TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
July 13, 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 (Present)
Kathleen Houle, Associate Member (Absent)

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

File Mail Item #38 – Letter from Town of Ludlow Health Department re: temporary housing violation at 11 Duke Street

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File Mail Item #39 – Legal Notice – Zoning Board of Appeals – 0 Dale Street (Map 27A, Parcel 77A)

File Mail Item #40 – Certificate of Assessment from Pioneer Valley Planning Commission

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Mail Item #41 – Memo from Marc Strange, Town Administrator re: Special Town Meeting – October 2, 2023

Mr. Stefancik said that there are a few changes that need to go to town meeting. Mr. Phoenix remarked that if there are warrant articles that need to be put together based on zoning bylaws there needs to be a meeting specifically for that discussion with nothing else on the agenda.

PUBLIC HEARING – Site Plan – Plan – Ali Bulut – 4-8 White Street (Assessors' Map 15B, Parcel 39) (New social club to be located at 8 White Street)

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)

SEE ATTACHED MINUTES

CONTINUED 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

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CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 37. - Legal Notices from surrounding communities
- APPROVE Change of Occupancy:
  - Kevin A. Vestal – 12 Cedar Street (add financial advisory practice to church offices)

Change of Occupancy - Michael A Martin (Martin Geo Environmental LLC) – 411 West Street (from new building (empty) to storage) ***(from 6/22/23)***

Mr. Coelho explained that he discussed this Change of Occupancy with the building owner and said that they are just swapping spots in the facility and that there is nothing hazardous being stored there. Mr. Stefancik mentioned that there is an existing site plan on file.

Mr. Carpenter **MOVED** to approve the Change of Occupancy for Michael A. Martin at 411 West Street in the standard form.
SECOND Mr. Queiroga.
5-0 In Favor.

Documents included: Master application; Email from Mike Martin re: Storage of Hazardous Materials (June 26, 2023); Photos of supplies stored at 411 West Street; Plot Plan – 407 West Street Ludlow, MA – owned by Linton Holdings, LLC (May 10, 2022)

Mail Item #35 - Request for meeting with the Planning Board re: Construction of independent free-standing structure @ 66 Stivens Drive from Walter & Sally Trusz ***(continued from 6/22/23)***

Mr. Stefancik said that they want a second residential structure as an additional single-family house on the property, unlike an accessory apartment that would be attached to the home. The conversation will be continued until the August 10, 2023, meeting when the bylaw changes will be discussed. Mr. Phoenix suggested that Leslie Ward, Building Commissioner, be part of that conversation.

Subdivision Rules & Regs

Mr. Phoenix remarked that he wants the discussion for Subdivision Rules & Regs to be held at a separate meeting with nothing else on the agenda. That meeting will be scheduled for August 10, 2023.

1 Moody Street – Autism Care Partners

Mr. Stefancik remarked that he received a building permit for a sign for Autism Care Partners to be located at 1 Moody Street. He asked the Board if this new business would qualify for a Change of Occupancy.

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Mr. Phoenix: I'd entertain a MOTION to find that given the facts as presented that this appears to be suitable for submission as a Change of Occupancy.
Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.
5-0 in Favor.

Mr. Carpenter: Mr. Chairman, I make a **MOTION** to adjourn at 9:35 p.m.
Mr. Coelho: 9:36.
Mr. Carpenter: Oh God, 9:36.
SECOND Mr. Coelho.
5-0 in Favor.

Meeting adjourned at 9:36 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
PUBLIC HEARING – SITE PLAN
4-8 White Street (Assessors' Map 15B, Parcel 39)
Ali Bulut
(New social club to be located at 8 White Street)
July 13, 2023

PLANNING BOARD MEMBERS

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

The continued hearing began at 7:08 p.m. in the Selectmen's Conference Room.

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In attendance: Abdullah Kirman, Kemalettin Ibas, Ali Bulut, attendees

Mr. Phoenix read the legal notice and advised the public that the cameras are recording. The legal notice included the description of: New social club to be located at 8 White Street.

Mr. Phoenix: So, comments that we received back from our office regarding number b.2, number of plants, there's a note, I count eight trees. I don't know if there's something wrong with it, or if it's just a note.

Mr. Stefancik: I only count eight trees along the line, not ten, unless they're double stacked.

Mr. Phoenix: Ok. I got you. Number of trees shown on plan.

Mr. Stefancik: Yeah.

Mr. Phoenix: Ok. E.1, circulation.

Mr. Stefancik: It's an odd parking lot because it's all flat with the road, so it's existing.

Mr. Phoenix: Yup. Parking spaces in accordance with 6.4.2: Restaurants, taverns and other eating places: one seat per four seats. F. Fencing: show fence icon in legend. H. Monumentation: Show iron pin found on corner pin. J. Utilities, proposed utilities, there's red marks for gas, water/well, sewer/septic, and note saying show connections to building. N. The chart, we have Number 2. Needs size of buildings, show net area; Number 5. Seating capacity; Number 7. Number of parking spaces required. Then additional comment: Show snow storage area on plan. Mass Military Support Foundation will need to complete a Change of Occupancy and their information will need to be added to the chart and parking requirements. Same for Unit 8. Additional Requirements 1, 2, 3 & 5 can be waived. Applicant will need to sign waiver request form, which we do have a waiver request form if they so choose. From the Assistant Town Engineer we have, the required chart under Section 7.15.n is missing information. Board

of Health: No bathrooms on site plan; designated smoking area; food establishment plan review; food permits. Fire Department we have: *"The plan was unable to be reviewed at this time due to inadequate information provided. Please submit a detailed design development plan for this property drafted by a registered design professional in order to comply with Fire and Building Code" (see file).* From Zoning Enforcement (*Mr. Phoenix read the comments from Leslie Ward, Building Commissioner which noted that the plan cannot be approved by the building department due to lack of information - see file.)* Then I have a copy of an article from MassLive talking about Mass Military. So that is a big chunk of what I have. The other thing that I have is an invoice for Turley Publications for the legal notice. So that is payable directly to Turley Publications. Just to kind of get this out there. So, I was kinda caught off guard, number one the plan is missing some fairly straight forward things like items on the chart, information about the property corner monumentation. Things like that that I would expect to be on the plan before it came in. Beyond that, the plan shows zero employees, where any kind of capacity for two out of the three units. So, I'm curious as to what the thinking is there because the plan as you've submitted it, the application specifically says that it's for a social club and then the plan only shows anything related to the social club.

Mr. Ibas: --- social club?

Mr. Phoenix: But there's stuff that we're hearing about another possibility for what might be going in there or what might be intended for going in there which it's a good organization. I don't know if it's a right fit for there, but that would have to be a whole separate conversation. The way that this plan was put together, the way the application was submitted, there's nothing to really give you the opportunity to have that come in as like a Change of Occupancy or something down the road, it would need to come in through either a site plan again or a site plan amendment which you could certainly do which is a little bit lower standard as far as what needs to be on the plan, but that's a more intense process because this one doesn't have provision for that future growth for what you're looking to do with the building. So, that's kind of where we're at is the application, legal notice, and everything are strictly talking about the social club, so anything having to do with any other businesses would need to be a separate conversation...

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Mr. Ibas: No, no other business.

Mr. Phoenix: ...with a separate plan and a separate everything.

Mr. Kirman: Nonprofit, like a church?

Mr. Phoenix: Nonprofit, for profit, extra profit, doesn't matter. If anything else is gonna go in there it needs to come back here with a plan.

Mr. Ibas: So, we have to talk to owner then, he got --- site plan stuff, you know? He does these things, not to us.

Mr. Phoenix: Ok. So, we don't, do we have a representative owner here, or are you guys just for the social club?

Mr. Ibas: He should be here but he don't come ---.

Mr. Kirman: ---

Mr. Ibas: He should be here today.

Mr. Phoenix: Ok, as far as the social club, that's where we are on that. The plan is missing some stuff, but I think…

Mr. Ibas: So, we don't have any idea about that plan because they does all these things, you know?

Mr. Phoenix: Yeah, and to be fully transparent, I live in the neighborhood, I saw that you guys were going in there, you had a bunch of people show up.

Mr. Ibas: --- we have --- in Turkey. We don't anywhere to meeting. We are like 200 family in Ludlow, but we don't have to go anywhere. That's why we needed something comes together.

Mr. Kirman: ---

Mr. Ibas: --- some donation. We have to come together and we just talk, that kind of stuff, but, yeah.

Mr. Phoenix: And that's fine. I think it's great. I think it's fantastic. ---

Mr. Ibas: We have to have some place to meet, you know, the people.

Mr. Phoenix: And the place needs to be able to support what you all are doing and the paperwork that's been filed with the town needs to be able to show that it can support that and unfortunately, when you guys started everything up, that paperwork wasn't in place for you. So it took a while for that to come in. Now we're at a point where we've got the paperwork. It looks like it's not fully in order, but.

Mr. Ibas: We'll have to redo it again.

Mr. Phoenix: Well, it doesn't necessarily have to be done again, as far as the social club goes, the property owner can get the plan updated to correct the deficiencies and we can talk about it more at that point. I think for now, you guys want to have a social club, that's great. The hours that you guys are looking at, we can talk about that. They're fairly limited from what I saw as part of the proposal. So, I don't know if you want to talk about that a little bit. We can see if anybody from the public has any questions about it. If anybody from the Board has questions and hopefully the property owner can get that plan corrected so that we can, you know, see where this lands for everybody.

Mr. Ibas: So, we have to come back again with the new plan?

Mr. Phoenix: Somebody is probably gonna have to come back because the plan as it is, I can only speak for myself, but it's, in my opinion, it is not approvable with what we have in front of us tonight.

Mr. Coelho: There are several other boards that have indicated that they're missing information as well.

Mr. Phoenix: Yes.

