TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
August 24, 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 7:01 p.m. in the Selectmen's Conference Room.

CONTINUED 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

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 48. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of July 27, 2023 & August 10, 2023
- APPROVE Change of Occupancy:
  - Tammy Darling / Abdessamed Bahira – 71 East Street (from retail (general merch.) to retail (bikes))
- SIGN Special Permit:
  - Laura James Scibelli – 10 Turning Leaf Road (784 SF Accessory Apartment)

File Mail Item #49 – Legal Notice – Zoning Board of Appeals – 632 Moore Street

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Continued 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)

Town Counsel Attorney Steve Chaplin was present for the discussion.

The Board Members reviewed the remaining items for discussion that were tabled from the last Planning Board meeting of July 27, 2023: Business in the Agriculture Moderate Density Overlay District Checklist, 7.1.5 Required Site Plan Contents, and Special Permit Criteria. The following nine items were deemed questionable after discussion and will be continued for deliberation on the September 14, 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:

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2023 AUG 16 A 9:39
TOWN OF LUDLOW

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.

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

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

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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The Planning Board briefly spoke with the White Street applicants regarding the outcome of the earlier 4-8 White Street public hearing for the site plan. They were advised that the site plan was approved and that they need to follow up with the requirements from the Building Commissioner and Fire Department concerning the ADA compliance. Mr. Phoenix also explained that the parking needs to match what's on the site plan.

PUBLIC HEARING – Site Plan – The Retreat of Boston LLC – 14 Chestnut Place, 3rd Floor (Assessors' Map 13C, Parcel 54 and Map 14B, Parcel 9) (Add short term residential detoxification /medical services to existing medical building)

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Zoning Bylaws

Mr. Phoenix read the Draft Zoning Bylaw Articles:

SECTION III: GENERAL USE REGULATIONS: 3.0 GENERAL REGULATIONS: by removing 3.0.2 Existing Uses Not Affected and 3.0.3 Obstruction at Street Intersection and replacing it with 3.0.3 Visibility at Street Intersections and Driveways Street Entries and add Figure 1 Diagram.

SECTION III: GENERAL USE REGULATIONS: 3.0 GENERAL REGULATIONS: by removing Section 3.0.4 Fences in its entirety and replacing it with new section.

SECTION IV: DIMENSIONAL AND DENSITY REGULATIONS: 4.0 GENERAL DIMENSIONAL REQUIREMENTS: by adding *For further clarification see Definitions Section X and adding in corresponding diagrams to 4.0.1, 4.0.1.1, 4.0.7, 4.0.7.1, and 4.0.8.

SECTION IV: DIMENSIONAL AND DENSITY REGULATIONS: 4.4 MILL REDEVELOPMENT DISTRICT (MRB) Bylaw 4.4.10 Site Plan Approval Process, by removing from a.1. "and one member" and "of the Board of Public Works."

SECTION IV: SPECIAL LAND USE REGULATIONS 6.12 SINGLE-FAMILY DWELLING ON ESTATE LOTS 11. Estate Lot Example: Replace existing diagram with new diagram.

SECTION VII: 7.1 SITE PLAN APPROVAL: 7.1.3 Exemptions from Site Plan Approval c. by removing "use" with "occupancy" and verbiage to include a sign-off from the Building Commissioner for code compliance.

SECTION VIII: ADMINISTRATION: 8.1 Enforcement and 8.2 Conditions of Construction by changing Building Inspector to Building Commissioner and Building Official and adding new verbiage surveys.

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by deleting Diagram 1, Diagram 3, Diagram 4, and Diagram 5 and removing from Table of Contents: BACK OF BOOK: DIAGRAMS.

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by inserting Proposed Moratorium on Large-Scale Solar Battery Storage and Large-Scale Battery Storage to Section XI.

SECTION X: DEFINITIONS: by deleting the current Diagram numbers in the following definitions: Front Yard, Frontage, Lot Width, Rear Yard, and Side Yard and replacing with the new Diagram Section Numbers.

Mr. Phoenix: I will entertain a MOTION to forward the bylaw revisions to the Board of Selectmen for inclusion in the warrant with the grammatical changes discussed tonight as well the potential change of removing the 100-kilowatt exemption based on the preference of the building official.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
4-0 in Favor.

Documents included: Section III: General Use Regulations; 7.1 Site Plan Approval; 8.1 Enforcement; Draft Zoning Bylaws; Mission Clean Energy flyer.

Mr. Coelho: **MOTION** to adjourn.
SECOND Mr. Carpenter.
Mr. Phoenix: Motion to adjourn is always in order and not debatable.
4-0 in Favor.

Meeting adjourned at 9:26 p.m.

