TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
July 27, 2023

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PLANNING BOARD MEMBERS

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

The meeting began at 6:45 p.m. in the Selectmen's Conference Room.

Discussion/Decision – 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)

The Board Members reviewed the Business in the Agriculture Moderate Density Overlay District Checklist, 7.1.5 Required Site Plan Contents, and Special Permit Criteria. The following seventeen items were questionable and will be discussed at the August 24, 2023, Planning Board Meeting:

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:

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.

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.

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

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

7.1.5 Required Site Plan Contents

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

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

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.

SPECIAL PERMIT CRITERIA

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;

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

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

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.

Documents included: Business in the Agriculture Moderate Density Overlay District Checklist; 7.1.5 Required Site Plan Contents; Special Permit Criteria

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Leslie Ward, Building Commissioner and Marc Strange, Town Administrator – Discuss Change of Occupancy, Zoning Bylaw language clarification, and Mail Item #35 - Request for meeting with the Planning Board re: Construction of independent free-standing structure @ 66 Stivens Drive from Walter & Sally Trusz *(from 6/22/23)*

Mr. Phoenix read the letter from Walter and Sally Trusz regarding the proposed construction of a free-standing structure to house a home office and accessory apartment. He told Ms. Ward that the Planning Board cannot offer the Trusz's any relief because it goes against the Bylaws. Ms. Ward mentioned that she has already informed the Trusz's that they need to go to the ZBA for the appeals process, and that their request goes against several bylaws. Ms. Ward said that she thinks the bylaw regarding special permits for accessory apartments is fine with the apartment to be located in the dwelling unit.

Mr. Coelho and Ms. Ward had a conversation about tiny houses. Ms. Ward said that they are not allowed at this time.

Ms. Ward mentioned a few bylaws that she would like to have changed. She said that regarding the fence bylaw, her predecessor stopped asking for permitting on fences, and that the language is hard to understand. Ms. Ward will come up with a model bylaw to bring back to the Planning Board for review. She also remarked that the language in 8.2.2 Additions and Existing Structures states that a plot plan will not be required, and said that in order to enforce setback requirements, a plot plan is needed. She noted that she has some good examples of plot plan information sheets that she would like to use for the application process for setback information. Ms. Ward also commented that the Change of Occupancy procedure is a waiver for a site plan review, and that there are building code issues with that type of review for changing the use of the space. She said that in the past, there were major building code problems with Movement Terrain that went into the Mills, because she had not seen the application until after it was approved. She mentioned that she would like to work with Doug on these applications so that she can address those kinds of problems right from the start. Mr. Phoenix agreed that if the Planning Board can make a better-informed decision by having that additional information, that it would be helpful. Ms. Ward will work on a supplement sheet to add to the Change of Occupancy applications. Mr. Phoenix commented that the agenda needs to be closed earlier to give adequate time for the building commissioner to review the applications before the Planning Board meetings. Ms. Ward added that she would like to make the enforcement and penalty consistent with other areas of the bylaws, specifically Chapter 13.

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

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ANR – HP Rum, LLC c/o Marc Murphy – 83, 95 & 97 Winsor Street (Assessors' Map 13C, Parcel 23) (subdivide existing parcel into new Lots A & B)

Dan O'Brien – Smith Associates Surveyors, Inc. was present for the appointment.

Mr. Stefancik said that the plan met the ANR checklist requirements.

Mr. O'Brien explained that the plan is to divide the parcel so that the post office building will be on a separate lot from the apartment building and the other building.

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

Documents included: Master application; Plan of Land – 83 & 95-97 Winsor Street Ludlow, MA owned by HP Rum, LLC. (6/12/2023)

PUBLIC HEARING – Special Permit / Accessory Apartment – 10 Turning Leaf Road (Assessors' Map 31, Parcel 113) Laura James Scibelli (784 sq ft accessory apartment)

SEE ATTACHED MINUTES

PUBLIC HEARING – Site Plan – 355 East Street (Assessors' Map 15A, Parcel 337) CRC Communications, LLC, d/b/a GoNetSpeed (Install fiber distribution equipment; replace existing "smoking tent" with gazebo)

SEE ATTACHED MINUTES

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Mr. Phoenix: I'm gonna ask for a **MOTION** to take a brief five-minute recess.
Mr. Coelho: **SO MOVED.**
SECOND Mr. Carpenter.
4-0 in Favor.

The Board took a brief recess from 9:00 p.m. to 9:05 p.m.

Eversource – Aimee Henderson, Community Relations Specialist – Greater Springfield Reliability Project Update - Substation Upgrades, Center Street

Aimee Henderson, Chip (Leon) Wetherell, Chris LaRose, and Marie Kosegarten were present for the appointment.

Mr. Wetherell explained that this project is a continuation of the Greater Springfield Reliability Project that was started in 2013-2014. He said that the project entails repairs to the substation located at 993 Center Street because it doesn't meet the current standards, and that the project is to separate the 115,000-volt section of the substation and the 345,000-volt section. Mr. Wetherell commented that a new control house along with associated electrical work and fencing will be built to house the 345 section of the substation, and then the 115 will stay in the existing control house. He also said that they are looking to start the project in August 2023 with an anticipated completion date of Summer 2026.

Ms. Kosegarten and Mr. Wetherell gave the Board a description of the project regarding the zoning ordinances and building permitting process. They also mentioned a future maintenance project which will include upgrading and replacing the seven 345 circuit breakers at some point after the initial project is finished. Mr. Wetherell explained that they will remove the breakers and replace the existing foundations with new ones which will be approximately 10' x 6'.

Mr. Phoenix asked if any of these projects need site plans submitted to the Planning Board. Mr. Stefancik responded that they received approval from the Facilities Siting Board which includes a comprehensive permit which would mean they don't need Planning Board approval on this. Mr. Wetherell noted that they do have a stamped drawing of a site plan that will be coming over with the building permit application.

Documents included: Eversource Energy Control House Project at Ludlow Substation – Meeting with Town of Ludlow Planning Board July 27, 2023

Attorney Neil Phillips – 4-6 White Street – Military Foundation Discussion

Attorney Neil Phillips, Ali Bulut, and another gentleman from the Military Foundation were present for the appointment.

Mr. Phoenix said that the site plan that was submitted for the property can hopefully be reviewed again at a future meeting with some revisions shown for this proposed business addition to the property. He also mentioned that he has seen the operation in the back of the Eastfield Mall, and that he thinks that the operation is too large for the property on White Street to support it. He asked what the capacity and way of operating would be in order to have safe vehicular circulation in that area and still be able to service the people that they're looking to help.