Mr. Ibas: ---

Mr. Phoenix: That's why I think the best we can offer you is to give you a chance to talk about what you want to do, see if anybody has any questions. We can try and get a dialog going so that hopefully once the plan gets fixed up, it's gonna have everything on it that you need. There's not gonna be any more roadblocks and we'll have a plan in front of us that we can have a conversation about and say, is this gonna, you know, give you guys what you need for what you're looking to do or not? And that's what it's gonna come down to in the end but with the information that we have right now, I don't think really can even let us have that conversation fully, but you know. I want to make sure that we can get whatever input we can so that we get to that point sooner.

Mr. Ibas: This takes almost six months now, you know it's…

Mr. Kirman: ---

Mr. Ibas: --- months and there's something wrong. I don't know. You guys can reject it. And we always talk to owners.

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Mr. Kirman: Right here.

Mr. Ibas: Oh Ali, they need a new site plan.

Mr. Bulut: I --- two weeks ago. I gave you check, blank check.

Mr. Phoenix: Well, we have a plan that's missing a bunch of stuff that doesn't talk about the other units, that doesn't talk about…

Mr. Bulut: ---

Mr. Phoenix: I'm gonna go back a little bit. It's unfortunate that you came in late because we started late while we were waiting for people to show up and then you came in even later than that, so you missed part of what we already talked about. But the plan as it came in is missing a lot of items including showing some of the information about property corner monuments. There's insufficient information about the seating inside. There's no room for future growth. So, if you have somebody else that's gonna be taking up another one of the spots in the building, that's all gonna have to come back in for more work instead of being able to look at that now. We've got that stuff from a number of other town departments that have indicated deficiencies including the Board of Health, the Fire Department, the Zoning Enforcement Officer, the Board of Public Works. We've got all of these different things that are saying that this plan doesn't meet our regulations. Stuff that, like our regulations says you need to have a chart that has A, B, C, D, E, and F and you're missing like three things off of that chart. So, the plan that we have that was submitted, we don't have enough copies of for one thing, and it needs to be correct. It needs to meet what our Bylaw says it needs to have.

Mr. Bulut: --- now, nobody tell me this. If I knew it I would ---.

Mr. Phoenix: Well, we told you, number one, originally when it was put into the Bylaw and we told you that you needed to come into compliance because there were issues with the property

already. We told you this is the Bylaw for what needs to be done for a site plan and those things are all spelled out in there. I believe Doug, did you say you also tried reaching out about the plan prior to the meeting?

Mr. Stefancik: I also talked to Mike Smith, the surveyor and he said he had trouble getting in contact with the owner of the property about going over what changes were ---. 'Cause I asked him if he was gonna attend the meeting and it wasn't made clear if he's paid to come here, he would come to the meeting, but I thought the land surveyor was helpful to be able to be here for the process.

Mr. Phoenix: It's frustrating because we don't have enough information to have a full conversation about what these gentlemen would like to do at the property.

Mr. Bulut: --- and I called here. I called this guy ---. Nobody called back, nobody emailed back. What can we do? --- the right thing.

Mr. Phoenix: Ok. I don't mean to be too crass about this sir, but I believe that's your signature on the application. Is that correct?

Mr. Bulut: Yes, sir.

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Mr. Phoenix: Ok. Right above that section it says please note that incomplete submittals are subject to denial without any further review and any fee paid will be considered forfeit. Completeness is the responsibility of the applicant. Please check all forms and plans for completeness prior to submission. Signing this application indicates your understanding of this policy. And directly below your signature it says I have read the above statement and have personally verified both the completeness of this entire application and all supporting documents. And that's in bold and underlined, both above and below your signature. And we don't have a complete plan. Correctness is something we can argue back and forth, complete is pretty black and white. And our office tried to reach out, and from what I'm hearing the surveyor tried to reach out and we still don't have a result tonight.

Mr. Bulut: --- my guys, he didn't call me, he didn't email to me, I know that, and nobody called from town too. If it was something I needed to done, I wanted it done.

Mr. Phoenix: With all due respect sir, when the produce place was running there, and we had the issue with refrigerated trailer…

Mr. Bulut: Yeah, yeah.

Mr. Phoenix: …we talked about that for all of an entire summer and told you that you needed to come into compliance, and you came into compliance when grape season ended, and you were able to take the trailer away without having a financial impact on your business. The following summer, knowing full well that we had that conversation the year before, the trailer showed up again which led to more rounds of well I didn't know. I can only speak for myself, while I didn't know doesn't really hold very well with me at this point because I've honestly heard that too many times.

Mr. Bulut: I lost my business over there, so I put how much --- I lost everything over there.

Mr. Phoenix: But we told you up front that you couldn't have that trailer there and that you needed to have things follow the…

Mr. Bulut: --- not because of ---. This is one issue. And then I took out the trailer, ok, but still, you know, I tried my best over there. I don't want to be --- the city. I tried my best, just, I'm still --- and that, you know, this is several months, and I don't get any rent for this.

Mr. Coelho: Can the applicant withdraw without prejudice and meet back with his design team to --- up these situations and come back to us or?

Mr. Phoenix: I mean, they can do that. We can continue the public hearing and they can update the site plans, get us the appropriate number of copies with the appropriate information.

Mr. Coelho: Well, I mean, they've been working on this for like two years now and we still don't have, we haven't made much headway at all. We got a piece of paper which is good. So how do we, how do we compel it to get done properly?

Mr. Phoenix: Honestly Chris, I would've thought the compelling thing would've been the letters that were coming out from zoning enforcement previously saying that we needed to have something that fit within the site plan. I would've thought that when we first started having letters go out about that, that would've brought things into compliance. I don't know at this point what's gonna do it. So, I'm personally conflicted because I feel bad for the people that want to run the club there, but they're not getting held up by the Planning Board. I don't know that we can give them relief from this situation.

Mr. Carpenter: Mr. Chairman, I'd be in favor of continuing this in a month and giving them a month to come back with a better plan, more complete.

Mr. Phoenix: Let me ask this, Sue, if we're looking at our agenda, I know we already talked about the next meeting has some stuff on it already, what do have on the agenda for a month out?

Ms. Urban: August 10th there is nothing.

Mr. Phoenix: Ok, let's try and keep that one clear, are you good with going to August 24th?

Mr. Carpenter: That's fine with me.

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Mr. Phoenix: Let me just do a round of asking for comments from the public in case there is anything, and I think that'll kind of clear my conscience on some of this. Unless anybody else from the Board has anything to, does anyone from the public have anything to add or ask at this time? If you do, I would just ask that you state your name and address for the record as we do need to keep things straight in the minutes. Hearing nothing. Sorry, I didn't see your hand go up.

Ms. Hodgman: --- Elaine Hodgman, and address?

Mr. Phoenix: Yes please.

Ms. Hodgman: 1475 Center Street, Ludlow. This is a question about the social club itself. Are we on the building, or are we on the site plan or are we on the club?

Mr. Phoenix: It's a site plan that as it sits would allow the club and only the club. Right now, the existing business types that had been there, so like the insurance company, the produce place, the things that has last been approved to be there. Those types of businesses would be able to go in with a Change of Occupancy and not need a full site plan as long as they keep all the striping the same on the ground, dumpsters in the same location, all those physical characteristics the same, but in order to change any of those characteristics to change the type of business, to change any of those things that would affect the needs of the zoning, then it needs to do the site plan. So, that triggered it coming in for this.

Ms. Hodgman: So, can I ask a question about the social club?

Mr. Phoenix: Sure.

Ms. Hodgman: Which unit of, there's three units here, correct?

Mr. Phoenix: Yes.

Ms. Hodgman: Which unit is the social club, would be the social club, you're aiming to be the social club?

Mr. Phoenix: The insurance agency.

Ms. Hodgman: Number eight?

Mr. Phoenix: Number eight.

Ms. Hodgman: And who would be using it, who would be going in there too, is it just gonna be a small restaurant, is it? I don't understand what I'm.

Mr. Phoenix: Would you care to explain, I know you kind of said a little bit about it at the beginning, but would you mind just explaining a little bit more about who would be using the business?

Mr. Ibas: Not like restaurant, just --- come together, drink and some play games, table games.

Mr. Kirman: Coffee, tea.

Mr. Ibas: Yea, coffee, tea, like that ---.

Mr. Kirman: --- a little bit.

Mr. Ibas: ---

Mr. Phoenix: Before we got to this point, they had kind of gotten up and running, and then there was a cease and desist that was put on the door. What they had had going in there, looked like they had a nice coffee bar set up, they had an area where they would be able to have refrigeration for snacks.

Mr. Ibas: ---

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Mr. Phoenix: What's that?

Mr. Ibas: --- like five years ago, top of, like second floor from Oscar's Pizza.

Mr. Phoenix: And then they mounted a tv on the wall. They cleaned the place up really nice inside. It looked really nice, it really honestly did. It just didn't have the permission in place to be able to operate and there were some questions about the number of vehicles and the parking situation because apparently, it's a service that a number of people in the community want to partake in.

Ms. Hodgman: So, a neighborhood place to hang out, visit, play cards?

Mr. Ibas: To be honest with you, we just come together up to 8:00 p.m. because most of the people, we have a pizza place, work at pizza place late, then we come three hours maybe.

Mr. Kirman: Seven, eight o'clock.

Mr. Ibas: And we never come daytime I don't think, never.

Mr. Phoenix: I think the hours that you – 8:00 ---.

Mr. Ibas: Three, four, maybe five hour maximum. That's all we need to come together and drink coffee, see a friend, you know.

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Mr. Kirman: ---

Mr. Ibas: --- go somewhere to meet.

Mr. Kirman: ---

Mr. Ibas: Dunkin Donuts close 9:00, they don't take anybody in. We don't have no other choice to come together.

Mr. Phoenix: Does ---

Mr. Ibas: We don't want to meet like pizza place, we gots to ---. I've been 24 years in this country. You know, we needed some little ---. Maybe we buy the building after that, we have to see how it's going, you know?