APPROVED:

Joseph Queiroga, Secretary

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

TOWN OF LUDLOW PLANNING BOARD
CONTINUED 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)
August 24, 2023

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Joseph Queiroga (Absent)
Joshua Carpenter (Present)
Joel Silva (Present)
Kathleen Houle, Associate Member (Absent)

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

In attendance: Attorney Neil Phillips, attendees

Mr. Phoenix: Originally this was advertised for the new social club, and then we had some conversations about other things that were going on and there's intention to also have the food distribution for the veterans, the Mass Military Family Group, to be out of the same building. I've got a bunch of plan sets here. I passed one over that way, I've got some more here that we can look at. As far as comments in the file, we have from Leslie Ward (*Mr. Phoenix read the comments from Leslie Ward noting that Unit #6 & #8 must be made handicap accessible (see file).* And that is in response to a message from Michael Smith at Smith Associates following up on a voicemail about the walkway and asking if they'd be required to install a new concrete walkway or if they can just adjust the parking spaces and stripe the pedestrian walkway. From our office, Doug has gone through, I see an awful lot of check marks which is a fantastic thing. There is some red on here though, under Additional Requirements 1, 2, 3, & 5 with a note that applicant will need to sign waiver request form. For anyone who does need a refresher, Item 1 is the Lighting plan with luminaire schedule prepared by an engineer; 2. is Elevations showing the front, rear, and sides of the building design; 3. Signage design with dimensions and locations; and traffic study. So, we have that if the applicant were to sign it. And I also have in here, let's see, from Jim Goodreau, no further comments. Fire Safety (*Mr. Phoenix read the comments from Fire Safety inquiring about the proposed activities at the site (see file).* And I believe as of when I spoke with Doug unless there's something newer since then, we haven't heard anything back from Fire Safety since that?

Mr. Stefancik: No.

Mr. Phoenix: Which that was August 16th, I think was the newest thing in that thread that I can see anyway. Yeah, August 21st it was sent from Attorney Phillips over to Fire, it looks like. So, there's been about three days. I don't know if the individual is out of office or just hasn't had a chance to review that yet. That's part of the same. Just to take care of housekeeping, I think everyone in the room is aware of it, if not, I'd be very surprised, but we do have cameras and microphones doing the things that cameras and microphones do, this is being broadcast on the

internet and recorded. So, from going through the checklist before, we had a few things that were marked off, and like I said, Doug went through the checklist, so I'm assuming those things have been resolved since then.

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2023 SEP 15 A 9:40

Mr. Stefancik: Yes.

Mr. Phoenix: One thing that I did catch at looking at the site plan online earlier, that'll work, that might be the old one that I don't know what our thinking is on it, but I think it at least needs to be mentioned because it's a little bit unique to this location, the required parking. When we look at the table, use and parking table, total parking spaces required 18, spaces provided are 14 including one handicap, and then see Note 6 for snow storage which would be toward the outside so it's not gonna really affect the parking portion. So, our bylaw technically requires 18 spaces, they're providing 14. However, the hours that are listed for the two businesses, the business in Units 4 & 6 would only be running Tuesday, Wednesday, and Thursday from 10:00 a.m. to 4:30 p.m., and I think there's different hours here than in some of the other correspondence, so we might need clarification on that. But the hours listed here are essentially Friday thru Wednesday 5:00 p.m. to 2:00 a.m. So, theoretically the food distribution would be done half an hour before the social club would be starting. I don't know if there'd be overlap in cars needing to be on the site, but I couldn't speak to that. We might be able to get more information from the applicant on that. But generally speaking, when we're looking at businesses and their parking needs, there are things that would be running concurrently, but our bylaw doesn't specifically say that we have wiggle room when they're not concurrent. So, I wanted to make sure I raised that as an issue for us to think about, not just in terms of this site, but that might be something to look at in the bylaw going forward because this might not be a unique situation where the parking needs don't actually overlap. So that said, I think I'd like to start by just asking if anybody on the board has any questions or concerns before we see. I believe you're here to represent the applicant?

Atty. Phillips: Attorney Phillips, yes.

Mr. Phoenix: So, if we have any questions…

Mr. Coelho: Come have a seat.

Mr. Phoenix: …we can hopefully try and see where this all lands for everybody.

Mr. Coelho: I certainly understand what's going on over here. The parking --- with these, and I'm using this as a general term, preexisting nonconforming. I mean, is that applicable here? I mean, kind of is, kind of isn't. But these older buildings where things weren't as, you know, there wasn't as much of a process in place and the buildings were built, people parked there. It is a problem around town that we can't address tonight, you know. If the hours indeed aren't overlapping, I don't think it's gonna be a major problem. I know when they were having their impromptu social clubs at another location in town when I drive by they were always respectful to the areas they had to park in and they didn't have that many parking spots either. They weren't parking all over the road or in the adjacent lots, but that's all I can speak to when it comes to that parking.

Mr. Phoenix: I can say that from firsthand seeing when it was kind of running before it had all the necessary approvals and everything, there were more cars that were on site than what the existing striping were able to handle so there were cars that were parked alongside the building, there were cars parked behind other cars. So, there might be a more parking need than what

we're requiring per the bylaw. But I think that's an issue where if they're parking in places that aren't legal parking spaces, that starts becoming an enforcement issue. If they need more capacity for parking, I think the --- is on them is to provide space for that parking on the site or legal on street parking that they can count toward their site. But I think that goes to some of our criteria about safe vehicular circulation on and around the site, things like that, which you know, for all I know, after going through all this, maybe it will be a little bit more reined in as far as the way that everybody's parking and behaving. That could've just been a fluke when they were doing things before. I don't know firsthand if maybe they had extra people in there because they were still doing work trying to get the place put together. I don't know that story. and I don't want to draw any false conclusions. But I do know that they were exceeding the parking capacity with what they had there.