Mr. --- said that the location on White Street is within 100 square feet in size compared to their old location at the mall, and that the storage of items will be done elsewhere. He said that they are by appointment only three days a week 10:00 - 4:30, and that the highest number of people that they serve is around Thanksgiving with about 400 customers a week, but with a regular average of about 100 people a day the remainder of the year. Mr. Phoenix explained that in order to expedite the process, everything would need to be included on the site plan including the chart showing the number of employees, seating capacity, sleeping capacity, area to be used for selling and other uses. The board members stressed that they communicate with the property owner to make sure that the site plan has all of that information noted on it. Mr. Phoenix noted that he can't discuss the site plan in detail too much because of the upcoming continued public hearing on August 24, 2023, at 7:00 p.m.

CONSENT AGENDA:

The Board approved the Consent Agenda except for the Change of Occupancies under unanimous consent.

- FILE Mail Item 42. - Legal Notices from surrounding communities
- APPROVE Change of Occupancies:
  - Cameron Shalkowski – 1 Moody Street (add autism services to existing medical building)
  - Gabriel Sanchez – 194 East Street (from Ludlow Nutrition (retail) to jewelry store)
- SIGN Special Permits:
  - Charlene L. Cavanaugh – 55 Stevens Street (convert single car garage to hair/nail salon)
  - Lenna Andre – 137 Vienna Avenue (cleaning service business)

The board members agreed that there were no issues with the Change of Occupancies as they were like for like changes. Mr. Stefancik said that the Building Commissioner was fine with the 1 Moody Street change.

Mr. Carpenter: Make a **MOTION** to accept both Change of Occupancies.
SECOND Mr. Coelho.
4-0 in Favor.

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

Mr. Coelho said that a letter should be sent to the Trusz's clarifying that the town bylaw states that you can't have two residential properties on one lot. Mr. Phoenix remarked that the letter should reiterate what Leslie Ward said about what their options are for relief such as a separate structure is not allowed under the bylaw and that they need to file with the Zoning Board of Appeals.

Mr. Phoenix: So, can I get a MOTION on Mail Item #35 to send that letter as discussed?
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

Mr. Phoenix: Following on the heels of things coming out of talking with Leslie, the stuff regarding Change of Occupancy, I would like to entertain a MOTION to ask the office staff to draft a new supplement sheet in coordination with Leslie to have information specific to Change of Occupancy for us to be able to review and adopt at a future meeting, and further to limit the submission of Change of Occupancies and adding them to the agenda to not within a week of the meeting without the consent of the Chairman.

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Mr. Carpenter: **SO MOVED.**
Mr. Coelho: **SECOND** for discussion.

Mr. Phoenix: Sure.

Mr. Coelho: I would like any added burden to the homeowner as related to building code be referenced in that amendment.

Mr. Phoenix: In the supplement sheet?

Mr. Coelho: Yes, so if we're quoting building code to people, I want them to be able to reference that building code, chapter and verse.

Mr. Phoenix: In general that's, kind of what I do with the zoning bylaw ---.

Mr. Coelho: I think that's the right way to do those kinds of things.

Mr. Phoenix: And I think we might also need to amend the information sheet for that process as well. Is everybody agreeable…

Mr. Carpenter: To the amendment?

Mr. Phoenix: Yeah.

Mr. Carpenter: I am.

Mr. Phoenix: So, on the motion, just to clarify, this would be to say we're not gonna take Change of Occupancies within a week of our meeting unless there's extenuating circumstances and the chairman says yeah let's do it, and to have the office staff work with Leslie to put together that supplement sheet for us to review and to update the information sheet again for us to review and approve at a future meeting and make sure that that does have chapter and verse sited wherever applicable.
Mr. Carpenter: **SO MOVED.**
Mr. Coelho: **SECOND.**
4-0 in Favor.

File Mail Item #43 – Approval of Warrant Articles # 27, 28, and 29 (Zoning), and Warrant Articles # 3 and 31 (General) from Office of the Attorney General

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File Mail Item #44 – Notice of Decision – Zoning Board of Appeals – 1211 Lyon Street

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File Mail Item #45 – Notice of Decision – Zoning Board of Appeals – 51 Chapin Circle

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Mr. Carpenter: Mr. Chairman, seeing is how it is five minutes to ten and people have bedtimes, I make a **MOTION** to adjourn.
SECOND Mr. Silva.
4-0 in Favor.

Meeting adjourned at 9:55 p.m.

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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 – SPECIAL PERMIT / ACCESSORY APARTMENT
10 Turning Leaf Road – Laura James Scibelli
(784 sq ft accessory apartment)
July 27, 2023

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PLANNING BOARD MEMBERS

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

The hearing began at 8:05 p.m. in the Selectmen's Conference Room.

In attendance: Mike Pietras – ELS Inc., attendees

Mr. Phoenix read the legal notice and advised the public that the cameras are recording. The legal notice included the description of: 784 sq ft accessory apartment.

Mr. Phoenix: I do have some comments that have come back in. From the Building Commissioner we have: the grading in the rear yard must be completed and the permit for the installed fencing must be submitted as part of the requirements for the certificate of occupancy. Town Engineer commented to say that he has no comments. Fire Prevention Officer (has no comments). From our office, we do have a few things that are noted in yellow, they look more in the way of comments than angry things. The first one is the accessory apartment will be 784 square feet and will be occupied by the owner's mother and father. Also in d., of the accessory apartment bylaw, we have the relationship mother, father highlighted. But nothing that, like I said, looks like it's angry or missing in those comments. From Board of Health town sewer, well, ok. No other comments. And then we have, Ray, I'm in favor of this, best, Armand.

Mr. Coelho: Ray, can I see those please?

Mr. Phoenix: Sure. So, that's what I have for correspondence. We've got a hand full of plans here. And if you want to just explain what's going on.

Mr. Pietras: Sure. Good evening, Mike Pietras, I'm here on behalf of Laura Scibelli. She apologizes, she couldn't make it today. I found out this morning, so. The, what you have in front of you is the special permit for the accessory apartment for her parents. On the site plan, I see you guys have copies of the building, I have extras here if anyone wants some. So, if you look at the floor plan, you're welcome.

Mr. Coelho: Oh, I have it right here. We were all prepared.