Ms. Hodgman: ---

Mr. Ibas: --- seems like 24 years now in Ludlow. I have my place in Amherst, but I don't want to live up there. I like Ludlow. My kids grew up here. My kids played soccer many years, the Ludlow team, --- play professional too.

Mr. Phoenix: Even when you guys were there late before, it was quiet.

Mr. Ibas: No, we don't want to bother nobody, you know.

Ms. Hodgman: A group of guys hanging out.

Mr. Phoenix: Basically, yeah.

Mr. Ibas: We just want to come together. ---

Mr. Kirman: ---

Mr. Ibas: We don't need big ---, you know?

Mr. Phoenix: There are rumors on MassLive about, what?

Ms. Hodgman: Another vets center.

Mr. Phoenix: Well, that's a whole separate thing. So, my understanding is that there's a conversation because of what's going on with Eastfield Mall closing down…

Ms. Hodgman: Exactly.

Mr. Phoenix: …that the group of people that were handing out boxes of food for veterans and their families…

Ms. Hodgman: Yes.

Mr. Phoenix: …that they need a place to operate out of. I don't know how that business is currently functioning, whether they still do things the same way they did during COVID, I don't know any of those details. But, what MassLive was saying is that they were looking at using one of the other slots at this location to do that out of, but that's not part of what's submitted on this plan. But I think our office became aware of that concept when it went out on MassLive.

Ms. Hodgman: Thank you.

Mr. Coelho: And do you all currently own the building?

Mr. Bulut: Yes, sir.

Mr. Coelho: You own the building? Oh, I'm sorry, go ahead.

Ms. Hodgman: Is the produce place staying or?

Mr. Bulut: No, produce place closed down.

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Ms. Hodgman: It did close down, ok. So, anything's up for grabs at that building, sort of?

Mr. Phoenix: More or less. I mean, it's business zoned. It's right on the intersection of Center and Sewall. You know, it's had some fairly hectic businesses in there in the past whether you want to go back to --- electronics or you want to go back to M & A Produce was always busy over there, it was always hopping.

Ms. Hodgman: I was just trying to get some clarification on what was happening. Thank you so much. I appreciate your patience.

Mr. Phoenix: So, with that, unless there's anything else from the public or the Board, we want to do 7:15 on August 24th?

Mr. Carpenter: I was thinking 7:00 p.m. but if you want to go to 7:15 that's fine with me.

Mr. Phoenix: 7:00 then. You make the motion.

Mr. Carpenter: You were talking.
Mr. Coelho: I was just gonna make that motion, so go ahead.

Mr. Carpenter: Mr. Chairman, I **MOVE** to continue the public hearing to August 24th at 7:00 p.m.
SECOND Mr. Coelho.
5-0 in Favor.

The public hearing was continued until August 24, 2023, at 7:00 p.m.

APPROVED:

Joseph Queiroga, Secretary

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Documents: Master application; Comments from Town Departments/Boards; Existing Conditions Site Plan – 4-8 White Street Ludlow, MA – owned by Ali Bulut (5/7/2023); MassLive Article: As Eastfield Mall closes and tenants disburse, veterans group finds home in Ludlow (Jul. 07, 2023, 7:03 a.m.)

(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)
July 13, 2023

PLANNING BOARD MEMBERS

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

The continued hearing began at 7:40 p.m. in the Selectmen's Conference Room.

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

Mr. Phoenix: So, this is a continued public hearing. The continuation was supposed to begin at 7:15. We are running a bit late due to the last public hearing. We are now at about 7:40. The thing on the top of my stack is a letter from Bacon Wilson. *(Mr. Phoenix read the letter from Thomas R. Reidy, Esq. dated July 13, 2023 – see file).* So that would be the site plan for Cady Street, kind of showing the way that that is in general laid out as far as the buildings and circulation and everything as mentioned in here. The two other ones would be the GPS maps of the two sites outlined in red. Can you bring those up Doug? Ok, so this would be the Cady Street one and it looks like the browser is trying to have this at 97%, can you just scale that out to 100% Doug? Just so that we can have both at 100 so that it's an even comparison at the same scale. Well now you're at 110 Doug. There we go. So, this is, I guess, at the same scale and if you want to flip back and forth between those two tabs. That's the size of the property and the project on Cady Street was up in that front portion more or less and then the, going over on Center Street is pretty much the general area that's outlined in red, again kind of toward the front though. So, those are the two plans that were attached along with that site plan. Unless anybody knows something, I don't, I think that's the only new correspondence that we have. Is that correct?

Mr. Stefancik: That's correct.

Mr. Phoenix: So, first question, I know we had had some conversation about the supporting documentation that had been provided by both the applicant and by the neighbors, both fairly lengthy documents. I had asked to make sure that everyone that was interested in those was able to secure a copy. I know I got copies of both of those again in my email. Is there anyone, especially on this side of the table that did not get a chance to review those?

Mr. Silva: Nope, I'm good.

Mr. Phoenix: So, those have all been read by us. We also have copies of those that are part of what's included in our correspondence, and everything related to the hearing. If anybody does need copies of those, please let us know and we'll be more than happy to get you those. They are public documents that are part of what we're doing here for the hearing. So, that's kind of where we're at now. I think where I'd like to start is, we had a bunch of public comment toward the end of the last session. I think there was a minimal time for response, which is what prompted the letter. Did you guys want to address some of those maybe a little bit more openly than what text on a page allows for and maybe try and address some of those concerns that the neighbors have had and possibly some of the issues that we'd still be looking at on the site plan itself, and then we can see how things are going from there. Does that sound?

Atty. Reidy: Yup, that works for us. So, for the record, Tom Reidy, attorney with Bacon Wilson out of Amherst here on behalf of JLL Real Estate and its application for site plan review and special permit for the warehousing self-storage facility at 590-596 Center Street here in Ludlow. With me, Richie Kowalski from JLL Real Estate and Luke DiStefano from Bohler Engineering. One thing Mr. Chairman, one --- if we could, I think we only had four members here last time, and just, if there's an affidavit of assertion that one of the members who's now here had reviewed the material.

Mr. Phoenix: There it is.

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Atty. Reidy: Perfect. Great. So, we were here June 22nd, we got a lot of public comment. We also, we had read before the hearing, and then I reread the abutters comments, questions, etcetera. Obviously, if there's additional questions, comments tonight, we're here, so we're ready to answer any questions, same thing for the Board, if there's any questions, I'm more than happy to answer them. I think where we start are the studies that we've had done, the professionals that we've hired, and the data and evidence that we've presented. You know, when I read the abutter's letter, with all due respect, I don't see any of that. I don't see studies or data or facts in support. And so, when the Board is weighing, I think you look to the professionals, whether it's McMann Associates, whether it's Bohler, whether it's GZA, any information that they have provided to help you to find that we meet all of the requirements of the site plan approval as well as the special permit requirements of the bylaw. As far as expanding on the letter, so yeah, we identified those three items, the hours of operation. Like we said, it's a benign use maybe, and Richie can talk a little bit more about the operation of the use, but there's a gate, it is card access where you pull up, you have to show your key fob, I guess is another way to say it, or do you use a pin code here for this?

Mr. Kowalski: Yeah, we have a, it's a fairly automated system but we have, it is a QR code key on your phone, so it's individual to you. You can't hand it off to another person, so it is individual to the person that signed up for the account. In addition to that is when they scan that, we take a picture of their front license plate of their car, we take a picture of their face, and we take a time stamp of when they enter the facility. So, the gate opens up as they come in and then closes behind them. On the way out it does the same exact process. We know who's in the facility, we know how long they're there for and we try to keep it as safe as possible.

Atty. Reidy: And so, given that, given the use, --- Cady didn't have any hours restrictions, we would suggest no hours restrictions. We also heard some of the discussion at the last meeting. We heard what the Board may be inclined to do, and that's why we had suggested that there is gonna be a condition of closed, 5:00 a.m., hours of operation 5:00 a.m. until 11:00 p.m. would be

open, and then if somebody needed an emergency to get something in their storage unit, they would have to get in touch with the operator and then they would have to be chaperoned essentially, so there wouldn't just be gates flying open. They would be chaperoned in there. The next piece that we talked about was the similarities really between 279 Cady and this one. What we had provided was slides from a PowerPoint presentation, but they're really a couple of tables showing the similarity between the two projects. They're both about 30,000 square feet of storage, they both have six buildings. The 590 Center Street has 140 feet for a front yard setback where 279 Cady only has 60 feet. As you'll see, I think what you've got up on the screen on the plan south, so at the bottom portion you'll see that the nearest building is 20 feet from the property line. If you look at what 590 Center Street is proposing, to --- property line with --- residential abutters are, the nearest is 40 feet, and here you've got a good example that I think Doug has pulled up, which includes 20 foot of just no disturb, right? So, there's no tree cutting in that area, and then from 20 feet to where the storage units are, that's all heavily landscaped, so we're 40 feet back. And so, the argument would go, if 279 was sufficient with just the 20 meeting the setback, given that there are residential abutters approximate where those buildings are, here similarly, we would think the 20 feet would be fine, but we've gone and doubled that, and now we have 40 feet. When you look at just the landscape plantings at 279, they have less than what Center Street would propose, 11 trees versus 152 trees, 8 shrubs versus 56 shrubs, no perennials, no grasses versus 36 and 11 respectively for those things. Essentially, Cady Street has 12,000 square feet of landscape buffer, Center Street has 21,000 square feet of a landscape buffer. The lights are similar, so 39 to 38. And when you look at Cady Street might have a larger site just as the parcel is outlined, I think when you look at the actual developed area they are very similar if not the same. And impervious coverage, Cady Street has 78,000 square feet, Center Street will have 71,000 square feet. So, just we're talking about similar projects, and then when you look at that arial, and you see what's in the surrounding area and the proximity to residences, to me, I mean, they both back up right on residential uses and I would say Center Street gets the balance tipped toward it because of Center Street and its proximity to those other businesses along Center Street, especially if you're coming from the south heading north. And so that's, I think, the comparison of the two sites, and then finally you've got the AMD allowed uses and site plan approvals, special permit. I'm giving you the list, I don't have to go through them, but you can read some of them, amusement park, motel, retail, etcetera. So, that's the type, those are the type of uses that this district, town meeting, probably the board, contemplated for this overlay district. This use allowed is, out of all those, essentially one of the most, if not the most, benign because of the way it's operated, because of the way it's been laid out. We can talk about topography if you'd like, because actually on the southerly side you have those storage units sunk into the ground a little bit as they relate to some of the surrounding area. So, it's not like we're building this side up, we're putting the storage units on the top of the site. If anything, they're gonna be down a little. I think finished elevation is about 255 across the site and you'll have the surrounding area be a bit higher than that. Not dramatically where at the end of Sroka Lane if you go all the way, probably east, I think you're at maybe like 260, and you know, you got 255 for the first-floor elevation of those storage units, and I think it's like maybe 11 feet, 13 feet for that flat roof. So, you're talking about, you know, 268 feet to the top and you're at 260 down at the end of Sroka Lane, so it's not like you're at 280, 300 looking down on it, you're relatively eye level. We didn't see a lot of topographical change. So, with the existing topography the way the plan's proposed, Luke can talk about stormwater if you want to talk about it a little bit more with the landscaping plantings proposed and really just what this district calls for in the way that we've pulled it back and we think that we have met all the requirements of the bylaw.