Atty. Phillips: When they were the former market?

Mr. Phoenix: No, no, when the social club was…

Atty. Phillips: At the other place, I'm sorry.

Mr. Phoenix: No, here.

Mr. Coelho: No, here. When they were operating it without any of this.

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2023 SEP 15 A 9:40
TOWN OF LUDLOW

Mr. Phoenix: And they had cars that were parked alongside the building. There were cars parked behind the other cars because there just wasn't the capacity. I can certainly agree with what Mr. Coelho was saying as far as the operation that they were doing seemed very respectful of the neighborhood. It wasn't loud or obnoxious. There's no, like strobe lights and everything going off bothering people.

Atty. Phillips: --- last time that they were here. There were about four or five of them here.

Mr. Phoenix: You know, so I think they were certainly being respectful of the neighborhood and the time of night and what they're doing at that point. But I think it's just everyone needs to be aware of what's shown on the site plan is what they have for parking spaces. If they go over that for what they need for parking, they need to come up with a solution for that that's a legal solution. Because I want them to be able to have their club and hang out and relax.

Atty. Phillips: Maybe you guys will stop by.

Mr. Phoenix: If they're agreeable, I'd be willing to. I'm usually up pretty late myself. But, you know, it, I think that they were respectful, it's just a matter of staying in with what they're approved for. Do you know as far as the hours go, on here it's talking 5:00 p.m. to 2:00 a.m., but in here…

Atty. Phillips: You said 1:00.

Mr. Silva: 7:00 to 1:00.

Mr. Phoenix: …I think it was like 7:00 to 1:00. Is that maybe just like the hours, maybe they've got extra people early and late to set up and pick up?

Atty. Phillips: I can check on that, but could we have that 2:00 just in case?

Mr. Coelho: 2:00 as far as the clubs go in town, it's Monday thru Saturday 2:00 a.m., Sunday everything has to close at midnight. Now I don't know if this falls under the same as bar or club, but that's how the social clubs are in town.

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2023 SEP 15 A 9:40
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Atty. Phillips: This is without alcohol though, this is kind of an odd situation like a coffee shop really, in a way.

Mr. Coelho: Yeah, I don't know, I don't think there are rules on non-alcohol, right?

Atty. Phillips: Yeah, I don't think you'll see alcohol at that location.

Mr. Phoenix: So, I mean I don't necessarily have a personal issue with them, as long as, you know, law enforcement and everything else is fine with the 2:00. I don't have a problem, I'm not hearing anything from the Board with an issue with it, and even with the 5:00 p.m. start time, I don't necessarily have a huge issue with it, even if there is a little bit of overlap between cars between the two operations. I would just like to have it clarified what the hours are supposed to be, so we make sure that whatever, so everybody's on the same page about what's going on there.

Atty. Phillips: I think the veterans said they'd be out by 4:00, 4:30 at the latest and they're limited in their days that their operational. They get deliveries on some days but they don't allow customers in there.

Mr. Phoenix: Ok.

Mr. Silva: Because that overlapping time might cause parking lot issues.

Mr. Phoenix: It could, and I think, wasn't there something else Doug, too? I didn't read it in, but I think I had seen it in the online stuff.

Mr. Silva: Where do the deliveries take place, in the front of the building or do they come from the side of the building?

Atty. Phillips: I would think to the side there, to the right there.

Mr. Silva: So, the truck will probably take about three or four parking spots right there too.

Mr. Phoenix: Well, I don't know what.

Atty. Phillips: And those are the days when they don't have customers I believe.

Mr. Phoenix: Because they've got deliveries as kind of called out on the front there.

Mr. Coelho: We're not talking a Big Y here, either.

Atty. Phillips: No. They do get donations from Ocean State Job Lot, pallets.

Mr. Coelho: Yeah, something tells me that Ocean State Job Lot's still not sending a 52-foot trailer over there, you know. That would be a lot of donation.

Atty. Phillips: I hope they get that kind of stuff for the good work they're doing.

Mr. Coelho: Right. I think what we're gonna see there's probably box trucks at the most.

Atty. Phillips: Right.

Mr. Phoenix: Doug.

Mr. Coelho: Although I shouldn't assume.

Mr. Stefancik: --- traffic concern, traffic concern.

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Mr. Phoenix: As I saw, that was in the online stuff, but I'm not seeing it in the folder. Was that missed or was that resolved?

Mr. Stefancik: No, it should be in there.

Mr. Phoenix: Maybe I just skipped over it, in with something else.

Mr. Stefancik: There was an email I think from Amy Kurtz.

Mr. Phoenix: Ok. They may have kind of been mixed in with the Fire Safety. So, this was a thing about the, basically the parking that's going on in that general area. And again, I live in this neighborhood so I can.

Atty. Phillips: Oh you do?

