood. So, I'm not trying to say all of the other things are terrible and be scared of them, I'm just saying that make sure that we are educated about what the options are on this property so we can all be aware of that as we move forward. With that, Sue, what do we have for availability on our next meeting or how's that looking?

Ms. Urban: July 13th at 7:15.

Mr. Phoenix: Ok, can we put this for 45 minutes instead of 30 please?

Mr. DiStefano: I have a hearing on the 13th.

Mr. Phoenix: So, you said that was 7/13 at 7:15? Ok, I will entertain a MOTION to continue this matter until July 13th at 7:15 p.m. here in this room.

Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

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The public hearing was continued until July 13, 2023, at 7:15 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

Documents included: Master application; Mail Item #30 Letter from Abutters and Community Residents re: Public Hearing for 590-596 Center Street; Mail Item #33 Revised letter from Abutters and Community Residents re: Public Hearing for 590-596 Center Street; Comments from Town Boards/Departments; Submission packet from Thomas R. Reidy, Esq. (May 5, 2023); Proposed Site Plan Documents for JLL Real Estate, LLC – Proposed Self-Storage Development (04/07/2023)

(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 – DEFINITIVE SUBDIVISION
0 State Street (Assessors' Map 14C, Parcel 106)
Jeffrey Daley, Westmass Area Development Corporation
(for the subdivision of the undeveloped portion of the Ludlow Mills Phase IV site for commercial and industrial development. An 1,800 linear foot (+/-) roadway with utilities will be constructed to service four building lots on the site.)
June 22, 2023

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PLANNING BOARD MEMBERS

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

The hearing began at 8:33 p.m. in the Selectmen's Conference Room.

In attendance: Sarah LaCour - Westmass, Alex Fagnand – Tighe & Bond, 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: for the subdivision of the undeveloped portion of the Ludlow Mills Phase IV site for commercial and industrial development. An 1,800 linear foot (+/-) roadway with utilities will be constructed to service four building lots on the site.

Mr. Phoenix: Going through what I have on my side. First up are some review comments from our office from Doug. Going through, he's got Item C marked off which is names, addresses, and plan locations of all abutters, and he notes show First Ave abutters on plan. H, location names and present widths of streets bounding appropriate and reasonable proximity of the subdivision show width of First and State Street. M, which is proposed layout of storm drainage water supply and sewage disposal systems including profiles. He has marked in red, one, building envelope show with setback, R7, this is the construction cost estimate specifically for street lighting. Then going down to W, the item is location of natural features such as water courses, wetlands, scenic vistas, historic locations, stone walls, location of species of large trees, trees of a DBH of 8" or greater, and similar community assets. The plan shall identify which of these features shall be left undisturbed. These features shall be preserved to the maximum standard possible. Removal or modification and destruction of these features shall only occur with the written approval of the Planning Board. And he notes show the hundred-foot vegetative buffer to be kept along State Street from Oakridge Street and Stevens Street as per special permit. Additional comments, applicant is asking for four waivers, Section II.b.2 which is the scale, Section III.A.4.a exceeds 1,000 feet maximum for a dead-end street, Section III.a.2a - right of way less than 50-foot minimum requirement, Section f.8.d5 - town stormwater bylaw waiver on slope, DPW may need to waive. Then I have correspondence from Tighe & Bond. *Mr. Phoenix read the response letter from Alexander Fagnand; Tighe & Bond (June 19, 2023) see file.* And I've got Board of Health: no comments. Safety Committee: street lighting, sidewalks,

there is a curly brace, and it says top priority for both of those. *Mr. Phoenix read the comments from the Fire Department, Captain Seth Falconer dated June 9, 2023 (see file).* ConsCom says we need to know where wetland delineation is prior to any work being done. Which obviously, I think most of us in the room are aware ConsCom can kind of override any approvals that we give anyway by saying that it doesn't mesh well with the needs of the wetland when that's delineated and all that, so generally better to stay on top of that so that people don't get bounced around between the two groups. *Mr. Phoenix read the comments from the DPW (June 21, 2023) (see file).* Building Department, we have: 1) electrical permitting to be secured prior to installation of lighting; 2) details on the emergency access drive gate mechanism and function needed. I have no other comments at this time. Before I take a sip of beverage, I just want to make sure, I know there was that one sheet that said applicant copy, have they been provided copies of this already as well, or do we need to make copies of this for them?

Ms. Urban: ---

Mr. Phoenix: Thank you. So, with that, if you want to explain what you're looking to do?