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Mr. Phoenix: The first thing I think I'd like to say with that is for me personally, and I know there's been conversation about whether this matches well versus Cady Street or not, and I certainly understand the reasons why you guys as the applicant and his agents would be looking to bring something like that up, I'm personally not really, that doesn't do anything for me. We had a little brief touch last time on emotional arguments, things like that. To me, that's something that's still outside of what we're looking at with this proposal. What I'm personally concerned with is, does this proposal on its own meet the criteria that we have set out in the bylaw for special permit, site plan. I don't care if Cady Street got told yes, no, got neon signs all over it. This is a separate piece of property that we're looking at a separate application for. And I think at least for me, that helps keep the focus on what's important here instead of bringing things that may or may not have been relevant with a whole separate thing. I think that adds complications we just don't need.

Atty. Reidy: Sure, and I think standing on its own, it meets those requirements. I think sometimes I'm burdened by being an attorney and you start --- legally --- if a similarly situated site is approved and then you start thinking that way. So, by no means are we saying look at this and only because of this do we comply. If that wasn't here, I would be saying the same things to you about look at how good this project is. And in fact, I think we put all this stuff together after remand, it was without the knowledge that 279 Cady Street project, it was really just let's make the best project here, and that's what we've gone and done and subsequently 279 Cady, and we thought ---.

Mr. Phoenix: For all I know, the other four members of the Board sitting over here with me might feel completely differently.

Atty. Reidy: Sure.

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Mr. Phoenix: I can only speak to for myself, things sink or swim on their own merits. The one thing I'd like to do though before going back to comments and questions from the Board, just to kind of refresh us on what we've heard from other town agencies. So, these are the comments that we've gotten back from different groups. Safety Committee: *At this time Safety has only concerns regarding the lighting and fencing being appropriate for the project.* Board of Health: *Will need dumpster permit.* Building Department: *Building, electrical, and plumbing permits will be required through the Building Department prior to the start of construction.* Conservation Commission: *Conservation has no issues with property due to no wetlands.* Department of Public Works: *1. Submit a copy of the NPDES Construction General Permit and the SWPPP when completed and submitted; 2. The Illicit Discharge Statement needs to be signed.* From our office with Doug reviewing it, the items that are highlighted in red are from the checklist, number *h. Monumentation: Endorsed ANR plan will need to be incorporated into site plans. Applicant can add in existing land surveyed plan until new ANR is endorsed.* I think we talked about that one last time. From Fire: *The Ludlow Fire Department is satisfied on the updated changes and has no further comments at this time.* I think this is just the prior comments. I think that may have completed, yes, that completes what we have gotten back from other boards and committees around town. So, some of those are more informational things, just kind of reminders to make sure you do your permits and things before doing anything else there for engineering, plumbing, that sort of thing. So, there's some of those and Safety mentioned that they have some concerns about the lighting and fencing being appropriate. So, I think that's what we have for these comments. Does anybody from the Board have anything that they'd like to add or ask?

Mr. Silva: Questions I don't have. I just think my personal opinion that it looks like a pretty solid project right here and out of all the businesses that can go here or development, this is the most low impact one out of all of them.

Mr. Phoenix: I think we could quibble over most low impact, but I think it's pretty low on that list.

Mr. Silva: Correct.

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Mr. Phoenix: Anybody else from the Board? Hearing nothing, I am gonna open this up for public comments, questions, concerns, all those kind of things, as this is still a public hearing. What I would ask, number one, is that if I do call on you, please state your name and address for the record so that we can keep everything straight in the minutes. If you do have any questions or anything, please address those through myself, so that we can keep conversation directed and we can keep the minutes straight as far as who's saying what and everybody is able to get the information that they need. Further, I would ask that everyone keep in mind that we did have fairly extensive comments about this during our last session. All those things are already part of the public record, they do not need to be restated. As I recall, there was one person who had indicated that they had some things that they wanted to say at the end of public comment, so I know that there's at least somebody that does have something that might not have been brought up last time. So, I do want to make sure that everybody does get that chance. Similar to last time, I'm gonna try and limit it to about, I think tonight, to about maybe five minutes per person tops and we'll see where that leads us. One final reminder, if it's already part of the record, if you already said it last time, you don't need to repeat yourself. We've already heard you. It's already in the record. With that said, does anybody have anything at this time? Yes ma'am.

Ms. Gamache: My name is Linda Gamache. I'm at 39 Sroka Lane, a direct abutter. And I just have a brief something ---. --- in the minutes of the public hearing regarding --- special permits submitted for the proposed warehousing self-storage facility within the property located at 590-596 Center Street. I'm respectfully asking to be heard through the following comments. It is our hope that the Planning Board will be mindful of the following concerns that will adversely affect the abutters as well as the community. Most people would agree that the purchase of our home is our biggest purchase and investment that we all have ever made. This being said, there is significant evidence that such an intrusive facility will in fact negatively affect the value and resale value of our properties. The bylaw for the business in an agricultural moderate density overlay district including its proposed purpose and intent speaks about special permit and is expected to be in harmony of the surrounding area. This special permit for the proposed area is in fact directly centered in a dense established residential neighborhood. We ask that consideration be given to this mentioned bylaw of the intended compliance. The proposed facility is best suited to be considered to be zoned in an industrial area as recently indicated in the bylaws amended in both Articles 27 and 29. We respectfully request that the Planning Board, again, deny a special permit in the agricultural moderate density property as this will move forward and set a needed precedence to preserve our agricultural moderate density properties in the future. Also, I want to mention that it was mentioned the height of the buildings, it was just mentioned, the height of the buildings. And it was also mentioned that part of the height of the buildings would be underground. Now that entire property, it's a narrow strip of property that's rock ledge. During the discussion of the excavating and engineering of it, we've never heard anything about how rock ledge is gonna be broken up and the remaining rock ledge remain the same because it will affect the water flow. So, we never heard anything about that. So, I'd like to hear more about how they're gonna preserve the existing rock ledge if they put these buildings

underground as well as any lighting poles, fence poles, you will end up breaking up rock ledge, it's inevitable that it's gonna happen, and I haven't heard anything about that how they're gonna preserve the integrity of the ledge that's left. Thank you.

Mr. Phoenix: I'm gonna ask the applicant to respond as far as the ledge question. Before I do that, I want to be careful with how I say this because I honestly mean this very respectfully because I understand the perspective that you have as somebody who is gonna be in the immediate vicinity of whatever goes there. If we were to rewind time around about 20 years, 25 years, and we were looking at Fuller Street. We had a proposal that had come in to do a relatively modest development on one of the pieces of property there, and that went to town meeting and against our recommendation it got shot down at town meeting to make some changes to let that development happen. One of the arguments that was made at that time was preserving the town's landscapes, preserving agriculture. The result of that decision ended up being instead of a handful of single-family homes, a plan for 241 units of development. So, again, I say this with all the respect that I possibly can, just keep in mind we're not just looking at a question of preserving what's there versus what the applicant is proposing, there's also the question of what the applicant is proposing versus other things that could be going there that might have other impacts on you that would be in excess of what this one does. So whatever decision we make, that's kind of where we're looking at it from. I know the list was short, it kind of got read a little bit quickly, but there are some rather intense uses that could go there with the same kind of oversight. So, just be careful with what you wish for because it might not get you what you're hoping for in the long run.

Ms. Gamache: Could I respond to what you just said?

Mr. Phoenix: Sure.

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Ms. Gamache: In 2008, I lived on Sroka Lane for 51 years, in 2008 --- was put in front of this board to put up a subdivision there of 30, I think it was 36 condos and you denied it immediately because it's a narrow strip of property and something --- multitude of things right away, rock ledge. You know, I remember that when you just mentioned these houses being put up there. In 2008 it came before you folks. I don't know if you were all on the committee, but you tabled it. I still have the paperwork from it. So, we know that when those two houses came down on Center Street, we know that something else would go there. We had hoped that the prior owner was gonna put some houses in their place --- wonderful people. So, we know what could be, but we're talking about what's here now. But thank you for your insight there.

Mr. Phoenix: And I did say that I would ask for you to kind of explain a little bit and answer the question from the lady about what plans you have for handling ledge that you might find on the site. I know that also did get touched on last time as far as what may or may not be there, what you may or may not have already found. Can you expand on that for us a little bit?