Mr. Pietras: Sure, so, the house was designed with the bylaw in mind. If you look at the front elevation, that presents well, fits the neighborhood 'cause, you know, --- house, you go to the

floor plan and you'll see to the rear of the house, the 784 square feet, that's what we're asking for permission under the accessory apartment. It has two off street parking due to the garage within it. The driveway's large enough as well that it would be off street as well. Within it, we believe it complies with the bylaws and the intent of the town's accessory apartment and we would ask that the Planning Board looks at it favorably.

Mr. Phoenix: So, I would just kind of add to that in addition to believing that it does comply with those. I do have signed copies of the accessory apartment conditions and the special permit criteria that are signed stating that, I'm assuming that that's the applicant's signature?

Mr. Pietras: Yes.

Mr. Phoenix: I have read and understand the accessory apartment criteria. So that's kind of what I have from here. That's what they're looking to do. Does the Board have any comments or questions at this time?

Mr. Carpenter: So, the accessory apartment's already built in here, we're just approving the occupancy of it?

Mr. Pietras: Yes. The whole process is originally, and I don't know the whole permitting chain, I know speaking of Justin, the predecessor, he issued the permit because I think at a time the town was gonna allow it by right, is that the case? Because I remember him saying that and then whatever fell off, we had the building permit, but it was never truly permitted, so that's why we're here in front of you folks to hopefully gain approval.

Mr. Phoenix: I can't speak to anything that Justin did or did not say. You look like you're ready to say something.

Mr. Coelho: I like the way this house is laid out. This looks like an excellent design. That's all I'm thinking. Everything seems fine to me with that being said.

Mr. Phoenix: Anything from the other end of the table?

Mr. Silva: Everything looks fine.

Mr. Phoenix: Ok, hearing nothing from this side of the table, I will open this up to the public. If anyone has any comments, questions, or concerns, I would just ask that you state your name and address for the record and address everything through myself as Chairman. I'll do my best to get you answers that you need. Does anybody have anything that they would like to add or ask at this time? Hearing nothing, I would entertain a motion.

Mr. Carpenter: Mr. Chairman, I **MOVE** to accessory apartment, I **MOVE** to approve the special permit under 7.o.4 a-m and the accessory apartment under 6.6.1-6.6.13 a-l for Laura James Scibelli at 10 Turning Leaf Road. Oh my God, I'm on the wrong one, hold on, and the rest of that in the standard form.

Mr. Phoenix: Well, no, how about, let's try and clarify that if that's ok with you.

Mr. Carpenter: I think I'm off the wrong one.

Mr. Phoenix: I will entertain a MOTION in the standard form to approve the accessory apartment as submitted.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Phoenix – yes.

Mr. Phoenix: I'll entertain a MOTION to close the public hearing.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

The public hearing ended at 8:12 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

Documents: Master application; comments from town boards/departments; Proposed site plan – Lot 56 Turning Leaf Road Ludlow, MA for Laura Scibelli-James (2/14/2020); Elevations – drawing prepared for James Residence (4/28/2019); Floor Plan - drawing prepared for James Residence (4/28/2019)

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE PLAN
355 East Street (Assessors' Map 15A, Parcel 337)
CRC Communications, LLC, d/b/a GoNetSpeed
(Install fiber distribution equipment; replace existing "smoking tent" with gazebo)
July 27, 2023

PLANNING BOARD MEMBERS

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

The continued hearing began at 8:13 p.m. in the Selectmen's Conference Room.

In attendance: John Furey – GoNetSpeed, Jeffrey Bruni – GoNetSpeed, Jeff DelliColli – Centerline/GoNetSpeed, John Diotalevi – Polish American Citizens Club, attendees

Mr. Phoenix read the legal notice and advised the public that the cameras are recording. The legal notice included the description of: Install fiber distribution equipment; replace existing "smoking tent" with gazebo.

Mr. Phoenix: The comments that I have in front of me here, starting with Leslie Ward as Building Commissioner, the distance of the smoking tent structure must be at least 25 feet from the building in accordance with the building code. It is suggested to be at least 25 feet from any building entrance or exit door. The footings for the fencing must be at a depth of four feet to prevent frost in this climate for the gate and corner posts and full permitting is required for the cabinet pad, fencing and smoking structure. From our office, running through the checklists, Doug has marked off that the applicant is asking for four waivers which are o.1, 2, 3, and 5. Coincidentally, right after that I have signed waiver request of o.1, 2, 3, and 5. Fire Department (*125-gallon LP tank install for emergency backup generator permit to be pulled by licensed contractor. Install noncombustible receptacles for disposing of smoking materials for gazebo area.*) Board of Health, smoking within 25 feet of entrance not permitted. The Assistant Town Engineer, location and type of monumentation and maintained at all property corners. Submit any additional requirements from Section o if not waived. And then that brings me to the application which I'm going to suppose matches pretty well all the things I've already read. Install fiber distribution as shown on the accompanying plan. Also replace the existing smoking tent on the premises with a more substantial gazebo as also detailed on the submitted plan. We have the signed certification of ownership and authority, strangely both the one for if the applicant is not the owner and the one if the applicant is the owner, but I suppose belt and suspenders is better than nothing. And that seems to be what I have in front of me. Would someone care to explain what you're looking to do?

Mr. DelliColli: Sure, can everybody hear me okay? Terrific. I'm Jeff DelliColli with Centerline Communications here on behalf of the applicant CRC Communications, LLC, otherwise known

as GoNetSpeed. The applicant owns small independent telephone companies in Maine, Vermont, throughout the east including here in the Commonwealth of Massachusetts. Part of their continued expansion and built out of this fiber network GoNetSpeed is seeking to install a fiber OLT also known as an optical line terminal on property owned by the Polish American Citizens Club of Ludlow, located at 355 East Street. The OLT will provide more fiber, more access, more speed and better reliability to residents and businesses in the subject area of Ludlow. Specifically, GoNetSpeed is proposing to install two cabinets, both approximately four feet by four feet, one emergency backup generator as well as a 125-gallon propane tank on concrete pads within a 20 foot by 20 foot fenced in compound in the northeast side of the property. GoNetSpeed will also be installing one four-inch conduit for power, one three-inch conduit for fiber from existing utility pole number 68-36-2, and one four-inch conduit for fiber from existing utility pole number 25-35-68 to the compound. The ladder conduit and fiber for redundancy purposes, in case one of the other ones, in case one goes down they have a backup, and the OLT will be accessed by the existing driveway through the existing parking lot. As mentioned, GoNetSpeed is also going to be replacing the existing smoking tent at the club, with a twelve foot by twelve-foot Arlington style gazebo, which will be located behind the building. So, this property is in the A zoning district where utilities are authorized pursuant to site plan review, excuse me, site plan approval from the Planning Board. Since I don't believe there is an existing site plan on record, there is in essence nothing here to modify, even in a minimal manner so we're also requesting waivers as we had already submitted.