Mr. Fagnand: I don't know, so Conservation and DPW comments came in this morning and then the Building Department comments I received when I sat down. I did have an opportunity to respond to ConCom and DPW. So, I can give you three copies of that. I have one as well. I don't know if you'd rather I give an explanation first and we revisit them, or do you want to run through them right now --- same --- as the other comments.

Mr. Phoenix: How about you start giving pitch.

Mr. Fagnand: Give you a chance here.

Mr. Phoenix: Let me wet my whistle a little bit and then we'll dive back in. If you want to, I don't know if you want to pay attention or you want to read but either way ---.

Mr. Fagnand: So again, Alex Fagnand with Tighe & Bond for Westmass Area Development here to talk about Millside Business Park. This is the property located to the east of First Avenue, the south of State Street. The prepared plans will go into specifics with certain things. I'll just kind of talk to the key plan. I think we can cover most of it there. The existing tract of land goes all the out across the page over there and comes back around to First Avenue. The objective here is to develop a public right of way that runs through here, that's the primary road. A second narrow public right of way, the emergency access route, and then four buildable lots. So, two smaller lots here, a larger parcel here, and then the largest parcel being out, abutting the country club essentially. The majority of the land of this parcel, it's an 80 plus acre parcel, is actually gonna be held in a conservation restriction permanently. So, we're only looking to develop 30 some-odd acres for the total on this property. You mentioned the building setbacks before, we did add those here. I would note that along State Street, for the special permit received in 2012, there's a hundred-foot vegetative buffer strip that will remain to provide some relief to abutters. And that strip is on the definitive plan of land, it runs right through here as well. Let's see, we've coordinated with Springfield Water and Sewer Commission. We have their approval on the watermain layout. I have an email from Marty, who is our technical reviewer, I can share with the Board. We coordinated with Mr. Goodreau on the sewer and the drainage improvements, and we also submitted the stormwater permit with this application. I guess the other thing I'd like to point out too, because this is a commercial and industrial subdivision, we're creating these lots, but all four of these future developers will be back in front of this board

with their individual site developments for those lots. So, you know, we're creating the lots, we're creating the public right of way, but we're not proposing any specific uses right now, only that they will have to follow those regulations and uses established with the special permit back in 2012.

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Mr. Phoenix: Just wanted to jump in for a moment because this is one of those weird areas where the Mills have the Mill Redevelopment District, which I believe does extend through this section of the property as well. So, there is some variation in who approves what as things go forward. So, some circumstances, things come to this board and some circumstances things go to the Administrative Review Committee for the expedited process where this board has less oversight of it, but let's everybody sit at the table together. So, depending on what's going on it could go to us, or it might be going to them or so on and so forth. So, I just wanted to jump in with that as a clarification.

Mr. Fagnand: I appreciate that clarification. Thank you. I mean, frankly, there isn't all that much more detail. If folks need a little bit more locus, the Mill Complex is over here in my direction, the Chicopee River's down here, the old rail trestle's shown on the plan right here, so, you know, this is the bend in State Street as it heads back up towards the country club. So, that's the area we're discussing. But we are requesting four waivers that you read Mr. Chairman, but also a fifth waiver. --- to the DPW comments that came in today. So, that issue, there's a subdivision standard that power and intelligence communication lines be placed in underground conduit on a new subdivision. We're petitioning the Board to have overhead electrical down this subdivision road. That request is being made on economic grounds. It's much more expensive to underground electric. But it's being made in the context of the Mill Redevelopment District where Riverside Drive recently had overhead power remain. It was not underground as part of that project. First Avenue has overhead power as well, and the intended uses here are commercial or industrial and those lines would be over here for this extent of the development away from the residential area to the north. So, you know, for the economic hardship or the economic relief, if you will, of having those as overhead rather than underground, we're requesting that as a fifth waiver as per the comments that we received this morning.

Ms. LaCour: There's also an existing Eversource Distribution line already across the site.

Mr. Fagnand: Yeah, this is an Eversource easement here.

Ms. LaCour: --- project on the river.

Mr. Fagnand: So, there's already that feature of arial transmission type line going right adjacent to the road.

Mr. Phoenix: Ok. With that, I'm gonna jump into what you provided here and then a little bit, speaking of the waivers, I've got the waiver request 1-4 then we can, we'll go from there. *Mr. Phoenix read the Response to Planning Department Comments Letter from Alexander Fagnand (June 22, 2023) (see file).* So, we have that, and on the waiver request in the actual application packet I've got 1-4.

Mr. Fagnand: Mr. Chair, here's a revised list --- submit to you four copies of one through four in the same order, five added to the ---.

Mr. Phoenix: I really should have brought more beverage. I did.

Mr. Coelho: You're prepared. It's not only a motto.