Mr. DiStefano: Sure, we'd be happy to, sure. For the record, Luke DiStefano with Bohler. So, right now, and I don't want to certainly belittle any of the feedback from the neighbors, we have no knowledge of any ledge on the site. Before Bohler getting involved in the project, four test pits were dug at the property to a depth of nine feet and no ledge was found. Now, part of what we'll want to do is, in connection with our project is we'll certainly want to get out there and drill a few more holes, even if there is ledge, there is no guarantee that blasting will be necessary. There's a lot of different ways to remove ledge from properties without blasting. We know primarily that's the concern. We also have heard some concerns that there was reasons why the

street hadn't been widened at one point because of blasting. It's important to note that that portion of the site is about 14 feet below the finish floor of where our building is going. So, even if there was ledge at the road, it doesn't absolutely guarantee that there's ledge within the confines of the development. So, like I said, right now we have no knowledge of ledge on the site. We've been down as deep as 9, 9 ½ feet. We'll certainly identify if there is, and when there is we'll certainly identify what we're proposing to do to remove it. Again, I don't think blasting will be necessary but more to come on that should the project proceed to that point.

Mr. Phoenix: Now obviously if there's been four places that have been checked, are those spread across the site? Where are those located on the property?

Mr. DiStefano: Basically, from about 75 feet from the road to the very back of the site. So, we basically went, they quartered the property. So, they follow a line right through the middle of the property moving from Center Street back to the very end of the property. There's one here, one here, one here and one here. So, they give a good representation of the entire site.

Mr. Phoenix: So that's where those are.

Mr. Silva: All of them done at the same depth?

Mr. DiStefano: Correct, yes.

Mr. Silva: And the building doesn't have a basement either anyways, right?

Mr. DiStefano: No, these'll be…

Mr. Silva: And the only excavation you're gonna be doing is for the drainage?

Mr. DiStefano: Correct.

Mr. Silva: And for the…

Mr. DiStefano: ---

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Mr. Silva: Yeah. I'm missing the name right now for the filtration.

Mr. Phoenix: I think they said that some of it's gonna be, the building is gonna be kind of dug in a little bit so there might be some there.

Atty. Reidy: Yeah, we would accept the condition that if we do encounter ledge then whether it's working with the Department of Public Works of this office to say here's our plan of what we're gonna do with that ledge.

Mr. Phoenix: I'm just gonna, I'm gonna move on.

Ms. Gamache: But that doesn't address --- reach that ledge, how are they gonna preserve it? There's ways to preserve broken ledge, and there's articles in Northampton for instance, and Greenfield they've hit ledge and there were methods put in place to preserve the existing ledge 'cause it creates all sorts of fissures in the waterflow and sinkholes. So, I'm not hearing any of that. I just want to.

Mr. Silva: That usually happens when you, by blasting methods, not by rock hammering. That doesn't happen. If you blast, --- blasting --- not gonna do the blasting that's when you can have the fissures on the rock.

Mr. Phoenix: Ok, next.

Ms. Wdowiak: Robin Wdowiak, 588 Center Street. So, Ray I want to thank you for bringing up the fact that because there's another storage unit that this Board approved somewhere else in town, actually has no direct bearing on whether or not this one gets approved. And I'm sorry, Joel, were you here at the last meeting Joel?

Mr. Silva: No, I was not.

Ms. Wdowiak: No, you were not. There were only ---

Mr. Silva: But I watched on the…

Ms. Wdowiak: --- and they wanted to postpone the vote. And now I know perhaps why. You mentioned the other uses that could be put there and mentioning that this would perhaps be the most benign ---.

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Mr. Silva: That's not what I said. That was not my words. Those were his words, the lawyers words, not my words.

Ms. Wdowiak: Oh, you didn't say ---?

Mr. Silva: Those were his words.

Ms. Wdowiak: Ok. Alright, so I just wanted to point out, I was just looking at the master plan for the Town of Ludlow that was done in 2011 based on a study that was done between members of this board, I know Kathy Houle was one, and another committee, and there was some verbiage in there regarding participants want to retain the industrial and agricultural heritage of the town by growing the industrial base in the northwest and west areas of the town conserving agriculture. Also, participants in the master plan expressed concerns about potential conflict between industrial and residential uses being too close. Further they went on to say that they strongly disapprove of development on Center Street north of Chapin Street referring to looking elsewhere for commercial growth in the town. This is the master plan for the town. Now, I know that you guys as a board, you hold a lot of authority and a lot of the future of this town rests in your hands. So, by applying for a special permit there are certain criteria that needs to be met and I think we, you know, a lot of the residents here have pointed out the adverse effects that it would have on their property. So, just because in this overlay, that use may be allowed per se, such as the amusement park or other things that you might have mentioned, it still has to go through a special permit. And as I said, I think a lot of people here have demonstrated an adverse effect on the abutters. The other point I wanted to make was that the proposed activity will contribute to the diversity of services available to the town. We have two, now three different storage units, two of which I'm aware of. One is at 55% vacancy, the other one is at 25% vacancy, and this one on Cady Street hasn't even been built yet. So, I'm not quite sure that it meets that criteria as well. We've also spoke to traffic concerns on Center Street which again is mentioned also in this town, this master plan --- some or not adding to more congestion in the

town. And I think this is a storage facility that would add to the traffic. I'm also opposed to the hours. Why someone would need to be at a facility at 5:00 a.m. or 11:00 p.m., those are very long hours. You're looking at other units in town that are open, what, 8:00 – 5:00 Monday thru Friday? And then allowing people to go in there after 11:00 at night supervised. I'm curious what would the restrictions be? How could someone not have access to it after 11:00 p.m. if they have a key card? Is there a master lock on that gate that would not allow anyone in there after 11:00 p.m.?

Mr. Phoenix: Well, I think, and Rich, correct me if I'm wrong, but since you're using an electronic system, you would just have it set up so it's not open the gate if it's not the right hours.

Mr. Kowalski: Correct. It's a pretty easy lock up.

Ms. Wdowiak: I think we talked about the reduction of property values. And then the only other thing I wanted to point out was, I know that Mr. Coelho had mentioned emotional concerns that last time we were here. I understand that you guys have to make this decision based on the law, based on the criteria. For these people here, it is kind of emotional. These are their homes. I'm not sure how you would feel if you had a facility like this in the back of your house, but it is emotional. These are their homes. For me it's my business. For these people it's their home. And I guess my last question is to Rich, you know, you've got some undeveloped area in the backyard of your house, I'm just wondering how you would feel about someone opening up a storage unit in your backyard. Thank you.

Mr. Phoenix: Rich would you care to respond to that?

Mr. Kowalski: I don't think it's relevant to this discussion.

Ms. Wdowiak: Really?

Mr. Kowalski: Really.

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Mr. Phoenix: Well --- cut out the cross talk and I'm just gonna, I'm trying to be polite with everything. Again, because I understand there's a lot of emotions in the room, but things that have been brought up last time, I'm starting to hear get brought up again this time. So, I'm gonna ask people to again try and stay focused on new items not things that we've already heard, that we already have in the record, that we already have in front of us that we can weigh as part of the decision making. Is there somebody else that would like to speak? Sir?

Mr. Lizzotte: Chris Lizzotte, 63 Sroka Lane, direct abutter. I'm a little confused about the drainage system. I would really like a little bit better explanation on it. I have seen the plan and I'm really worried about it leaching into the ground and into my well 'cause I think I'm one of like three or four people on the street that have a well and that's one of my biggest concerns. I know that you've changed the elevation, so it goes toward Center Street, I think if I read the plan properly. I'm just worried about the holding area, is it a leaching system where it will go into the ground, or does it go directly into wastewater --- the Town of Ludlow?

Mr. Phoenix: Mr. Bohler, would you care to explain a little about that or? I'm assuming it was gonna get tossed to you to as the engineer. I apologize if I'm mistaken.

Mr. DiStefano: That's alright. Alright, so as I mentioned the last time, it is an infiltrating system. So right now, given that the site is undeveloped, most of your ground water is running, you know, basically in two ways. It's running to the east, the southeast corner of the site into the northwest corner of the property based on current grading. So, we're proposing to basically collect all of the runoff from the developed portion of the property. That's all the pavement, all the buildings, etcetera. We're gonna collect that, we're gonna pretreat it and then we're proposing to infiltrate it back into the groundwater effectively where it goes today. We do have a small overflow that ultimately will discharge over land back into Center Street, but if you got a chance to read the drainage report, we're significantly reducing both runoff rates or runoff rates from the property which we're required to do. So, the site is compliant with the state stormwater management standards as well as any of the city of Ludlow stormwater management standards as well, so there should be no direct impact to wells, the water that effectively is going there today will be water that's going there post development, but it will be pretreated like I said, so it will meet again all of the standards on the state's stormwater regs.

Mr. Coelho: What's the pretreatment consist of?

Mr. DiStefano: It's basically a series of isolator rows as part of the underground system. Basically, what it's designed to do is filter sediment from any of the runoff that's collected on any of the paved portions. We're also proposing deep sump catch basins --- which will also help aid in the removal of any sediment from the runoff that's being generated from the post developed site. Again, all the stuff we're required to do under the State of Massachusetts stormwater standards and the City of Ludlow's regulations as well.

Mr. Coelho: I'm assuming the systems have operations and maintenance plans that have to be maintained?

Mr. DiStefano: Absolutely.

Mr. Phoenix: I believe we've got detail sheet in there that covers.

Mr. DiStefano: Yeah, the drainage report includes a long term --- plan in which sweeping the parking lot, maintenance of the catch basins to make sure they're not filled with sediment and debris, maintenance of the underground infiltration system. Everything has to be maintained regularly throughout the course of the year.

Mr. Coelho: And that's verified through an engineering company or landowner record?

Mr. DiStefano: Typically, it's just the landowner's responsibility, yes.

Mr. Phoenix: Does that satisfy your question sir?

Mr. Lizzotte: Yes, thank you.

Mr. Phoenix: Sir.