Mr. Coelho: So, the gazebo has nothing to do with the net speed internet stuff. You guys are just smart enough to have them include it. Bravo, good for you.

Mr. Diotalevi: We came before the Planning Board a few years ago, Doug, I believe, and at one time we talked about putting a patio in front. It just didn't work. So, we had a tent which the Planning Board gracefully let us put out during the pandemic, extension of premises, allowed for an outside dining and so forth. It fell down with this last snowstorm. So, timing is everything. And you're right.

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Mr. Coelho: Good, good, I'm glad.

Mr. Diotalevi: --- piggyback.

Mr. Coelho: That's good for you guys.

Mr. Diotalevi: Piggyback on it so it's a separate thing. We will be responsible for putting that on. We will do the permitting for that gazebo when we do it with the town.

Mr. Coelho: Good. These notes, are these similar to the way the DSL used to work where there used to be a DSL mode at the old cable building by, on Winsor Street?

Mr. Furey: No, our networks are 100% fiber to the home, so we're, we've already working with utilities, if you've seen all the telephone poles they've been changing out.

Mr. Coelho: Yeah, they ruined my yard, yup.

Mr. Furey: I apologize for that, but it's in the name of higher speed internet for everyone.

Mr. Coelho: Ok.

Mr. Phoenix: And they wouldn't have to worry about putting the bigger poles in if we had underground utilities.

Mr. Furey: We'll have to hit the mega millions for that one.

(Multiple people taking)

Mr. Furey: It's gonna feed the entire network for the Town of Ludlow and we'll provide, that'll be our main, it's not a node necessarily, but it is our main access where we'll bring the internet in on a backhaul to that location and we will distribute lit fiber service to residents of Ludlow from that cabinet.

Mr. Coelho: Ok, and is there a, what are your geographical limitations to this service?

Mr. Furey: This service, this particular cabinet is specifically designed for Ludlow only.

Mr. Coelho: So, even the outskirts of town will be able to get this service or?

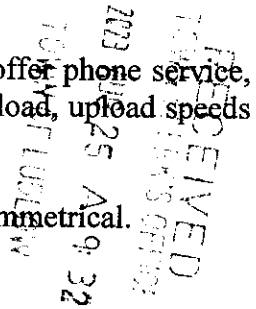
Mr. Furey: Yeah, we're offering service throughout town as a competitor, say Charter or something like that.

Mr. Coelho: Well, no, we need competition. That's what…

Mr. Furey: Yeah so…

Mr. Coelho: --- right?

Mr. Furey: We don't offer traditional cable tv based streaming service, we offer phone service, but it is all fiber to the home, you know, and it's 100, it's symmetrical download, upload speeds are the same where you don't get that with Charter or anything like that, so.



Mr. Phoenix: But I think if you're at some of their higher plans they offer symmetrical.

Mr. Furey: Maybe they do now, but they typically don't.

Mr. Phoenix: I don't want to know what that bill looks like.

Mr. Coelho: They probably will now that they have competition.

Mr. Furey: We offer three service offerings, 200 meg, 500 meg, and a gig. And our pricing is, I didn't bring it with me, but it's…

Mr. Phoenix: ---

Mr. Coelho: --- I'm sure it'll be competitive.

Mr. Furey: You can get a gig for about 85 bucks, 80 bucks.

Mr. Phoenix: I was gonna say, I think that's what I've been seeing online with some of the price comparisons.

Mr. Furey: Yeah, it's right around there, so.

Mr. Coelho: And how does the infrastructure work from this node, you using current existing infrastructure to deliver the signal?

Mr. Furey: We will backhaul off of Crown Castle who has fiber in the area already. So, we'll run a fiber from them, a dark fiber lease that we pull into that cabinet which will basically bring us out to the internet and then that'll power, that'll bring the service to the cabinet, and we'll distribute that service out through town --- network.

Mr. Coelho: That was my question, how does that get out from that cabinet to the town? Is that infrastructure already in place?

Mr. Furey: No, we have to build that.

Mr. Coelho: You have to build that.

Mr. Furey: We're in the process of doing that right now. We've applied to the utilities to Verizon and Eversource and they're making room on the poles --- through town right now making space for us to do that. We'd like to hopefully start construction on our network in probably October.

Mr. Coelho: When do you anticipate we'll be able to plug in 'cause I really...

Mr. Furey: Everyone wants to know that. What we typically do, and what we would do in Ludlow, is we get, once the cabinet is in, we get that up and running and as we divided the town into ---, which are like local little blocks of neighborhoods, and I forgot how many we've got in Ludlow, maybe, it's probably like 17 of them or something like that, we build these little lcp areas and then we light them up. So, we basically start right up around the Polish American Club area, and we'll build our way out, and we'll light those up. With that said, I think our starting, and a lot of this is in the air 'cause if we're waiting on the utilities, you know how that goes.

Mr. Coelho: Yeah, they happen to be here tonight so.

Mr. Furey: Yeah, perfect. That, if we started building in October-ish, you know, we'd be starting up a few of the neighborhoods through December, but it would bleed over into probably I would say at least February.

Mr. Coelho: That quickly? Because I've been waiting for Starling for like four years now.

Mr. Phoenix: Well, you tell me ---.

Mr. Furey: Completely dependent on how fast...

Mr. Coelho: He's focusing on different demographics.

Mr. Furey: ...on how we're able to get licensing on the poles completed so.

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Mr. Coelho: Ok, but I didn't realize it was that quick of a process from a construction perspective. The permitting, hey, that's.

Mr. Furey: No, that's unrelated, this obviously, we can't run the network if we don't get this permit, so.

Mr. Coelho: Ok, those are my questions.

Mr. Silva: Do you guys operate in any other towns already?

Mr. Furey: We have, we're in Granby, we just almost finished Amherst, we're competing our build in Amherst. We're also building in Agawam.

Mr. Silva: So, you're still building? You don't have anything running at the moment?