Mr. Phoenix: Yeah, I live further down on White Street. So, I see how it is on a daily basis and I can say part of it I think is better, part of it's worse since they did this reconfiguration of Center and Sewall. That's certainly out of scope for this specific business, but what we do end up with, and it goes back to even the days of K-Electronics is when people are utilizing the businesses primarily in that building more so than the building on this side. They would pull in off of Sewall Street and just park along like that retaining wall next to the other building, hop out of their car, and go in and return their video tapes or get produce, or whatever the businesses that were operating at that time. So, it's not something that would be unique to these businesses, but there was a concern raised about the traffic parking in those spaces and I think that might be something where Safety Committee might want to take a look and see if maybe some no parking signs need to go up or something like that because it does make it difficult to be able to turn in and out of the street and have good sight clearance. Again, I'm not sure that this necessarily falls on the applicant, but it may impact where people are able to park on street, that sort of thing.

Atty. Phillips: Understood.

Mr. Phoenix: That goes back as far as I can remember anyway. Video tape drop off is, that was a thing.

Mr. Silva: How many years ago was that?

Mr. Phoenix: At least one or two. Because it was K-Electronics, then video.

Mr. Carpenter: Mr. Chairman, the issue I'm having is with the food pickup.

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2023 SEP 15 A 9:40
TOWN OF LUDLOW

Mr. Phoenix: Ok.

Mr. Carpenter: So, when it was at the mall it used to be lines of traffic.

Mr. Phoenix: Yeah, we had some discussion about that, they do it by appointment now.

Mr. Carpenter: So, if you're having three to five employees, that leaves you six parking spots. Nobody shows up to their appointments on time, they're always early.

Atty. Phillips: They do everything by computer now.

Mr. Carpenter: I just don't want people backing up into Sewall and White and all that.

Mr. Silva: ---

Mr. Carpenter: That would be my concern.

Mr. Silva: What about this area here? Can this be considered parking automatically, or no?

Mr. Phoenix: Which area are we?

Mr. Silva: On the right side of the building.

Mr. Coelho: Not if they don't got it on the plan as parking.

Mr. Phoenix: Yeah, I mean, it can't really be called out that way. There was a tree in that area that kinda got cut down a bit, and that's also kind of what sent things in this general direction was there was a refrigerated trailer that kept getting parked over in that general area. And there's a utility pole that's kind of called out right at the edge of that pavement. So, if they were to put more parking there, it would kind of have to be molded around where that pole is.

Atty. Phillips: So, there's an opportunity.

Mr. Silva: There is an opportunity.

Mr. Phoenix: I mean, there's area that could be possible be used for parking here or even along side the building. There's some options that they could look to explore.

Mr. Coelho: The neighbors to the north aren't gonna complain.

Mr. Phoenix: Naw.

Mr. Carpenter: My other concern Mr. Chairman, they had a waiver request, do we have a signed waiver request from the applicant?

getting the stuff out. I don't know that I have a problem waiving any of those under these particular circumstances.

Mr. Carpenter: As long as the application is signed, or request is signed.

Mr. Phoenix: It's been signed now.

Mr. Coelho: Is it time to make that waiver now or do we need to open it up?

Mr. Phoenix: Sure. We can do whatever.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Sure.

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Mr. Coelho: I would make a **MOTION** to waive Section 7.1.5 o. Additional Requirements: Lighting Plan #1; #2 Elevations showing the front rear and sides of the building design; #3 Signage design with dimensions and locations; and #5 Traffic study as none of those are changing substantially from the current conditions.
SECOND Mr. Carpenter.

Mr. Phoenix: And just for clarity since you kind of listed what the other ones were, 1 is the lighting plan with luminaire schedule, correct?

Mr. Coelho: Yes.

Mr. Phoenix: Ok, with that in mind, I will take a vote on this. All those in favor?
4-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Phoenix – yes.

Mr. Phoenix: Obviously if there are problems that are generated with the traffic, you're gonna end up hearing from us, or the applicant will, and we'll have to address those at that time. But especially given the other stuff. The other concern that I would have that kind of falls under the realm of waiver or special consideration would be that number of required parking spaces. Do we want to do public comment and then handle that or what's the Board's pleasure?

Mr. Coelho: Probably should. It doesn't look like there's anybody here for this.

Mr. Phoenix: That's why I'm not super.

Mr. Coelho: Call it out and then.

Mr. Phoenix: Does anybody from the public have anything to add or ask on this matter at this time? Hearing nothing, back to that parking situation which is fairly unique and may prompt us to adjust the verbiage in the bylaw.

Mr. Coelho: Moving forward, I think, listen, we have a site plan for this site now which is light years ahead of what we had two months ago. The parking is inadequate, but it's always been inadequate over there, and I think that as long as it's stays controlled and they understand that

Mr. Phoenix: It's not signed at the moment, so we would need to get that taken care of. We can discuss the waiver request, and then once it's signed, we can officially act on it. That was 1, 2, 3, and 5, I believe.

Mr. Coelho: --- you're the attorney for this?

Atty. Phillips: Yeah can I sign it for them?

Mr. Coelho: As an attorney you should --- in a legal.

Atty. Phillips: --- thank you, thank you.

Mr. Coelho: In my opinion.

Mr. Carpenter: Are you representing the applicant or just one of the tenants?

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2023 SEP 15 A 9:41
TOWN OF LUDLOW

Atty. Phillips: The applicant.

Mr. Carpenter: Ok.

Atty. Phillips: The owner of the property.