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Mr. Hagan: Yes ---. My name is Dan Hagan, 14 Sroka Lane. I live there with my wife Kim. I'm on the other side of the street, so this is not in our backyard, however, we also oppose it. You know, we're not anti-businesspeople, we're pro-businesspeople, but it's not business any time, any place. And the good thing is, is that your bylaws actually account for that. And for the

agricultural moderate density district, we heard that it has a lot of uses, or allowed uses, which is true, however there's a further hurdle that the applicant has to get over, and it's a fairly substantial hurdle because as it says, it'll only be approved if consistent with this bylaw and other respects. The permit shall be granted only if the Planning Board determines that the proposal benefits the town or vicinity will outweigh any adverse effects after considering all of the things in the bylaw. Now, I heard at the last meeting the no votes were pretty clear about the adverse effects. In fact, it wasn't that the positive benefits did not outweigh the adverse effects, what I was hearing was that the adverse effects were really outweighing some of the positive benefits. I mean, you got a laundry list of things and concerns that you guys expressed. And so, while I think the project has, there's been some modification, it certainly has not substantially changed. This is substantially the same project. And so, I think to be intellectually honest and consistent, you know, your reasoning that you expressed at the first meeting and in the first hearing certainly applies here and I don't see how the applicant can get over that hurdle given the reasoning that you have all said previously, because remember they have to show, they have the burden, they have to show the positive aspects. It's not 50/50, it's the positive aspects have to outweigh the adverse effects. And for those reasons, we'd ask that you deny the special permit. Thank you.

Mr. Phoenix: Thank you. That reminded me of something I was thinking earlier when you were speaking sir. One of the comments that you had made that kind of caught me a little strangely had to do with the experts and the things that you've been able to present versus what's been presented by the neighborhood. And that caught me strangely because on one hand I think that's a very sound argument, however, kind of piggybacking off of what the gentleman was just talking about, there is the ownness on the applicant to show that you're meeting what we have in the bylaw. If every resident in every neighborhood in town had to go out and hire out of pocket lawyers and engineers and traffic experts and everything else in order to talk about every issue that they have in their neighborhood, the whole town would be broke. That's the reality of it. So, as the business owner wants to come in, there's a certain clear interest in outlying that money to try and hopefully be able to get something back on the return after the business goes in. But trying to say that that burden is in some way equal or that that scale should be balanced is a little bit rough for me because of that responsibility. I just want to make sure I mentioned that. I was thinking about it when you were saying it, and then we went off on some other places in the conversation. But certainly, I don't think that that's a fair characterization in my personal point of view as far as how that needs to be. I think the proof needs to be going back to that emotional versus by the rules. We have this con\versation with people all the time. The bylaws are what they are. If you guys can prove to us that you meet them, then I'm happy to move forward with approving. If at the end of the conversation I don't feel that they're satisfied, then that's a different conversation. And I think that's where we went last time when the plan came in was that at least speaking for myself, I didn't think that that plan met all of those things. I think this one is different than that one and that conversation is different, so. Sir.

Mr. Martin: Dennis Martin, 587 Center. Last meeting, I heard about a 50% runoff onto Center Street. Where does that water go? It goes down to the brook. The brook cuts my property. So, I'm gonna get added water. Is it gonna be clean water that comes onto my property?

Mr. Phoenix: So, the water that you guys are having…

Mr. Martin: --- goes down to the brook and goes under the bridge there into the brook, and the brook goes around, crosses my property. How much damage am I gonna have?

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Mr. Phoenix: So, how, I don't have a large copy of the plan in front of me, the drainage, how are you accounting for what's running off at the edge of the property as opposed to what's there current right now as far as where that water's going? Because obviously there's gonna be some changes too as far as the black top versus grass. There's gonna be differences there. Can you just explain a little bit as far as how the drainage system is designed and how it may or may not address the concerns that the gentleman has?

Mr. Martin: And will the water be clean that goes into that brook?

Mr. DiStefano: Yeah, the short answer is yes, the water's clean by all the state and local regulations. The water is pretreated and clean. So, as far as drainage is concerned, again, I think I mentioned at the last meeting, we're required to basically mitigate to the greatest extent the existing conditions. Obviously, when you're redeveloping a site, you can't always do that, but generally what we've done here, I don't, there wasn't any mention of a 50% reduction in flow or a 50% increase. I forget exactly what you mentioned. We are taking all of the runoff from the developed portion of the site, we collect it, we infiltrate it up to and including the 100-year storm event. That's what we're required to do, and under all of those events, and primarily to the drainage area going out to the road, we see upwards 50% reductions in runoff rates to the street. So, we're basically making, if there was a problem, we'd be making it better. If there was a situation where we had downstream flooding as a result of not just this site, obviously the whole surrounding area, the contribution of the site would be lessened just by the way we're pretreating it and infiltrating it, detaining it, and letting it exit the property at a slower rate than what it does today.

Mr. Phoenix: And I don't know if everyone in the room understands that term, can you explain what 100-year storm means as far as the amount of water and how that would look?

Mr. DiStefano: Yeah, so you know, basically under the standards that we're required to look at four storms, 2-year, 10-year, 25-year, and 100-year. And really what that effectively means is 100-year storm is a storm that you would expect to receive once every 100 years and that's based on a certain number of inches of rainfall over an hourly period, so I think the numbers we generally use around here is about 8 inches of water in an hour falling on the site. Now obviously that's pretty rare, but it does happen. So, this site is designed to basically collect that amount of water runoff, put it through the drainage system, detain it, and then let it go at a much slower rate. So, if you had that site today and you had that 100-year storm event, you're gonna get water running off the site at a much quicker rate than you would under the post developed condition and again, that's one of the requirements we're required to follow under the state standards as well as the City of Ludlow standard. So, again, you're not gonna have any negative impacts as a result of stormwater under the post developed condition. We're unaware of any conditions existing, but if there were or are, they're gonna be decreased just by whatever fraction of a percentage this site contributes to that we'll be making that less, we'll be making it better.

Mr. Phoenix: Does that answer your question sir?

Mr. Martin: No guarantee there.

Mr. Phoenix: Well, generally no, but the drainage calculations that they provided were reviewed by the engineering department and they agree that those numbers make sense and that's kind of...

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Mr. Martin: I just want to make sure that that water is clean that goes into that brook.

Mr. Phoenix: That's a fair concern. That's certainly something whether, any of the water that's going into our waterways, we want to make sure is clean.

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Mr. Martin: It will go into that ---.

Mr. Phoenix: I think I saw at least one other hand sir.

Mr. Ellison: Bud Ellison, 555 Miller Street, but --- over 15 years --- Karen Randall a little while ago. I tend to be long winded, so I'm gonna speak fast. If I need to slow down, let me know. I wanted to just point out a couple things. Joel with all due respect, I have an excavator, I've done blasting, removed ledge --- on my property --- either way in my opinion, just saying. The other thing I wanted to point out Mr. Phoenix. I have a lot of respect for what you just said --- people pay for them, but I do hold a Massachusetts Municipal Wastewater Operators Permit License, and I also am a certified hazardous materials response technician in the state at this time, so ---. Now Mr. Coelho, you're a smart guy, so if I'm off base jump in, --- reporting. I used to do that as an engineer with my previous employer. So, yeah, there's only so much ---, we're really talking folks about hazardous materials and about being able to annually report what you have. If you're a facility or company, you have to do that. Now --- through the EPA, the state, DEP, what you got, how much it is and what it is. So, --- facility, not a homeowner either, there's somewhere in the middle. There's a whole bunch of homeowners or something like that, could be businesses in there, --- and what they're gonna have. Now unfortunately I have a history of being involved --- and a couple of those jobs I mentioned. It's interesting what people can put in a ---. Sometimes they don't want to store that stuff at home, so they'll store it there. So, I'm not sure --- Mr. Coelho, do they have to have any kind of reporting because it's all individual as to what goes in these places after hours or whatever? And I know you talked about your sediment control, but you're probably not doing PH graph samples, and you're probably not looking at --- or any other fixed sampling, so whatever happens is gonna happen. And so, when we talk about direct injection, because ultimately that's what happens with those type of units that you're ---. It's in there already. So whatever leaches out, whatever's going on in there, whatever they have going on in there, could end up outside, could end up in the ground, and can end up in your well. Ok, that could happen. Never mind that whole ledge thing, which is another whole thing, right? But this is just, there's no real control over what goes on in them things. I get it. That's why they're really good when they're like way over there, not a lot of residents with wells. Because although it's an environmental impact and these folks can still drink their water and take a shower. So, I think that's it, but I'm not really sure if I covered everything in regard to that. Maybe somebody wants to expand on that, but --- concerns --- is like the type of chemicals that'll be in there. There's no control over that, and if it does get out, there's no way to know it got out.

Mr. Phoenix: I know you asked Chris, specifically a question and if he wants to respond certainly we'll give him that opportunity, but I'd also like to just to acknowledge some of that answer might also best come from the applicant, so Chris if you want to respond first if you have anything.

Mr. Coelho: I've done a lot of TOSCA reporting in my time. I've never done reporting for this type of situation. It's always, when you have reportable quantities of materials --- using a manufacturer or something or you're using to do something, you have reportable quantities. You're not gonna have reportable quantities with residential storage stuff, or you shouldn't. I'm

not saying they wouldn't. But again, if it's the middle ground, I mean, could somebody put a tank of methanethiol --- in their storage thing? They could. I don't think they would. I don't think it would prove any benefit. I don't think you're gonna have quantities of hazardous materials that are gonna reach the TOSCA reporting levels. That's a big, and he worked for Friendlies, he was doing ammonia, you know, he had tanks of ammonia. That's where TOSCA kicks in, it doesn't kick in with household chemicals. If that were the case, we'd all be doing TOSCA reporting for our houses, you know? 1.40.20

Mr. Ellison: --- about the ammonia but more like the sodium hydroxide and some of the caustic pool chemicals for instance or illicit activity.