Mr. Phoenix: *Mr. Phoenix read the Millside Drive Business Park – Waiver Requests 1-5 (see Master Application in file).* I may be done reading.

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Ms. LaCour: And you're fast too.

Mr. Phoenix: So, basically, you're looking to put in a street that's longer than what we normally allow without a second access but have a sort of a second access for emergency vehicles along with bicycles and pedestrian traffic to offset that extra length. I think, also of note is that this is for business purposes. It's not gonna be like densely settled residential neighborhoods where we're gonna be worried, not that we don't have to worry about emergency vehicles, but I think it's generally less of a concern than having an 1,800-foot run of street going somewhere with no other access and somebody needing an ambulance down the end.

Mr. Fagnand: --- dense.

Mr. Phoenix: Yeah. And to be clear, the actual roadway that you're looking to construct, that is being constructed to the regular 50-foot standard, correct?

Mr. Fagnand: Correct. The 25-foot is the --- State down to the proposed road at this point.

Mr. Phoenix: Ok. And you're looking to get four sites in there and this eats up a good chunk of what's left there, and I think I heard the rest of that's going to be going into Conservation?

Mr. Fagnand: ---. Oh, I'm sorry.

Ms. LaCour: The, there's a chunk at the back here that continues, that is developable land, I think it's 24 acres at this point. That's gonna be a permanent conservation restriction held by the Town of Ludlow Conservation Commission. And then the other is area, riverfront area that will also be then --- separately, not in a conservation restriction, but through other assessments based on the special permit back from 2012. The continued developable land has already been signed by your ConCom and Westmass.

Mr. Phoenix: So obviously, down the line you're projecting out that you're looking at four businesses going in there. That could theoretically change five, ten years down the line, whenever something happens.

Ms. LaCour: It's not out of the question that that turns into two or that all turns into one, yeah but only this area.

Mr. Phoenix: Only this area. But it might be two of these lots might get combined for somebody that wants a lot of space. A larger one might get cut up if people need smaller. So, the number of lots is a little bit flexible. You're not really stuck there, but the amount of space is what we're looking at more than anything else.

Ms. LaCour: Correct, and this is the drive, and the lot configuration is based on the conceptual in our special permit from 2012 indicating this area being developed. But we're actually shorter and farther north.

Mr. Phoenix: I've done a lot of talking. Does anybody have anything else? 'Cause I could keep asking questions for a while. Go Chris.

Mr. Coelho: So, we're looking for relief from certain regulations that are in our bylaw due to financial hardship? Where did the risk assessment for that hardship come from and how is that not accounted for when you're planning a project this big?

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Mr. Fagnand: So, the, I mean, there's no full risk assessment of the financial hardship.

Mr. Coelho: So basically, it's gonna be cheaper for us, can you waive this for us?

Mr. Fagnand: That is less expensive. There's a certain amount of grant money available to construct this road and that budget can't be exceeded or the project can't go forward. So, one of the areas we were hoping to conserve some dollars is by putting in the overhead to match, you know, Riverside Drive that this ties into, and First Avenue. That's not out of character for the area and it also doesn't run a risk of a precedent for this board because this is basically the end of the development in the Mill Redevelopment District. So, you know, it's not something that carries over to zone --- everywhere.

Mr. Coelho: So, it'd be safe for me to assume that in a new development, we would probably be more better off not allowing that than a development that already has existing overhead lines. That's what I'm hearing.

Mr. Phoenix: I think that generally makes sense to me. I think, again, a lot of mitigation from the fact that we're not looking at residents that would be losing services when a tree comes down on the lines or something like that. Storm takes out some of the of the power lines in that section, it's only servicing those businesses it's not gonna be impacting people's ability to live and sleep and cook and stuff as opposed to the businesses. I don't want to see anybody lose access to the utilities, that's part of the reason we have that regulation in there.

Mr. Coelho: No, but I think a good argument for the waiver is that it's gonna be consistent with the rest of the development.

Mr. Phoenix: Absolutely.

Mr. Coelho: More so than a financial hardship for the developer that owns thousands of acres or whatever.

Mr. Phoenix: Would it be more esthetically pleasing to have the lines dropped and go into the ground, maybe. Would it be slightly safer 'cause you don't have poles to service in that area, yeah. But we're not talking about a curvy slope-y road that we have to worry about that on either.

Mr. Coelho: And I think they'd probably maintain those wires better when they're above ground, so.

Mr. Phoenix: It's six to one, really. It's, there's a lot of advantages to running stuff through the ground in conduit because it's less likely that things are going to get disturbed, but then you end

up with somebody that forgets to contact DigSafe, then you have a really bad day, so it could go either way.