Mr. Coelho: Ok, I don't see why counsel can't sign for them.

Mr. Phoenix: If you just want to sign and note that you're signing as the representative. So, this would be the lighting plan, which I believe from what I saw on the plan, it looks like there's no contemplated change in the lighting for the site, just what's existing currently. So, I think that's pretty standard for us to waive under those circumstances. The front and side elevations which there's no change being made to the building at this point.

Atty. Phillips: None, except for that handicap ramp.

Mr. Coelho: --- signage design with dimensions.

Mr. Phoenix: Yup, the signage design with dimensions and locations, the signage that's already there is kind of on the overhang and then sometimes there's just stuff painted on the side, there's the other sign, which is called out on the plan. Is there any intention for any additional signage?

Atty. Phillips: I don't think. I don't see the veterans putting up any sign. They don't need one, and certainly the social club, but I don't think they had one at their last place.

Mr. Phoenix: Ok.

Atty. Phillips: I think they're nondescript to say the least.

Mr. Phoenix: And that would leave the traffic study, which I don't know that we're gonna be able to find a reliable traffic study on numbers for an after-hours social club for some people that want to just hang out together or a decent traffic study for numbers for the food distribution with specific appointment times. I think that kind of keeps things pretty, hopefully, steady for them

that's their limitations there, you know, I don't see why we shouldn't let them go with it. And if it becomes a problem, they have to understand that…

Atty. Phillips: --- the permit.

Mr. Coelho: Yeah, you know.

Atty. Phillips: Pull it.

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2023 SEP 15 A 9:41
TOWN OF LUDLOW

Mr. Phoenix: So, I guess I would entertain a motion to find that this is a somewhat unique situation given that the two businesses do not have overlapping hours and that it is a pre-existing site with pre-existing parking and that the applicant is aware of the constraints of the parking situation.

Mr. Coelho: **SO MOVED**.

Mr. Phoenix: And to therefore find that the parking as indicated on the plan is sufficient because it again is not overlapping.

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

Mr. Phoenix: We do still have outstanding comments from fire which are probably gonna be ok, but we haven't gotten back yet, and there is still a concern about the ADA compliance from the building inspector. Do we want to take any further action on this, or do we want to let the applicant come up with a way to resolve the ADA issue and give fire a chance to respond?

Mr. Coelho: I don't think he's gonna get a CO without either of those.

Atty. Phillips: And she made that clear I believe though Doug that she will not. We plan to put that ADA compliance ramp in there, absolutely.

Mr. Stefancik: There was a note on the plan too, propose 3.5 foot wide walkway curbs ---.

Atty. Phillips: Yeah, he's gonna do that.

Mr. Phoenix: Ok.

Atty. Phillips: Otherwise, we don't get a CO yet.

Mr. Phoenix: So, what's the board's pleasure here?

Mr. Coelho: I'll make a **MOTION** to approve the site plan for Mr. Ali Bulut, 4-8 White Street.

Mr. Phoenix: In more or less the standard form?

Mr. Coelho: In the standard form.
SECOND Mr. Carpenter.

Mr. Phoenix: Can I just ask for a slight amendment to that? That if anything does need to be changed to the site design in order to comply with the needs of fire or ADA compliance, that we get an updated site plan on file?

Mr. Coelho: Yeah, that's fine as amended.

Mr. Carpenter: I'll **SECOND** the amendment.

Mr. Phoenix: The mover and the second are ok with that, so on the main motion to approve in the standard form with that additional understanding, all those in favor?
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 closed at 7:29 p.m.

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APPROVED:

Joseph Queiroga, Secretary

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Documents: Master application; Waiver request; Comments from Town Departments/Boards; Existing Conditions Site Plan – 4-8 White Street Ludlow, MA – owned by Ali Bulut (8/8/2023)

(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 – SITE PLAN
14 Chestnut Place, 3rd Floor (Assessors' Map 13C, Parcel 54 and Map 14B, Parcel 9)
The Retreat of Boston LLC
(Add short term residential detoxification/medical services to existing medical building)
August 24, 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)

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The continued hearing began at 8:35 p.m. in the Selectmen's Conference Room.

In attendance: Robert Salmons, Lance Moore – Mid America Properties, Jorge Fonseca – Mid America Properties

Mr. Phoenix read the legal notice and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: Add short term residential detoxification/medical services to existing medical building.

Mr. Phoenix: As far as other things that I have that I need to make sure I have enough water to read, we have from our office, Doug went through the checklist, and there's a whole lot of checkmarks. There is notation on here, Additional Requirements 1, 2, 3, and 5, applicant will need to sign waiver request form, which that would be everything except where the area for where snow would be stored. So, that would be the traffic study, signage design, elevations, and the lighting plan. We also do have the waiver request form handy dandy right here. If someone would care to circle those items if those are in fact things that you want waived and sign off on that. I do additionally have from Department of Public Works, no comment. From Building Department, code review required for permitting through the Building Department. I believe that's all the comments that I have. Yeah, so if you guys don't mind, can you explain for us what you're looking to do?

Mr. Salmons: Yeah so, The Retreat of Boston, we are located in two other states, one in Florida, one in Georgia.