Mr. Coelho: --- illicit activity with every house that's built. You know with every, you guys know, you probably get meth house response training.

Mr. Phoenix: I'm just gonna try and pull it back toward ---.

Mr. Coelho: How you control that in that situation, I don't think you do.

Mr. Ellison: I think the only thing I'm trying to point out is that the risk, level of risk with two, three, four, whatever houses could be put in there somewhere, houses, yeah, they could all be bad people, but it's two, three, or four. We have to --- we don't have a crystal ball. But this is not two, three, or four. How many units total?

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Mr. Phoenix: Rich, how many units are you looking at?

Mr. Kowalski: 150.

Mr. Phoenix: 150?

Mr. Ellison: 150 individuals that we hope all do the right thing. Never mind illicit, doing the wrong thing on purpose. Let's hope they don't screw up. Just saying.

Mr. Phoenix: Just to further hopefully try and answer the question. Could you care to explain, what do you do as far as trying to control what kinds of things are stored in there? 'Cause I'm certain that there are some provisions and I'm certain there are also bad people. So, what do you do to try and take care of that as best you can as the business owner?

Mr. Kowalski: So, every tenant signs an agreement saying that understand that they will not store any hazardous material, any gasolines, any paint cans, any pool chemicals, things of that sort. We don't allow that. It's a liability for us. So, they're signing an agreement saying that. Secondly, we monitor the entire facility, every square inch than obviously within their unit. So, we're checking, and we have a company that oversees this and ensures that the things people are storing are legitimate things, you know? Household items and not chemicals or things that are hazardous. We would like to keep this site as clean and free as possible and it's as much as the neighbors want as it is our want to ensure that none of that is stored there.

Mr. Phoenix: So, you have a document that everybody has to sign to be in there?

Mr. Kowalski: It's part of their lease agreement in other words.

Mr. Phoenix: So, they're agreeing that they're gonna play by the rules.

Mr. Kowalski: Correct.

Mr. Phoenix: On the other end of it, if somebody wants to take buckets full of pool chemicals and put them in banker's boxes and put them in their storage unit, you're not necessarily gonna be able to catch that that's happening because somebody's taking steps to actively circumvent the rules that they agreed to. Is that correct?

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Mr. Kowalski: That would be accurate.

Mr. Phoenix: Is that?

Mr. Ellison: Yeah, I just wanted to ---. Thank you.

Mr. Phoenix: Yes.

Ms. Mathisen: Rebecca Mathisen, 136 Sroka Lane. I'd like to start off by saying thank you to the Board for going to town meeting to get new bylaws passed to prevent this in the future for other neighborhoods, but here we are today fighting for our neighborhood. In the special permit checklist that is on your website, the very first point is appropriateness of the neighborhood. This is not appropriate. Everybody knows that. The residents know that. We know that. I'm pretty sure you guys know that. Mr. Kowalski also knows that. You guys are the gatekeepers for this town. This town is going through decline. But if you don't believe me look at the public-school enrollments. It's going down. That's an indicator of decline of your community. If you put in a self-storage facility on Center Street past Chapin Street where it turns into farmland, has all appropriate businesses. You are changing the dynamic of the town. Nobody's going to want to live. It's only going to get worse. And so, today I hope that you guys vote with good judgement for the future of the town, just the town, ok? Don't worry about Mr. Kowalski. Don't worry that he's going to sue you, ok? Worry about the town and the people that live here. This is our future. Thank you.

Mr. Phoenix: Couple things for housekeeping and then I'm gonna see if there's anything else from, especially this side of the table. First of all, sir I believe I called you by the wrong name by accident. I'd like to apologize for that. I'm seeing the name Bohler on every single piece of paperwork basically.

Mr. DiStefano: I've been called a lot worse as early as about two hours ago, so.

Mr. Phoenix: --- kind of clicked in my head that I said the wrong name, so I'd like to apologize for that.

(multiple people talking)

Mr. Phoenix: I apologize to you or to Mr. Bohler, either way.

Mr. DiStefano: It's more offensive to him I assure you.

Mr. Phoenix: That said, I think what I would like to do after asking for comments and questions from the Board one the last time, I'd like to go through, and not necessarily do yes no at the

moment as far as all of these things are met. I know there's a lot of stuff here, but just so that it's top of mind for everybody, I'd like to just read off the items that we need to basically find that this satisfies in order to meet what the bylaw has laid out. So, that's my intention as of right now is one last round of what the Board thinks or needs to know and then just go through this and figure it out from there. With that understanding, does anybody from the Board have anything else at this time? I see a hand up from the audience. Did I miss you before? I apologize. I thought I saw all the hands go down from this side and I circled around.

Ms. Webb: I guess I didn't get mine up in time. I'm Shirley Webb from Sroka Lane. This September it will be 63 years we have lived here on Sroka Lane. We have enjoyed the peace and especially the enjoyment of our home. It's been great having our children grow up on Sroka Lane, especially with the farm at the top of the street. They learned a lot from Freddy about animals and farming. And now it is terrifying to think that an intrusive self-storage facility may be permitted to be built in our backyard. We know that something may be eventually built onto this property. We had hoped that when the prior homes were taken down, that new homes would replace them. For years we had neighbors behind us that were friendly and we built lasting friendships. We wish to have our agricultural district remain as such and continue to enjoy what we have all wanted for ourselves, our families, and our neighbors. Please, I ask you to use good judgement for the good of our neighborhood as well as the good of Ludlow. Please vote the right way and deny the special permit, please. Thank you.

Mr. Phoenix: Thank you everybody. So, the checklists we have, one of the ones that we use least frequently because of the situation is the Agricultural Moderate Density Overlay District Checklist. *Mr. Phoenix read the checklist:*

BUSINESS IN THE AGRICULTURE MODERATE DENSITY OVERLAY DISTRICT - CHECKLIST

Special Permits for business uses in the AGRICULTURE MODERATE DENSITY OVERLAY DISTRICT, if consistent with this bylaw in all other respects, shall be granted only if the Planning Board determines that the proposal's benefits to the Town or vicinity will outweigh any adverse effects, after consideration of the following:

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____a. The proposal will be located near uses which are similar to the proposed use or, if not, the nearby uses will be ones likely to benefit from rather than be damaged by having the proposed activity nearby.

____b. Public water supply will be available or will be made available without increased cost to the Town and serving this use at this location will pose no problems which are unusual.

____c. If the proposed project will employ more than 10 full-time people, then public sewer will be available or will be made available without increased cost to the Town and serving this use will pose no problems to the Town which are unusual.

____d. The proposal will not cause environmental stress from erosion, siltation, ground water or surface water contamination, or habitat disturbance on the site.

____e. The proposed activity will contribute to the diversity of services available to the Town.

____f. Any retail services will be designed to serve the Town's population rather than a larger region.

____g. The proposal will add little to traffic congestion, considering the location, the number of trips likely to be attracted, and any special access provisions committed (e.g. bike storage facilities, employee ridesharing) and uses with an average number of 100 trips generated per day per 1,000 square feet of gross floor area.

____h. The proposal will pose no environmental hazard because of use or storage of explosive, flammable, toxic, or radioactive materials.

____i. The proposal will not result in air pollution or excessive noise.

____j. Scenic views from public ways and other developed properties will be considerately treated in the design of the site.

____k. Topographic change will be in keeping with the surrounding topography.

____l. Removal of existing trees or other important natural features will be avoided.

____m. Pedestrian movements within the site and to other places will be well provided for.

____n. Vehicular movement within the site will be safe and convenient, and arranged so as to not disturb abutting properties.

____o. Visibility of parking and service areas from public streets will be minimized through facility location and the use of topography and vegetation. (Amended 10/2/06)

____p. Potential disturbances such as noise, glare, and odors will be effectively confined to the premises through buffering or other means.

____q. Water quality will be protected through appropriate location and design of disposal facilities in relation to water bodies and site geology.

____r. One driveway per business shall be permitted as a matter of right. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed twenty-four (24) feet in width.

____s. Scenic views from public ways and other developed properties will be considerately treated in the design of the building(s).

____t. Primary exterior materials will match the appearance of materials commonly found on existing buildings within the Town.

____u. Domestic scale will be maintained in the building(s) design through massing devices such as breaks in walls and root planes and through the design of

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architectural features.

Mr. Phoenix read the Required Site Plan Contents Checklist:

7.1.5 Required Site Plan Contents

All site plans shall be prepared by a person or persons registered under the Massachusetts General Laws of the Commonwealth of Massachusetts to practice architecture and/or engineering, and land surveying and shall show the seals of the architect and/or engineer, and land surveyor. All site plans shall be on standard 24" X 36" sheets at a scale of 1-inch equals 40 feet, with additional narrative as necessary: (Amended 1/25/99)

All site plans shall also include the property owner's names, date of plan, and scale of plan; and a space for endorsement by the Planning Board (3" X 5") (Added 10/2/06)

a. Provision for adequate drainage of surface water from paved areas. Use of landscaped areas to provide such drainage in order to relieve storm drainage systems is encouraged. The piping for the storm water drainage systems shall be designed using the ten (10) year storm curve for parking area drains and the twenty-five (25) year storm curve for culverts over existing natural waterways and retention areas.

b. Existing and proposed vegetation. Such vegetation shall be indicated by:

(1) Type and location (whether woods, brush, shrubs, etc.)

(2) Number of plants (if appropriate)

c. Existing natural features such as wetlands, rock outcroppings, slopes, hills, etc.

d. Pedestrian facilities, if any, including walks, plazas, benches, etc.