Mr. Coelho: Yeah, I just want to make sure if we're waiving something, I want to make sure it's not something just because it's easier for us to do it this way.

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Mr. Phoenix: If we're looking at somebody's putting in a new residential subdivision somewhere in town, I think there's a reason that we really haven't waived that, but this is.

Mr. Coelho: Conservation lands are to the east?

Mr. Fagnand: Correct, so.

Mr. Coelho: On the river?

Mr. Fagnand: So, the conservation restriction heads out that way, and it runs all down through here.

Mr. Coelho: As a point of reference, where would be the intersection of the golf course and the street right there.

Mr. Fagnand: Right there.

Mr. Coelho: So, the conservation land's already behind the golf course.

Mr. Fagnand: It's basically behind the golf course. It ends right in this area, but what Sarah was mentioning before, is all of this is wetland and riverfront area, so there's very minimal land there anyway, that is developable.

Ms. LaCour: It's also south of this lot.

Mr. Fagnand: Correct, yup.

Ms. LaCour: This is, this jagged line is what ended up being the.

Mr. Fagnand: The CR, that was agreed to. Yup, and all of this is very heavily regulated by ConCom, and this is a wetland associated with the river. There's nothing there.

Mr. Coelho: Is there future buildout? Are you reaching your extent over here?

Mr. Fagnand: Yes.

Ms. LaCour: Yes. This is it, yeah.

Mr. Fagnand: One, two, three, and four.

Ms. LaCour: ---

Mr. Coelho: And it matches up with what you guys sold us with what Mr. Delude sold us back in 2012?

Ms. LaCour: On the special permit?

Mr. Coelho: Well on the special permit and your conceptual site model. This isn't.

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Ms. LaCour: This is actually less development than that.

Mr. Coelho: Ok.

Mr. Fagnand: A little tighter this way and that way, so.

Mr. Coelho: Ok.

Mr. Phoenix: It's been a weird ride since then.

Mr. Coelho: I don't, ok, my questions are answered.

Mr. Phoenix: Joe, you got anything for now?

Mr. Queiroga: No, I got a pen.

Mr. Phoenix: Josh? Before I open this up to the public, one thing that I do want to bring up because I think I'd feel remiss if I didn't. I don't know the source of things because I'm not a magic person with a crystal ball and all that, but my understanding is that there's a lot of talk in the past couple weeks about an issue with rodents and things in that general neighborhood. And there is some speculation as to what may or may not have caused that population of rodents to move into the area where it currently is. And I saw it back and forth, so I'm not looking to do any finger pointing or anything like that, but I would like to at least raise that question as far as, as this is being developed is there any, is there any thought being put into any care being taken to try and mitigate with what could be a fairly large disturbance of habitat for those rodents so that we don't have an increase in that for the neighborhoods nearby?

Mr. Fagnand: So, what I would say, and this did come up in December at the preliminary hearing, you know, the construction associated with this project, you know, yes, we're asking to subdivide this land, but the actual construction that's gonna come from this, is this right here, this road and this one cut through up. You know, this will remain vegetated. This will remain vegetated. And then permanently in long term, all of this remains vegetated. And so, we're actually preserving more habitat. Unlike previous projects which may be being alluded to where the road is very close to the river, there's very little habitat left between there and the river itself. We're actually preserving over 200 feet of habitat between the road and the river. The initial buildout, you'll still have all of this land, you know, vegetated, and then on the permanent buildout there's all this habitat that's gonna remain in existence, so. Do I think this will have, I can't tell you the rodents are gonna go crazy but, everything has been done here on this plan to protect this habitat, and it is far more likely that rodents and critters are going to go towards the river where it's undisturbed that it is that they're gonna come much further distance across these parcels into this neighborhood.

Mr. Phoenix: Thank you. With that, 'cause I have more things I could ask for little bit, but to try and move things along, I want to ask if we do have anybody from the public that has any comments or questions. If you do, I just ask that you state your name and address for the record

so we can keep everything straight in the minutes. Is there anybody that has anything they'd like to comment on or ask at this time? Sir?

Mr. Lata: My name's Brian Lata. I live at 215 Stevens Street. Now this emergency access road, where is that gonna come out on State Street? Where's the end of the golf course that abut my house and the ---.

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Mr. Fagnand: That's 215.

Mr. Lata: That's the house, ok.

Mr. Fagnand: Yup, yup, right there. So that's the bend up the Stevens.

Mr. Lata: Right at the corner.

Mr. Fagnand: So, when you come down the hill.

Mr. Lata: The next corner.

Mr. Fagnand: The next corner.