Mr. Phoenix: That would probably explain why I saw a different name on one of the papers. Because there was The Retreat of, I think, Broward?

Mr. Salmons: Yes, one is called The Retreat of Broward, one is called The Retreat of Atlanta. This one is gonna be called The Retreat of Boston. It is an ATS CSS program for inpatient detoxification.

Mr. Coelho: Can you define ATS CSS for us? We're not in the business, so.

Mr. Salmons: It's, you got me off guard there, it's acute treatment services and, God, you got me really good on the CSS part. This is Mass. terminology. Typically, it's called residential treatment and detoxification. Mass. uses that acute treatment service and CSS standard. --- saying, so I apologize for that. It is a short term, so the patients will be there for no more than 30 days on the residential end. On the detox end, the patients will stay no more than 7-10 days. It is 24-hour nursing, and 24-hour medical. So, there'll be a nurse there 24/7 along with a nurse practitioner and a medical doctor, along with a licensed clinical social worker on each shift is required. The max capacity that we're looking for is roughly around 34 beds. So, pretty much what we have going right now is we have the approval from ---, the Department of Public Health, and, you know, letting us know that we are able to open. We found the site, which we have the owner here today, who acknowledges and accepts the term use of the building and from my understanding that there's similar uses within that building. There's 24-hour recovery residence for females located on the 2nd floor and I believe that there was a prior use for inpatient also. So, there's also an outpatient clinic downstairs on the bottom lower level. So, from what I gathered from Doug is that the use relatively is the same.

Mr. Phoenix: Ok.

Mr. Coelho: CSS stands for clinical stabilization services.

Mr. Salmons: Thank you.

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Mr. Phoenix: I think of CSS as cascading style sheets but what do I know.

Mr. Coelho: So, this is clinical, you know.

Mr. Salmons: Clinical for the residential end and medical for the detox.

Mr. Phoenix: And I'll be honest, when I was looking at this on my phone screen when I was reviewing things earlier, I was not thinking the correct building, so I think this is a better fit for here than for where I was thinking it was going. I was trying to figure out how some of those details worked out, but I was just having a difficult time, especially with all the things that are pulled out and called out and I was getting lost scrolling around on my phone. Does anyone from the Board have any comments, questions, or concerns?

Mr. Carpenter: What was the previous use on this?

Mr. Phoenix: How far back do you want to go?

Mr. Carpenter: It's the hospital, right?

Mr. Moore: We can start in 1906 if you'd like.

Mr. Carpenter: No, I'm talking the last use. I don't want to go that far back.

Mr. Moore: The last use was an identical use basically. It's the tenant that on the 2nd floor, used this for a year's time, and then they also used it during COVID for a COVID separation area as well. And then prior to that, HealthSouth used it for 14 or 15 years as an inpatient. This specific floor is an inpatient facility for rehab.

Mr. Carpenter: And I, forgive me if I missed it, is it just drug detoxification or is it alcohol or both or?

Mr. Salmons: It's both.

Mr. Carpenter: It's both, ok.

Mr. Coelho: And how long has this retreat company been around?

Mr. Salmons: Six years.

Mr. Silva: Is this a walk in, walk out for the patients? They can get in and out every time they want? Is this something that they are?

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Mr. Salmons: Yeah...

Mr. Silva: How does the treatment actually work? What's this program pretty much?

Mr. Salmons: Sure, so the clients are locked in, essentially. They're not allowed to leave, and no one's allowed to come on property. They're not allowed to bring their personal vehicles. They must be picked up at the train station or home. So, pretty much from start to beginning if a patient wanted to admit, they would have to meet signs of needing clinically medical detox. They'd have a preassessment done. If they met those standards, then we would admit them. We would essentially go get them or, or yeah, we would go get them. There'll be a...

Mr. Phoenix: Just to pause you there for a second, as far as going in and getting them, what does that look like? Is that something where, I mean, it used to be a hospital there, so ambulances certainly wouldn't be completely out of place, but what does that look like? Is there like a regular vehicle?

Mr. Salmons: Yeah, like a regular vehicle.

Mr. Phoenix: A non-descript kind of thing.

Mr. Salmons: Nothing emergency. That would constitute them having to go to the ER if something like that. But they would have to be stable enough to get into the vehicle, get out of the vehicle. If they're too much intoxicated they would have to go to the hospital. So, it would just be a standardized vehicle. They would have their personal belongings. They would be walked into the building, and once they are on the unit, they cannot leave the unit. If they decide to leave the unit, typically, you know, a staff member would follow them all the way to hopefully a safe place, whether that be a convenience store in their town. Typically, what we like to do is, if they want to leave, we would bring them to the safest place which is a hospital nearby or Walmart. We say Walmart because it's a public place, and if they tend to use drugs, somebody would be there. So, we say that's a safe place.

Mr. Phoenix: Specifically, because you mention bringing people to a hospital. I just want to make sure, and I suspect that this is fine, but I do work for one of the area hospitals. I'm just curious, do you have any kind of agreements in place with the hospitals in the area just so that I

can make sure that there is some reason I stay out of this so that there's no appearance of any impropriety?

Mr. Salmons: We have not. --- just yet. We are, that is part of --- is for us to, in order to open we have to create some sort of a --- emergency. So, I can't say that that might not be a hospital down the line.