Mr. Furey: Yeah, Amherst is running. We just have a couple little neighborhoods left to build there, but most of Amherst is up.

Mr. Bruni: It'll be complete by the end of August. It'll get done by the end of August.

Mr. Furey: We run network in Granby. We're doing Easthampton and Ludlow are next. And then we're doing Agawam and Springfield. Those are the next towns we have laid out right now.

Mr. Silva: I just have a question here, from A1 to A2 shows here that there's a proposed underground fiber, to you have a proposed overhead fiber on a similar location, so this goes up and goes.

Mr. Furey: So, what we do is, we build two fibers out of the cabinet. One, there's a pole on the property, there's two poles on the property, so one of our conduits is gonna go to that first pole and go aerial out to the street and then the other one is gonna go all the way down underground.

Mr. Silva: So, this will be underground after.

Mr. Furey: Yes. So, we run two fibers out of the redundant, we have redundant equipment that if we ever took a catastrophic hit with a drunk driver or something takes a pole out, our gear will switch over and keep service on.

Mr. Silva: --- going up the property too, you should have overhead power and fiber all well.

Mr. Furey: Yeah, we're gonna be overhead power, overhead fiber and an underground fiber.

Mr. Silva: Ok.

Mr. Furey: So, there'll be three. But that way there it's separated.

Mr. Silva: Correct, correct. I am all set. Pretty straight forward.

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Mr. Carpenter: You're aware of the 25 feet no smoking in front of the entrance and all that, that the Board of Health has asked about?

Mr. Furey: Yes.

Mr. DelliColli: And we put the note on A3 in there.

Mr. Carpenter: I'm having an off night.

(Multiple people talking)

Mr. Bruni: We'll be in compliance with the laws.

Mr. Carpenter: They got me on competition with Charter, so.

Mr. DelliColli: We noted the receptacles, but then we added the note, you know, whatever the Fire Department has requirements for, that's where they'll be located.

Mr. Phoenix: Well, you know, Fire mentioned the noncombustible receptacles, that's fine. They also mentioned the way this is reading, it sounds like it's just the permit that needs to be pulled, but the one that I'm concerned with also is that 25 feet from the entrance from Board of Health. Is there an entrance over here near these handicap spots?

Mr. Diotalevi: There is, the handicap spots are, as you exit the building, they're to the left of the exit. There's two spots.

Mr. Phoenix: So, I mean, the way that I'm reading this comment, is smoking within 25 feet of entrance not permitted from the Board of Health.

Mr. Carpenter: That looks like it's the back of the building ---.

Mr. Phoenix: --- the thing is, is it an entrance, is it an exit? It doesn't matter in the way that the law is defined and interpreted. I don't have that nuance; I just have this comment.

Mr. Carpenter: That's what I was addressing or asking about was it, they said it was gonna be in compliance.

Mr. Diotalevi: So, the two parking spots to the, disappear to the right hand side of the door if you exit. That's where that tent was until it fell down in the snowstorm.

Mr. Phoenix: Right, I think…

Mr. Diotalevi: That's 25 feet to the end of the tent. We're gonna have a contractor come in and there's a grade, and we're gonna dig it out, level it off --- retaining wall with barriers to ensure that nobody runs into it or whatever the case may be.

Mr. Phoenix: Well, I guess what I'm saying though is, I would be a lot more comfortable if the Board of Health were to look at and say well that's not like the regular entrance, but there's handicap spots there so it must be some kind of considered entrance. Normally it's…

Mr. Diotalevi: That's where I go in and out with my handicap placard, so.

Mr. Phoenix: Yeah, I don't know what they're gonna say, but if they're saying that it needs to be 25 feet away, even if like the far corner is 25 feet from the door, I don't think everybody's gonna huddle at that one corner. That's not a reasonable thought. So, I would want to make sure that the Board of Health is on board with that before we approve it and a structure gets built there. It's a whole lot more difficult to move after it's built.

Mr. Diotalevi: Well, it's gonna be a portable type of structure…

Mr. Phoenix: Ok.

Mr. Diotalevi: ...but we can move it wherever we want, I guess, if we need to.

Mr. Phoenix: I would say, me personally, I'd like to make sure that they're ok with it before we set you up for a potential problem down the line.

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TOWN OF TOLLAND

Mr. Diotalevi: I don't want to hold up in any way the high-speed internet.

Mr. DelliColli: It falls under a different permit, correct, and not the actual?

Mr. Carpenter: Could we approve one and not the other tonight or do we have to accept or deny both?

Mr. Diotalevi: If that's the case I'll, I no way want to interfere with their application. I don't think that's just and fair to them. Us, we had a structure or a temporary structure, like I said, it fell down in the storm, so.

Mr. Coelho: So, smoking needs to happen 25 feet away from the building?

Mr. Diotalevi: Correct.

Mr. Coelho: So, this gazebo could be to eat under.

Mr. Diotalevi: It could be. Maybe we could do that and not allow smoking in that gazebo and with the extension of premises that the governor continues to extend year after year since the pandemic. We do have people that go out there and eat and right now there's nothing at all because it fell down. We had picnic tables out there at one point and there was no smoking out there.

Mr. Phoenix: 'Cause one way or another I think we could be creative in order to make sure that that's not holding this whole thing up.

Mr. Diotalevi: Sure. They labeled it as a smoking tent, but again, it's not a smoking tent. It's a gathering area, you know, I guess a better way to explain it.

Mr. Phoenix: Beyond that, the only thing that I really saw, I mean, we've got to look at the waiver request, but the one that bugs me, and I'll say it every time that I end up seeing a comment about it is, property corner monuments not being shown, which I'm guessing that's part of why we got handy dandy new wrapped in paper plans tonight.

Mr. DelliColli: They are in there now.

Mr. Phoenix: But that always kind of irks me when those aren't part of the original submittal because that's a big part of why we're here. If we don't know where the property is, it's hard to really do much beyond that.

Mr. DelliColli: They have been added and the surveyors have been paid to actually set the pins. And actually, on one corner they can't do a pin, so they have to drill through a rock. It is on page…

Mr. Phoenix: That looks like it's the southeast pin?

Mr. DelliColli: Yeah, drill hole to be set, correct. They'll be out there in two weeks.

Mr. Phoenix: So, I mean, it's good that it's there now, it's just that that's one of those things that's usually an indicator that the plan's gonna have a lot of deficiencies quite honestly. So that being one of the only things, it's a lot more, at least for me, a lot more understandable that something just got missed. But normally if we don't see the pins or we don't see the length and directionality on the lines, that's usually a pretty big red flag that there's gonna be a lot more going wrong under the hood.