Mr. Lata: So, that access road's gonna come out there.

Mr. Fagnand: It's kinda where the clearance comes through.

Mr. Lata: Ok, so it's right basically on that bend.

Mr. Fagnand: It's on that bend, yup.

Mr. Lata: Ok.

Mr. Fagnand: And what it's gonna have is steel bollard in the middle of it and it's only gonna be paved, I'm not gonna misquote myself. It's not paved the full width of the road.

Mr. Phoenix: I think it said 25.

(multiple people talking)

Ms. LaCour: That's the right-of-way.

Mr. Fagnand: But the pavement I believe is 16, something like that.

Mr. Lata: Now this is just specifically for emergency vehicles.

Mr. Fagnand: Correct, and pedestrians and bikes, but there'll be like a locking bollard mechanism. It'll be coordinated with the fire department. They can come in, they can pull the bollard, they can get in. And the reason for that is that the cul-de-sac is longer than the town standard, and if they're, the thing the fire department and emergency response are concerned about is like an accident here and a fire here, how they get there, so.

Mr. Lata: I understand.

Mr. Fagnand: That's the intent.

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Mr. Lata: Now is there plans to extend Stevens Street at all per speculations?

Mr. Fagnand: Not that I'm aware of.

Mr. Lata: Ok, that was just one of my questions.

Mr. Coelho: You mean extend Stevens Street from down into the…

Ms. LaCour: Not into this particular.

Mr. Lata: Not into that. That was my concern about traffic ---. It's hearsay stuff.

Mr. Coelho: Yeah, it doesn't look like they will be able to do that if they do this.

Mr. Fagnand: He's right, this'll be privately owned.

Mr. Lata: One of my concerns was…

Mr. Coelho: This last lot, how's that gonna be accessed if and when it gets developed?

Mr. Fagnand: So, it'll be a driveway.

Mr. Coelho: Just a single driveway.

Ms. LaCour: Yup.

Mr. Fagnand: Driveway, yup.

Mr. Coelho: Yeah so, it doesn't look like they'd be able to do that ever if this goes through.

Mr. Lata: Like I said, it's hearsay stuff. I just want to make sure that.

Ms. LaCour: Yeah, and there's that 100-foot buffer all along.

Mr. Lata: Now, where's that 100-foot buffer?

Ms. LaCour: Right, all along State there.

Mr. Fagnand: You go down State, you go down 100 feet, and that buffer's gonna follow. It's gonna be a line of no disturb.

Mr. Lata: It's gonna follow all the way down the course, the golf course?

Mr. Fagnand: All along the golf course.

Ms. LaCour: To the edge of it. It doesn't go all the way along. The golf course is different. Past your property.

Mr. Fagnand: Yes.

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Mr. Lata: Ok, yup.

Mr. Fagnand: And that'll remain vegetated for a visual buffer and also because there'll be no access allowed to these properties from State Street. --- from a new road.

Mr. Lata: So actually, where is 0 State Street?

Ms. LaCour: Well, that's why this whole empty parcel, that's what the town considers it. It didn't have an address.

Mr. Fagnand: It didn't have a street number because there was nothing there.

Mr. Lata: Oh ok.

Ms. LaCour: 'Cause right now its frontage is State Street.

Mr. Lata: Ok.

Ms. LaCour: But in order to eliminate access to this from State we're creating a new road in here.

Mr. Lata: And that's going in down by Pieroways, correct?

Ms. LaCour: Yup, that's that.

Mr. Fagnand: Down by the bottom side of Pieroways, the intent is for commercial traffic to be coming in on Riverside Drive, not even on State Street.

Mr. Lata: Ok.

Mr. Phoenix: And then for anybody who can't really see the plan that well, either because of where they're sitting in the room or if they're at home the, that access road, that's the one that's going in between, essentially, Fairway Drive and ---, correct?

Mr. Fagnand: Yes, that is correct.

Mr. Phoenix: People can kind of visualize where that is.

Mr. Lata: That's all the questions I have for now. Thank you.

Mr. Phoenix: Anyone else?

Ms. Byers: I'm just kind of a little confused. We just moved into State Street.

Mr. Phoenix: Certainly, just can I get your name and address for the minutes?

Ms. Byers: My name is Janice Byers, 429 State Street.

Mr. Phoenix: Thank you.

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Ms. Byers: And I'd like to know where we are on that map, to get a better understanding of.

Mr. Fagnand: Of course.

Ms. Byers: We happen to like the woods a whole lot.

Mr. Fagnand: So, the Ludlow Mills are over here, there over here.

Ms. Byers: Ok, yup.