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Mr. Phoenix: Ok, so for my own personal comfort level.

Mr. Salmons: We could, I could definitely take the name of that and stray away from it down the road.

Mr. Phoenix: Well, I don't want to influence things one way or the other, so what I would say is I will disclaim now that I have no vested interest in, you know, the organization that I work for doing well or doing poorly other than just generally keeping my job or not, I don't have any kind of investment sort of thing through them. I don't have any decision making power in any particular way whatsoever or any way to influence any decisions with that organization and I'd rather leave their name out of it because I don't want any appearance that anything that I'm doing is representative of them at all. I'm just doing this as I would for any other property in town as a member of the Planning Board. And depending on how things go, I may end up recusing myself from the decision making, but I think at this point I'm still comfortable staying involved unless the Board disagrees, I'd certainly be willing to bow out.

Mr. Coelho: I don't have any problem with you.

Mr. Carpenter: Yeah, I know what you do for a living, I don't think you have any vested interest in.

Mr. Phoenix: I just want to make sure that I'm staying as clean as I possibly can on that.

Mr. Coelho: Would a motion help you Mr. Chairman?

Mr. Phoenix: I don't know that it would.

Mr. Carpenter: We thank you for your disclosure and it does not bother me.

Mr. Phoenix: I hope…

Mr. Salmons: I don't know whether to go left or right from this, so ---.

Mr. Carpenter: They don't know where you work and they don't have a deal with anybody yet, so.

Mr. Phoenix: They don't have a deal and I'm not part of any deal making, so.

Mr. Carpenter: Yes, correct.

Mr. Silva: What is the reason you want to open this in Ludlow? Do you have a --- 34 beds, so you open this, you already have people waiting to be institutionalized? I'm sorry.

Mr. Salmons: Yeah, Ludlow hit our radar, and just because of the determination of need. Not Ludlow specifically, the surrounding cities around Ludlow are becoming horrifying.

Mr. Silva: --- accommodate people from other cities?

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2023 SEP 15 A 9:41
TOWN OF LUDLOW

Mr. Salmons: Yeah. Springfield.

Mr. Phoenix: I would have to imagine too, our proximity to the Pike is probably attractive as well.

Mr. Salmons: The Mass Pike?

Mr. Phoenix: Yeah.

Mr. Salmons: Yes, yes, you have Connecticut here. There's a lot of connections I'm assuming. I don't go with the demographics, I just know when I did the application pretty much, you know, it was really Springfield, however, we are an inpatient program and you can't just walk in, as you guys know, to any little old building and say hey I want to, nobody's looking to do ---. Nobody's looking to go that far into it. Luckily, these guys have a building that is specifically used for that and that meets the proximity of where we want to be.

Mr. Coelho: It's an old hospital.

Mr. Salmons: It's a very old hospital.

Mr. Coelho: Just like a lot of these marijuana facilities are buying old banks because they have vaults, you know?

Mr. Carpenter: Mr. Chairman, I do have one concern in regards to the plan.

Mr. Phoenix: Ok.

Mr. Carpenter: The box only has Joe's signature spot, so. If we approve or deny.

Mr. Silva: I have a safety concern too. I live on this street. I have a safety concern. That's my opinion on this.

Mr. Salmons: Understood, understood. I can tell you that, and I tell a lot of people this, that if there is a program that you do put in place, keep in mind that there's an outpatient program on that street where patients come and go. Hey, I'm gonna go take a stroll to Dunkin and I'm gonna rob a car on my way there. These patients are picked up from where they live and they are directly brought to the front of the building.

Mr. Silva: You said that you had one SUV, what about if more of them want to go at the same time?

Mr. Salmons: No, no, no, no. So, patients are not, so let me say this, patients are not allowed to come on property. If they come on property without an admit, they're immediately escorted off or the police are called. When I say vehicle, like our retreat in Broward, we have seven vehicles. Our Atlanta location has thirteen. So, essentially, you know, majority of the patients are going to

be picked up from home and brought to the front of the building, brought into front, into the building by staff. If a patient strays from that direction, again, the staff are not allowed to leave. So, if he ends up in front of your house ten houses down, there's a staff member right there with him. Like hey, you can go, or you're going to jail, one or the other. Either come back to the program or let us take you away, which is typically Walmart, Target.

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Mr. Silva: So, you're saying typically this happens often?

Mr. Salmons: It doesn't, it doesn't. Usually, the outpatients get tricky because outpatients, they stand outside, they smoke cigarettes, they walk down the street, they're robbing the convenience store, they're looking for money to get high because they have that freedom. Detox, they can't just come and go, you know. They are pretty much locked down. Much safer I would say than the outpatient. You have overdoses, you have clients that are coming in going to ---, getting high in the parking lot, smoking, doing drugs, whatever they're doing, copping from the dealer around the corner. Us, they're coming from Quincy, they're not from Ludlow, or they're coming from Springfield. They probably are familiar with Ludlow, but again, they're simply brought to the property, escorted into the unit which is the third floor where that unit is securely, I wouldn't say securely locked, however, the whole unit will be alarmed, so if that door opens, a staff member will be right there, right on top of the patient, and again, we follow that patient. They can't just go on the property and start roaming around and walking down the street. And typically clients are not inclined to leave us 'cause when they leave, we have a strict policy. If you want to leave today, I hold your property for 72 hours. So, that means I have your wallet, your cellphone, and you're not getting it back.