Mr. DelliColli: Ok.

Mr. Phoenix: So, just in fairness to all the other people that I've commented on in the past, I kinda. So, beyond that, I think it's basically just the waiver request and making sure we've taken care of all the comments and everything. The waiver requests are o. 1, 2, 3, and 5. For anyone who's not familiar, 1. Is the lighting plan with luminaire schedule prepared by an engineer. I'm gonna kinda pause in between these because the form that was signed doesn't really go into detail about why we should look at waiving those. So just to kind of clarify, I'm guessing, and please correct me if I'm wrong, that the reason we would want to waive that lighting plan is because the lighting's not changing from existing?

Mr. DelliColli: Correct. There are no lights being placed.

Mr. Phoenix: Elevations showing the front, rear, and sides of the building design. Again, the main building's not changing, it's just doing the work in that back corner.

Mr. DelliColli: No building is being constructed, correct.

Mr. Phoenix: Signage design with dimensions and locations. Again, I'm sure the Polish Club sign isn't gonna change. Is there gonna be anything indicating that's there?

Mr. DelliColli: No signs, no signage on the fence.

Mr. Phoenix: Ok. And the traffic study, again, I'm gonna extrapolate from when we have people come in to co-locate on cell towers and things. Usually, the expectation is you set the thing up and if somebody needs to go there to do maintenance, they go there to do maintenance, but you want it to be as self sufficient as possible. You're not looking to have people sitting there watching the things blink and accidentally tripping over things and…

Mr. Furey: We'll have technicians coming in and out on occasion to connect up new customers and things like that outside of the original construction, obviously.

Mr. Phoenix: 'Cause the more people coming in and out, the more likely you're gonna have a monster left on top of a rack somewhere.

Mr. Furey: Right.

Mr. Phoenix: So, better off for everybody if that's as limited as possible. So, with that said, I would entertain a motion to grant the waiver of 1, 2, 3, and 5 under o. additional requirements.

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

Mr. Phoenix: I'm gonna do one more round of asking if the Board has any comments or questions. Anything from anyone else in the room? I see a hand coming up. Can you just state your name and address for the record please?

Ms. Michalczyk: Victoria Michalczyk, I live behind the Polish American Club at 26 Orchard Street.

Mr. Phoenix: I thought you looked familiar.

Ms. Michalczyk: Part of my concerns, I'm gonna split these into two because I have questions about the fiber and then I have questions about the gazebo. On the fiber, just so I'm clear, as far as the construction and how that's gonna work, your cabinets I have no issue with, it's are you going to be having to do demo along the streets, construction within the town? How is this fiber getting passed through? Because obviously I'm on the street right next to where you're ---.

Mr. Furey: Right, so for us to get our fiber from the cabinet to the street, we will be excavating conduit down to the street.

Ms. Michalczyk: To East Street?

Mr. Furey: To East Street. And we'll be rising on to two different poles over there, so there'll be no construction going up towards your road. The remainder of the town, all our fiber will be aerial under existing telephone pole lines.

Ms. Michalczyk: Now the next question I have related to that, and please forgive my ignorance…

Mr. Furey: No, absolutely, that's what we're here for.

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Ms. Michalczyk: I have Spectrum Charter Communications now, I have already to this day, have consistent loss of Charter Communications. And they came out and they measured all of the input and everything, and the issue that I have is where the cable coming into my house is in a direct line from open space from where the Polish American Club is. Their thought is that there is a tower across the river that has a direct line to my house that's causing conflict. My question

is, is there a potential of your fiber setup going to cause me even more loss. And understand, I work for the hospital, I work from home. When I lose connectivity to my internet that's a problem because I do 24-hour support.

Mr. Furey: Understood, I also work from home, but yes to put you at ease, the fiber itself, there's no electricity, no circuit, no current, no anything comes out of it. We transmit light in a wavelength through the fiber and it doesn't emit anything where Charter has an RF signal and if you have an open on an RF cable it can blow RF waves all over the place. But the fiber itself has nothing that would affect you electronically or anything like that.

Ms. Michalczyk: I needed to make sure of that aspect. I can't have worse ---

Mr. Furey: No, and when we get built, you can have better.

Ms. Michalczyk: It would be nice to have options. Now, my next thing is related to the gazebo. Ok, you had the smoking tent out there during COVID.

Mr. Diotalevi: Correct.

Ms. Michalczyk: Ok, the noise level was horrendous at times because our house is right there. My bedroom looks over the East Street, I mean over your club. So, the noise was a bother. I found alcohol bottles on my property which means they were throwing them over my fence.

Mr. Diotalevi: You're located directly behind our?

Ms. Michalczyk: Yeah, you know where your chestnut trees are that drop all the stupid things.

Mr. Diotalevi: Yeah. Over where Christina's were?

Ms. Michalczyk: Right next door. Christina's sister's house. And the smoke blew up that way a lot. So, my concern is the hours, the direction of the smoke, the noise, because this was issues that we already had when the smoking tent was there. And if you're putting the gazebo in that same spot, if you're gonna allow smoking that's a concern to me because I have, not your problem, but I have issues with tobacco smoke. I have difficulty breathing with it. So, that to me is a concern but my bigger concern is the hours that you're gonna be open in terms of, I don't expect it to not be open at all, but during work days and things like that, what are the hours that it's gonna shut down? Is there going to be drinking ---?

Mr. Diotalevi: So, right now the governor has allowed the extension of premises for liquor establishments to allow patrons to enjoy a beverage outside, and that's since the COVID.

Ms. Michalczyk: Which I don't necessarily object to, my question is the hours.

Mr. Diotalevi: Our hours have been reduced, or course, because business is deteriorating considerably since COVID, so we don't open up until noontime right now and we've been closing between 10:00 and 11:00 every evening. Sundays we close at 8:00, 8:30, right around there. And our set hours were noon to midnight, but we haven't stayed open till midnight much in the last year.

Ms. Michalczyk: Is there any way or anything that can be done to abate some of the noise that goes up the hill to those of us on Orchard Street?

Mr. Diotalevi: I don't know what noise you're hearing, there's three or four people out there at once, I think that would be on Wednesday during our bingo when they have a break. A lot of the bingo ladies go out, go out to the side entrance ----.