Mr. Fagnand: So, if you're coming along State Street. This is First Avenue, Senior Center's here, and there's an industrial building here. So, we're talking about the land beyond that. And so, the new road would be going, you'd need to go down First Avenue, you'd come in on Riverside Drive on the back side of the Mill, and that's where the road would go in, down into that wooded parcel.

Ms. Byers: Ok. Behind I suppose.

Mr. Fagnand: Yup. And then the reserve 100-foot strip is up here along State Street. There's at least 100 feet of vegetation left between State Street and whatever gets constructed.

Ms. Byers: And it won't be developed.

Mr. Fagnand: Correct, those 100 feet will not be developed and then ---.

Mr. Coelho: --- non-development setbacks beyond the situation. --- frontage, so normally that could've been developed in a normal situation, right?

Mr. Phoenix: Uh, yeah.

Mr. Coelho: So, I think that's kind of a win for the neighbors, it's a kind of cut the baby in half for the neighbors. We're gonna leave some woods. But by doing that, you won't be able to develop right up to the street.

Mr. Phoenix: Our standard setback, I can't remember if we have a different one specifically for MRD, but like for Industrial, those very often go down like five to zero feet depending on which side of the lot you're looking at.

Mr. Fagnand: Twenty-five is the front yard, and that's legal frontage, and that didn't have the reserve strip that technically would only have to be 25-feet by zoning to a building, so.

Mr. Phoenix: So, you got four times the buffer from the street to whatever's going in. You don't have the driveways and everything cutting through there. Any traffic would need to go in through one of the other points of access to the property. Obviously, there's gonna be more

traffic to that portion of the neighborhood, but that was to be expected when this plan came in more years ago than I want to think about right now.

Mr. Lata: Do we know what's going in there for businesses yet, or is it still ---?

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Ms. LaCour: We're under discussions with a bunch of folks, but everybody's sort of waiting till there's a road.

Mr. Lata: So, there'll be another meeting on that or whatever?

Ms. LaCour: Well, each site will have to come in depending on what their use is and what they want to do. Yeah, it's hard to market something if there's not a road.

Mr. Lata: Right, right, no I understand.

Ms. LaCour: So that once we get --- then we can move forward.

Mr. Coelho: The Administrative Review Committee is all public notice and everything like we do it, right? 'Cause we haven't had one in a while.

Ms. LaCour: There was one. We came in for a parking lot a month or two ago.

Mr. Coelho: That wasn't Administrative Review, that was us.

Ms. LaCour: No, we also went in front of the Administrative Review.

Mr. Coelho: I don't know if I got invited to that one.

Mr. Phoenix: Uh oh. You better check your spam folder, Chris.

Ms. LaCour: You got to talk to Doug.

Mr. Phoenix: But it's, on the Administrative Review Committee we've got...

Mr. Coelho: I stand corrected. I did, but I had to work because they can only have it when they're working.

Ms. LaCour: It was during the day.

Mr. Coelho: Right.

Ms. LaCour: It was the middle of the day, like 1:00 or something.

Mr. Coelho: Maybe I'll have to find a way to. No, I'll just back bill Westmass that's all, for the day I have to miss.

Mr. Phoenix: Yeah so, depending on which process it goes through, it either goes through the Administrative Review Committee and they look at it, which the makeup of that, we've got two members of our board plus Doug and some other people. Is that correct?

Ms. LaCour: It was, I think it's Building Commissioner and ConCom, and DPW.

Mr. Phoenix: I think it was somebody from Public Works.

Ms. LaCour: Yeah, somebody from every…

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Mr. Phoenix: Pretty much. That was the way it was designed. But I think we have more representation there than everybody else.

Ms. LaCour: I think you had two and everybody else had one.

Mr. Phoenix: Two plus Doug I think, I think. Otherwise, for most developments like this, it would end up, it would only be us. The Mills is just a special area. The rest of it comes into us and we do our normal notice of a public hearing, that there's a site plan coming in. Depending on the type of business, some of those are able to go in just by meeting the letter of the bylaw. Some of those need to come in for a special permit. So, like if you're doing a drive thru or several other types of businesses in town, it gives us the opportunity to look at it and put conditions on that so we might say hours of operation, noise level, number of vehicles, whatever's suitable for that particular scenario. So, it depends on the type of business, but especially if it's a new development there is almost a zero percent chance that it would be going without having some kind of a hearing. I'm not gonna guarantee because there are some weird edge cases to everything. It's pretty close to zero percent that that would go in for new development.

Mr. Lata: Right, so everybody here would have a say in what would be going in there is my point.

Mr. Phoenix: Anybody else?