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e.1. Parking spaces and circulation area for automobiles as well as the location of landscaped areas within them. Existing and proposed curb cuts shall be indicated together with approval for such cuts from the appropriate town or state agency. The number of spaces shall be in accordance with Section 6.4.2 of the bylaw.

e.2. All parking areas shall be paved and noted on the site plan as "to be paved," with the type of pavement to be used.

e.3. Area where deliveries will be made on site.

f. Existing and proposed fencing to be used to buffer abutting residential dwellings and/or districts from the intended development (if appropriate). Section 3.0.4 of this bylaw.

g. Existing natural features and vegetation to be retained shall be so indicated. Due regard shall be shown for all existing vegetation and natural features which, if preserved, will add attractiveness and value to the development.

h. The location and type of monumentation at all property corners shall be shown and maintained.

i. Existing and proposed elevations and contours. The contour interval shall be two (2) feet or any interval which adequately depicts the grading.

j. All existing and proposed utilities, and to include utilities with easements.

k. All site plans required herein shall display names of all abutters.

l. All existing and proposed sidewalks and curbings.

m. Landscaping Requirements

(1) Required landscaping shall be provided as set forth in Table 3.

(2) Buffer strips required by Table 3 shall be reserved exclusively for plantings, pedestrian facilities such as benches and walkways, required fences, necessary traffic control signs and those free-standing signs which conform to the requirements of Section 6.5.2e of this bylaw.

n. The plan shall also include a chart showing the following information:

(1) Area of lot.

(2) Area and size of building.

(3) Maximum area of building to be used for selling, offices, business, industrial, or other uses, if applicable.

(4) Maximum number of employees, where applicable.

(5) Maximum seating capacity, where applicable.

(6) Maximum sleeping capacity, where applicable.

(7) Number of parking spaces required for the intended use, based on Section 6.4.

(8) Number of parking spaces existing at the site (including street parking adjacent to site).

(9) Number of trees and/or shrubs.

(10) Number of trees and/or shrubs shown on plan.

o. **Additional Requirements:** All site plans need to have the following information unless waived by the Planning Board: (1.) Lighting Plan with Luminaire Schedule, prepared by an engineer. (2.) Elevations showing the front, rear and sides of the building design. (3.) Signage design with dimensions and locations. (4.) Area where snow will be stored. (5.) Traffic Study.

Mr. Phoenix read the Special Permit Criteria Checklist:

SPECIAL PERMIT CRITERIA

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a. The proposal is suitably located in the neighborhood in which it is proposed and/or the total town, as deemed appropriate by the Special Permit Granting Authority;

b. The proposal is compatible with existing uses and other uses permitted by right in the same district;

c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;

d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;

e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;

f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;

g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6.5)

h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;

i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;

j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;

k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;

l. The proposal is in general harmony with the general purpose and intent of this bylaw;

m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

Mr. Phoenix: So, those are the criteria that we would need to find that this satisfies in order to approve. Sure, as a matter of housekeeping I know we discussed the waivers last time, did we vote on the waivers or just discuss them?

Mr. Carpenter: We didn't take a vote on anything, I don't believe.

Mr. Phoenix: Ok. I believe that waiver request…

Mr. Stefancik: I don't think there's any waivers.

Mr. Phoenix: I thought there was. Wasn't there in the 1-5, 7.1.5 o, or am I misremembering? I thought there was something. It's fine to question it. Usually, we almost every plan get a waiver request on that one at least. This might be the exception.

Atty. Reidy: You're saying 7.1.5 o?

Mr. Phoenix: Yeah.

Atty. Reidy: I don't know that, could it be just a sign? I don't know that we provided.

Mr. Stefancik: Sign, snow storage area, lighting plan, elevations of buildings.

Atty. Reidy: That's all there. I just don't know that we provided. I think in the original there was a sign, yeah, so I don't think that we need any waivers.

Mr. Phoenix: Ok, so with that, I think we've heard everything that people have to say about it. I think where we're at now is whether we want to make a decision tonight while we're still in the public hearing, or whether we want to close the public hearing and take this under advisement and take action on it at another time. It's been a while since I wrote the cheat sheet. So, 65 days. 90 days from the hearing in order to act on a special permit and site plan's a little bit weird, but 90 days from the date of the hearing. So, if we close this tonight, we have 90 days to act on this. Is the Board's inclination to try and vote on this tonight or to close the public hearing and vote on it after having some more time to digest everything that we've heard in the public hearing? Hearing a deafening silence.

Mr. Coelho: Well, you know the last time this happened we tried this, and it didn't work out the right way. So, maybe we do need to digest it.

Mr. Phoenix: So, I will entertain a MOTION at this time to close the public hearing and take the matter under advisement.
Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

The public hearing was closed at 8:59 p.m.

APPROVED:

Joseph Queiroga, Secretary

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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); Response to issues at the June 22 Planning Meeting from Thomas R. Reidy, Esq., & attachments (July 13, 2023)

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

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TOWN OF LUDLOW PLANNING BOARD
CONTINUED 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.)
July 13, 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 (Present)
Kathleen Houle, Associate Member (Absent)

The continued hearing began at 9:08 p.m. in the Selectmen's Conference Room.

In attendance: Sarah LaCour - Westmass, Jean Christy – Tighe & Bond, attendees

Mr. Phoenix: This is an existing public hearing, so I don't have to read the legal notice and we are back in session. This is scheduled for 8:00. We are now, depending on how accurate that clock is, pretty close to 9:10. It says 9:08, I don't trust it. So, we talked about what was going on there a bit last time. We talked about the access and how that's going to be only through the main part of it that the secondary access is gonna be smaller, blocked off, so that's not gonna have through traffic for the neighborhood. We talked about some issues that've been going on as far as --- stuff and whether or not that was likely to be an issue and I think the consensus as it was represented is that shouldn't be because a lot of that of that's being done in this is being pulled back from the road with a decent buffer between the road and where the development will be going on. We had a fair amount of conversation, I think, on this. Do we have any new, yes we do, new correspondence.

Mr. Coelho: The question that brought me back was my question to the DPW as far as the grade changes which we have replied that in the affirmative…

Mr. Phoenix: Yup, DPW is…

Mr. Coelho: …and they didn't have any technical.

Mr. Phoenix: …DPW is fine with the proposed slope change and detention basin storm water permit is good as well. Also, in the new stack we have some response comments and then we have some other things. *Mr. Phoenix read the Response to Planning Department Comments from Jean Christy – Tighe & Bond (July 12, 2023) (see file).* And then we have from Public Works, all work within the 80-foot Western Mass Electric Company Easement will need to follow their conditions. I think this is the stuff we just read in here, just without the benefit of the responses. Seth Falconer from Fire, no further comments, Millside Drive initial comments

were addressed. *Mr. Phoenix read the email from Alex Fagnand – Tighe & Bond regarding Millside Drive – Conservation Commission Request (July 10, 2023) (see file).* From our office, Doug running through the checklist, a whole lot of black ink which is always encouraging all the way through. And then the last thing in the stack is Tighe & Bond. *Mr. Phoenix read the Response to Building Commissioner Comments from Alexander Fagnand – Tighe & Bond (July 7, 2023) (see file).* So that's what I have for new stuff. After reading that in, do you have anything new that you'd like to bring up?

Ms. Christy: Because we were waiting for comments through today, we have revised site plans, full sets of plans here, four copies for you. We also have mylars for the lots as well.

Mr. Phoenix: Ok, so it's fair to say that the only changes that are on those are the ones that are reflective of the comments that've come in.

Ms. Christy: Right. And there wasn't much. I think there was more administrative comments with some labeling of setbacks on the key plans that you'll see.

Mr. Queiroga: ---

Mr. Phoenix: Why you got to say that Joe? You want to be here till 11:00? I don't want to be here till 11:00. Is there anybody from this side of the table that has any comments or questions on this plan?

Mr. Carpenter: No.

Mr. Phoenix: With that, is there anyone from the public that has any comments or questions?

Mr. Lata: ---

Mr. Queiroga: Maybe Joe didn't jinx us.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

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Mr. Coelho: I **MOVE** to approve the definitive subdivision for Jeffrey Daley, Westmass Area Development Corporation, 0 State Street, Assessors' Map 14C, Parcel 106 for the subdevelopment of 1,800 linear foot +/- roadway. Looks like that's the legal.

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

Mr. Phoenix: What do you got?

Mr. Carpenter: Did they have waivers that we didn't act on?

Mr. Phoenix: Waivers were done, I believe. I think we acted on all of them.

Ms. LaCour: No, there was the one for the retention basin.

Mr. Phoenix: Oh, the retention basin.

Mr. Coelho: The one that I questioned.

Ms. LaCour: Right, and I believe you got a response.

Mr. Carpenter: We did, but did we vote on the one about the electrical, the power line thing underground? ---

Ms. LaCour: Yup.

Mr. Phoenix: I thought we had voted on all of them. I forgot that that was a waiver too.

Mr. Coelho: So, with that being said, I will amend my **MOTION** to include a waiver for the drainage…

Ms. LaCour: Slopes on the retention basins.

Mr. Coelho: …the slopes on the retention basin as it was not a problem with the DPW.
SECOND Mr. Carpenter.

Mr. Phoenix: Ok, so we have a motion in the standard form essentially, Joe, we have a motion more or less in the standard form to approve the definitive subdivision plan and to additionally as part of that motion approve the waiver of the slope on the detention basin. Is that a correct understanding?

Mr. Coelho: Correct.
SECOND Mr. Carpenter.
5-0 in Favor.

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

Mr. Carpenter: **MOTION** to close the public hearing.
SECOND Mr. Coelho.
5-0 in Favor.

The public hearing was closed at 9:17 p.m.

APPROVED:

Joseph Queiroga, Secretary

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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 1, 2023 (6/16/23 – Addressed Comments from Town); Email from James Goodreau, Ludlow DPW re: slope changed in detention basin (July 13, 2023); Response to Building Commissioner Comments from Alexander Fagnand – Tighe & Bond, Inc. (July 7, 2023); Email from Alexander Fagnand, Tighe & Bond re: Conservation Commission Request (July 10, 2023); Response to Planning Department Comments from Jean Christy – Tighe & Bond (July 12, 2023) Email from Seth Falconer re: Millside Drive Subdivision (July 12, 2023)

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