Ms. Michalczyk: I don't have an issue with that. I'm going based on when you had the tent there.

Mr. Diotalevi: That's when we had dining out there, so there was more conversation going on --- I think.

Ms. Michalczyk: So, what is your limit of people that would be out there at this gazebo then?

Mr. Diotalevi: It's not very big, so we're gonna have a picnic table under it and maybe a couple chairs. It's not gonna hold like a lot of people.

Ms. Michalczyk: It's not gonna be as big as the tent was.

Mr. Diotalevi: Oh no, no, no, no. It's only 12 x 12, but it's probably gonna be 10 x 12. We haven't picked the exact unit yet, but it's not very big. ---

Ms. Michalczyk: That was kind of my concern.

Mr. Diotalevi: Understood, I'll mention to our people to police it and ---. I mean, we control our people very well. I'll say that. We don't have issues there, and we can address it.

Mr. Phoenix: And I would say too as far as from the town's perspective for the process that everything's in, this is coming in for site plan approval. It doesn't require a special permit, so we don't have the ability to make a whole lot of requests as far as hours of operation and things like that on this type of use in the zoning that it's in.

Ms. Michalczyk: ---

Mr. Phoenix: Yup, absolutely. And that's usually where a lot of the best resolutions come from.

Mr. Diotalevi: We spoke with --- with the Board of Health and some of the surrounding neighbors had some issues with the town and they're cooperating with. We're the emergency preparedness --- in Ludlow. So, we're, --- doing a drill with the fire and the police on September 12th, and so they're coming to take over our whole facility. If they need that in an emergency, it's theirs. And they want it and they do whatever they need with it. ---

Mr. Coelho: My experience with the Polish Club is that they are very friendly to the neighbors. I live three, four houses down and was greeted with nothing but friendliness and openness. So, I think just opening a dialog with them is probably the biggest hurdle when you have a problem.

Mr. Phoenix: Did anybody else have anything that they would like to add or ask?

Mr. Pires: Hi, my name is Aderito Pires. I live on Orchard Street as well. Somewhat similar concerns. For one, --- these are two separate issues because at first I was very concerned how fiber kind of new thing being associated with smoking just ---.

Mr. Furey: Yeah, we were gonna go through process, so we made it one.

Mr. Pires: Ok, so two things. On the cabinet side, 20 x 20?

Mr. Furey: The entire lease area that we're looking for is a 20 x 20.

Mr. Pires: What's the height?

Mr. Furey: The cabinets are, it's basically…

(Multiple people talking)

Mr. Furey: --- fence around it, some bushes around it.

Mr. Pires: The purpose of the?

Mr. Furey: It's to fuel the generator.

Mr. Pires: ---

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TOWN OF LUDLOW

Mr. Furey: And the generator will do a self-check once a week, but we can set that to be a time during the day so it's not a Saturday or at night or anything, so it could be a Wednesday at 9:00 and it'll run for twelve minutes, and it's not even loud. But it'll run for like ten minutes and do a self-check to make sure that it works, and that's it, once a week.

Mr. Coelho: And that's a gas generator, a natural gas.

Mr. Furey: Propane.

Mr. Pires: Well good luck whoever's making the cabinet compartments because under that, that is rock.

Mr. Furey: Yeah, we're well aware.

Mr. Pires: Which is probably one of the reasons why the noise comes up so well, which brings up the smoking tent, just the tent in general. So, through COVID, yeah, they had their outdoor dining and then the smoking one, was that to the right?

Mr. Diotalevi: Well, it's never really been a smoking tent. It's been a seating area. Did the people smoke under it? Yes, they did, and it was 25 feet to the side where the ashtray was. It was 25 feet from the entrance. It's for just an outdoor place to go. In the winter there's nobody out there, you know? During the day there's one or two people that might go out there and sit, but we have no business during the day at all, basically.

Mr. Pires: So, if it's not smoking, you're just gonna present it as a potential lounge?

Mr. Diotalevi: Yeah.

Mr. Pires: So, with that, that's kind of inviting them to do that right? If I put up a table and put up some chairs, I'm more likely to sit down than if none of that was available. So, with that, I think, just being, we are residential right behind you. --- zoning and what have you, but with this, it opens up a residential life to get a constant from let's say 4:00 till 11:00, I would say when it just hits right with strangers. Not to say, it's the board members or --- or whatnot, but it's your guests. You don't always know who you're inviting.

Mr. Diotalevi: Correct. There's different folks as I go on.

Mr. Pires: Right.

Mr. Diotalevi: You know there could be a wedding today, a Jack and Jill Saturday, could be a baby shower, could be a number of different functions.

Mr. Pires: There's plenty of nip alcohol in your property, luckily I've never seen it on mine. We've seen it on yours.

Mr. Diotalevi: We contain it as well as we can. We're very strict about it.

Mr. Pires: From my property to the first parking lot, I'm no more than ten feet.

Ms. Michalczyk: --- and I'm considerably closer with the cars parking straight in, the headlights stream into my ---.

Mr. Diotalevi: It's rare that the cars even park that far back with the exception of Wednesday, usually bingo or a Jack and Jill party.

Mr. Pires: So, with that, just raising safety concerns. I do have a family, with kids, and twenty feet away I could have a potential drunk person with anybody limiting that person and what they do, probably not.

Mr. Diotalevi: That same person could be driving down East Street, so we control, all our employees are tip certified, and we comply with the pouring and the regulations serving people. It would be beyond our control if they come in and already have some drinks. You know, and that person could be just going down Greenwich Street, and so, you know, we're very, very cautious to alcohol control in our facility. It's very important.

Mr. Pires: On the positive side, I've been a customer. I've rented from you guys, the hall. You know, I go there. ---

Mr. Diotalevi: So, you're the guy?

Mr. Pires: I always pay though.

Mr. Diotalevi: We try to maintain the property that you can see. We really try to keep it up to the best of our ability and we'll be 110 years old next year. So, we've been established in Ludlow for a long time. A big part of the community.

Mr. Pires: My last thing is, obviously the 25 feet, which I didn't know, but I was very curious where it would go obviously with the handicap legal wise --- play with that, and you have the two parking spots right next to it. I mean, unless you go on --- but I don't think that's …

Mr. Diotalevi: You don't have to be 25 feet from the parking spot, you got to be 25 feet from the entrance. The entrance is recessed in four feet, ok? Well, it is.

Ms. Michalczyk: I know. You also made a comment that the smoking container was 25 feet from the door. That's not to say that everybody smoking is gonna be all the way over 25 feet.