Ms. Byers: Yes, my name is Faith Byers, I'm at 429 State Street. And if they're talking about the path being there for foot traffic, is there any consideration of putting a sidewalk on that side of State Street? Nope, on the back side by the houses, if they're putting that path down by the river, or the walking path or whatever.

Mr. Fagnand: So, we're not including a sidewalk on State in this proposal. Millside will have a sidewalk. This will have, obviously be, you know, primarily pedestrian route, and there's the Riverwalk extending that off of Riverside Drive.

Ms. LaCour: There is a sidewalk all the way around the road.

Mr. Fagnand: The new road.

Ms. Byers: The new road, but the State Street side?

Mr. Fagnand: We're not adding one on.

Mr. Phoenix: So basically, I think what you're trying to get at is, if there's gonna be the allure of pedestrians either entering or exiting from that site, whether there's gonna be a safe way for them to get back to other neighborhoods on a sidewalk.

Ms. Byers: I mean, there's a lot of foot traffic anyway on that road. But if they're gonna be putting something down where people can walk closer down by the water, there's gonna be a lot more foot traffic and I'm just wondering if there's any consideration of a sidewalk over there.

Ms. LaCour: So, a couple things. One, we would then be in that 100-foot buffer, but so, the vegetated, the buffer that we have here, this is where you're talking about, right?

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Ms. Byers: Yeah.

Ms. LaCour: Yeah, so, and the river's down here. So, the point of that buffer is that it's keeping the residents, it's separating the residence area. And this is specifically for emergency access, but it will be available for pedestrians. But we're not necessarily like creating a pedestrian loop.

Ms. Byers: Ok.

Ms. LaCour: Is that what, was that the question?

Ms. Byers: You answered the question, yes.

Mr. Fagnand: And I guess the only other comment I'd make is that the intention here is that traffic's entering on Riverside Drive, you know, and the access is down here. It's not from State Street. So, we're not increasing the traffic up, you know, ---.

Ms. LaCour: One of the things right now, there's the Riverwalk and then there's a sidewalk all along Riverside Drive, and then it would connect, a sidewalk, you could continue to walk through, with all this, you know, move around and come back too.

Mr. Lata: That would be the extent of the Riverwalk, correct?

Ms. LaCour: For now, this sidewalk, people could continue to walk through this, yes. That's where the sidewalk is.

Mr. Coelho: So, to answer your question, probably it would be very difficult to get sidewalks on the other side of State Street because of the age of the neighborhood and the fact that we didn't require that when those houses were built. The town would probably have to eat all that to put sidewalks there.

Mr. Phoenix: I mean, there's been talk there for a few dozen years about putting sidewalks for the whole town, but that all requires time, money, resources, and Chapter 91's never seem to go quite as far as you want them to. So, there's, it's kind of tight, but that's been on the wish list as adding more sidewalks to more neighborhoods. So, normally, when people are putting in a new street, we require that they put the sidewalks in along with their building. It just so happens that they have frontage on State Street as well, but that's not where we would normally require that. Anything else at this, I see one more hand.

Mr. ---: --- 429 State Street. I'm not sure if we missed the hearing prior to the filing?

Mr. Phoenix: This is the hearing for the definitive subdivision. So, to be able to put the street in basically. It gives us a rough idea of where the lot lines are gonna be. But it shows us where they're gonna be looking to build the street, how they're gonna take care of drainage, where all

of those features are gonna be, and kind of locks that in unless they come in to amend that or if something changes building it and they need to move something a little bit out of line in order to make it work. So, we'll get finalized plans, but it should be as close as possible on the ground as what's on the plan set. And then it's just a question of as those businesses are coming in, that's when we'd start getting more detail on the rest of the stuff, but on the street itself, this would be the definitive plan for that.

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Mr. ---: Ok, you answered my question. Thank you.

Mr. Phoenix: Anything else from this side of the table? I think we've gotten an awful lot of comments as far as primarily the stuff in correspondence back and forth. I think there were a lot of things that people brought up from some of the other boards and committees and individuals that have reviewed. A lot of that, I think, got addressed in the revised plans. But I don't think a lot of those people have had a chance to review those revised plans and say whether those actually do meet what they're looking for or not. Would we be looking to continue the public hearing to give the opportunity for them to review those plans and try and give us a thumbs up thumbs down on those things or are we prepared to take any action on this tonight?

Mr. Carpenter: I have no issues either way.

Mr. Coelho: Quick, nobody has issues either way nowadays, huh?

Mr. Phoenix: Sue, we've got that 7/13 at 7:15 and I said let's leave like 45 minutes or so for that, is there, I'm assuming that that means our next opening will be 7/13 at 8:00? Is that correct?

Ms. Urban: Correct.

Mr. Phoenix: I will entertain a motion to continue this until 7/13 at 8:00 here in this room time and place.

Mr. Carpenter: **SO MOVED.**
Mr. Coelho: **SECOND** for discussion. Should the remaining reviewers, departments, sorry it's getting late, be content with what's presented to them, or would this be something the applicant would be needing to attend or is this something we can just vote on?

Mr. Phoenix: I mean, I would generally recommend that the applicant attend in case there are any follow-up questions, but that's. It wouldn't be the first time that we…

Mr. Coelho: Yeah, I guess.

Ms. LaCour: I know our engineer will be on vacation at that time and I would want…

Mr. Coelho: I didn't know that. It's almost like I have ESP.

Mr. Phoenix: So, would we want to go to the next meeting?

Ms. LaCour: When would that be?

Mr. Carpenter: 27th.

Mr. Phoenix: 27th.

Ms. LaCour: What do you think?

Mr. Fagnand: ---

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Ms. LaCour: Just to be clear, this would be so that all the folks that have commented can get a chance to comment on our comments and to look at the revised plans?

Mr. Phoenix: Well yeah, some of these things I think we've covered pretty exhaustively. There might be a little bit more discussion on some of them, but we are now approaching 9:30, kind of like the other item, I let this go a little longer than it probably was originally intended for 'casue we're having some pretty good progress and discussion on it, but I don't think that discussion's complete especially until, you know, Building, Public Works, ConsCom, until those people have a chance to review and say yeah, that makes sense. And quite honestly, I'd like to have a little bit more time to digest the comments that were presented to make sure that I'm catching everything. I think what we could do if you're so inclined…

Ms. LaCour: I guess we'll stick to…

Mr. Phoenix: We could act on waivers possibly tonight.

Mr. Fagnand: That would be helpful to close some loops if you could.

Mr. LaCour: Yeah.

Mr. Fagnand: You know, I could continue coordination with the various department heads that commented to make sure that things are in order, and somebody else can stand in for me on the 13th with Sarah to address any remaining issues.

Mr. Phoenix: Are we good with withdrawing that motion?

Mr. Coelho: The second is good with withdrawing the motion.

Mr. Carpenter: I withdraw my motion.

Mr. Phoenix: Ok. So, on the waivers, just to refresh everybody. I'm gonna go through them relatively quickly. If anybody has an objection to any of them or anything in particular that they want to say, please pause me in between so that we can hold those separately. Otherwise, I'm gonna be looking for a motion on all five up or down unless we do pull something out for separate conversation. And my cap's on the floor. *Mr. Phoenix read the waiver request for the five requested waivers: Section II. B.2 - Scale; Section III. A.4.a - Exceeds 1,000 feet maximum for a dead-end street; Section III. A.2.a – Right-of-way less than 50-foot minimum requirement; Section F. 8.B.5 – Town Stormwater Bylaw waiver on slope; Section 3.E.4.A – Overhead electrical lines (see file – Definitive Subdivision Application, Appendix E).*

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

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

Mr. Phoenix: To grant waivers one through five?

Mr. Coelho: …to grant waivers one, I'm a little hesitant about four as maybe…

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Mr. Phoenix: I think that's fair.

Mr. Coelho: …we want the DPW to weigh in on that seeing as how they know more about slopes than we do, and that's something that they're still gonna address by reviewing the updated drawings. Maybe that's something they'd be willing to weigh in to give us some technical advice. That's why I'm gonna make a **MOTION** to grant waivers one through three, and five, and forward waiver four to the DPW to comment.
SECOND Mr. Carpenter.
4-0 in Favor.

Mr. Phoenix: So, you got four out of the five waivers already and the fifth one may still be coming, we just need more info.

Mr. Coelho: Just a second set of technical eyes on that one, that's all.

Ms. LaCour: No, makes sense. Thank you.

Mr. Phoenix: So, with that, I will entertain a MOTION to continue until July 13th at 8:00 p.m.
Mr. Carpenter: **SO MOVED**.
SECOND Mr. Coelho.
4-0 in Favor.

The public hearing was continued to July 13, 2023, at 8:00 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

Documents: Millside Business Park Definitive Subdivision Application (June 2023); Stormwater Management Report (June 2023); Comments from Town Departments; Response to Planning Department Comments from Alexander Fagnand – Tighe & Bond, Inc. (June 19 & 22, 2023); Town of Ludlow, Massachusetts Millside Business Park Definitive Plan of Non-Residential Subdivision Westmass Area Development Corporation June 2023 (Rev.2 & Rev.3 6/2023)

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