Mr. Phoenix: Well, that's where I raised the comment that I think I'd like to get clarification on that from the Board of Health.

Mr. Pires: Not too far along the smoking container was by the trash bin which is probably 25 feet. I ---.

Mr. Diotalevi: The trash bin is probably 50 feet, to the trash bin? Yeah, yeah. From the door? I would think so.

Mr. Pires: Just, you know, obviously with these constraints I just hope they don't actually move in closer.

Mr. Furey: Won't do that again. Just trying to be nice.

Mr. Diotalevi: I will say this, our ability to keep people from smoking within 25 feet of the building, so it's not to say that an 80 year old person walks outside bingo once a night and goes out the side door and lights up a cigarette. We can't arrest that person; we can only tell that person please kindly don't smoke here. But, I mean, I'm not gonna get in a fight with a lady.

Mr. Pires: ---

Mr. Phoenix: I think that structure, that's certainly out of…

Mr. Diotalevi: Our control.

Mr. Phoenix: Well, not out of your control. It's out of what we're talking about tonight. I think the side door and whatever, and honestly if we try and push the smoking area 25 feet from the entrance, I would have some concerns that it's gonna put it closer to the neighbors. There's all kinds of things that can happen, which is one of the reasons I'd like to get some clarification from the Board of Health.

Mr. Diotalevi: It's not a smoking area, it's an outdoor pavilion. You know it was labeled as smoking area, it's being labeled that, but it's an outdoor seating area.

Mr. Phoenix: Ok.

Mr. Diotalevi: You know what I'm saying, so I mean, you can scratch the word smoking from that, and we won't put an ashtray under it and then there's no issues. They'll go somewhere else to smoke out there.

Mr. Pires: Have you considered the parking spots on the side ---?

Mr. Carpenter: If we considered it a gazebo, it's not a smoking area.

Mr. Phoenix: Well, that's kind of what I was gonna say, so I've heard comments about it's not really a smoking area. I've heard comments about, we don't want to hold things up. We want to make sure everything's able to go forward. We can change the labeling ---. We can do all. If what we're trying to do really, is focus on the fiber optic piece, and understand that there's also this issue of the other structure here, whatever we want to call it, if that's really what we're looking at, right, I think what this Board might be able to do is have a motion to essentially approve the site plan with the amendment, with the understanding that it comes back with the smoking tent being labeled as outdoor dining area and the mention of smoking in that area be removed from the plan.

Mr. Carpenter: **SO MOVED.**

Mr. Phoenix: I think that's something that we can look at doing, and that keeps it in the same area that it's already been in, and then if there are issues that are going on as far as how that's impacting the neighbors, we can certainly review and see if there are any other things we can do. But I think the club has probably been served to continue trying to work with the neighbors to mitigate things as much as possible.

Mr. Diotalevi: Absolutely.

Mr. Coelho: It should be noted that these cabinets themselves are 68 feet from the nearest property line. This proposed gazebo's gotta be at least 100 feet from the northern property line, and I'd have to say 130 feet from the easterly property line, and probably 200 plus feet from the westerly property line, so it sits well within their envelope.

Mr. Carpenter: And where was the current, the former existing structure? Where it is right now, like where it's proposed or?

Mr. Diotalevi: So, if I may, during the pandemic we had a tent from Michael's Party Rental that went across this whole area. We had barriers and the snow fence protected it so no vehicles would drive into it. So, we removed that tent because of the cost, and we put up a small tent over here which was dining. Again, it was labeled as smoking, but I didn't draw that plan for you, so but it was right here. We had taken, that was two handicap spots, we got rid of them, you know, it's on a grade. So again, we're gonna cut that grade and we're gonna stone it. We have a water problem with water flowing down forming ice by that back door every year. So, we're gonna have a curbing placed to divert the water away from that entrance and we're gonna stone under that pavilion. So, it'll keep water from running down and forming ice in the winter. That's our plan. If it happens this year, if it happens next year. I don't know if we'll even get that pavilion up this year or next year. I'd like to, but again, we gotta go through the permitting process with the building department and, so I don't know when it's gonna go up. It's like, you're not gonna wake up tomorrow morning and see a pavilion there, you know. There's a lot of things --- before we can move forward with anything.

Mr. Phoenix: So, I guess I would say number one, if there is any structure that's put there, and then there's a smoking container put in the far corner because it's measured and it's like 25.1 feet, that's still any reasonable person is gonna say well that's nobody's gonna stand right there

and hover and smoke. Trying to say that that's gonna be smoking 25 feet from the entrance is silly at that point. That's the illusion of compliance, that's not following the rules. And I understand there's so much you can do, but at that point if that's what starts happening, if that's what's gonna be happening, I would recommend just leaving the containers out of the mix and just have it be outdoor dining and not have something that signals to people that smoking is even allowable there at all. That would be a suggestion that I would make.

Mr. Diotalevi: We recently, we had no smoking on the sides and the front because people were just coming out and, we don't want brides and grooms and guests walking through people that are out there smoking, so we try to keep that away. We try to keep the people away from the entrances. Again, somebody walks out at a jack and jill party and they walk out the door to light a cigarette, you know, we don't have the staff to go out there and say put that cigarette out.

Mr. Phoenix: I think we all understand that. You know, nobody expects that you're gonna have people standing at every door with squirt guns if somebody lights up. But there's a difference between expecting that there's going to be active enforcement versus an expectation that there won't be something there that signals that smoking's ok in this general vicinity. So, I think that's where my suggestion is coming in. I don't want you to end up in trouble with the Board of Health, and that's the place where that comment is really coming from.

Mr. Diotalevi: Ok.

Mr. Phoenix: With that in mind and to keep us moving forward because we keep slipping further behind tonight, I would entertain a MOTION in the standard form to approve the site plan with the condition that it come back amended to remove references to that structure being a smoking tent and instead indicating that it is for outdoor dining.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.

Mr. Coelho: I want to add to that. No forget it. We're good.
4-0 in Favor.

Mr. Phoenix: And I'll entertain a MOTION to close the public hearing.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

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

APPROVED:

Joseph Queiroga, Secretary

su

Documents: Master application; Waiver request; Comments from Town Departments/Boards; Plan Set: Polish American Citizens Club – 355 East Street Ludlow, MA 01056 – Proposed Fiber Cabinet Easement (Rev. 2, 7/25/23)

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