Mr. Silva: Those are the terms?

Mr. Salmons: Those are the terms. And likely for a drug addict, we need a cell phone or we need, we need some sort of communication. So, they're more inclined to stay in the detox, outpatient can get messy.

Mr. Coelho: Majority of your clients voluntary or court ordered?

Mr. Salmons: Voluntary. They can't leave ---.

Mr. Coelho: They're looking for help actively.

Mr. Salmons: Yes. We don't accept court ordered unless it's like a scholarship. When I say scholarship, meaning somebody who does not have MassHealth or they do not have insurance or any way to pay because if you're court ordered, the insurance will not authorize to be there. So, it gets tricky.

Mr. Coelho: The majority of your clients are voluntary looking for help.

Mr. Salmons: Yeah. And what happens is when they finish detox, sometimes they don't always go to the next level which is residential where they'll stay for 30 more days, sometimes they're looking to just detox, and that's fine. But we have a strict setup, so if the patient finishes their detox stay after seven days, they'll be stepped down to lower-level care which we'll help them if they want to go to a sober living in Springfield or Worcester. Again, they…

Mr. Silva: You're picking the worst cities for ---.

Mr. Salmons: I'm not too familiar.

Mr. Coelho: But that's where the problems are, so that's where these people are coming from, you know. You're not gonna go looking for help ---.

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Mr. Silva: He's saying bringing them back, he was saying ---.

Mr. Salmons: Like typically if a patient comes in, they come in directly from home and they live at home, we will try our hardest to commit them to go to more levels of care because going home wouldn't be the answer. You want to go to a sober living, you want to go to a halfway house, listen, we're gonna get you there.

Mr. Phoenix: There's a lot of work to break those habits because hanging out with the same friends doing the same stuff, you're gonna end up doing the same stuff.

Mr. Salmons: Right. So, we take them, if they found a sober living in Falmouth, the Retreat of Boston transports them from Ludlow all the way to Falmouth. So, you don't have to worry about a client in your backyard in the middle of the night.

Mr. Silva: --- you explained ---.

Mr. Salmons: --- knocking on your door. We would knock on your door and say, hey listen we have a problem in your backyard, but it's never happened.

Mr. Silva: Thank you for the explanation.

Mr. Phoenix: Does anyone from the Board have anything else at this time?

Mr. Carpenter: Is the one signature spot an issue?

Mr. Phoenix: Not insurmountable. I think I also did see a notation somewhere that Joe would be able to come in tomorrow to sign some stuff. But before we get that far down the path though, this is a public hearing, I am gonna open it up for public comments, questions, concerns at this time. If anyone does have anything, I would just ask that they state their name and address for the record, and address whatever it is through myself as chairman, and we'll do our best to get you any information you need. Does anybody have anything? Hearing nothing, the signature issue aside, do we have a motion that someone would care to make on the application as submitted?

Mr. Coelho: Mr. Chairman I will make a MOTION…

Mr. Phoenix: Actually first, we have to do the waiver, my apologies.

Mr. Coelho: No problem.

Mr. Carpenter: --- sign it, Mr. Chairman.

Mr. Phoenix: And I do believe that was signed.

Mr. Salmons: Yeah, so this waiver, I'm very, again, illiterate when it comes to this.

Mr. Phoenix: Sure, so the idea is…

Mr. Salmons: We're not changing anything.

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Mr. Phoenix: And that's where this comes in. So, generally people will circle number one if they're not changing any of the lighting on the site, which it sounds like you're not changing any of the lighting on the site. Number two, I believe, is the elevations, which you're not changing any of that. Number three, I believe, is the signage, which you're not gonna change like where the signage is on the property or anything like that that I'm aware of. I think it's just maintaining the existing signing. And then five is the traffic study which I think we would consider this largely under the uses that we've already seen for the property.

Mr. Coelho: --- and all that stuff.

Mr. Salmons: Yeah, no visitors are allowed on the property.

Mr. Phoenix: And so, I do have a signed waiver request for actually, 1, 2, 3, 4, and 5. I think four might be considered somewhere on here, but that can just be handled as is. Is there anyone who would like to make a motion on the waivers as requested?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I'll make a **MOTION** to waive 7.1.5 o. Additional Requirements 1-5 in the standard motion.

Mr. Phoenix: So just to, is that the waiver or is that an approval as well?

Mr. Coelho: No, it's just the waiver.

Mr. Phoenix: So, just to grant the wavier of 7.1.5 o 1-5 with the same understanding as we've already talked about that most of those things are not changing from existing.

Mr. Coelho: Correct.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Phoenix – yes.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Yes.

Mr. Carpenter: I **MOVE** to approve and, oh my God do we sign it? No, I **MOVE** to approve the plan for The Retreat of Boston located at 14 Chestnut Place.

Mr. Phoenix: In the standard form?

Mr. Carpenter: Third floor.

Mr. Phoenix: In the standard form?

Mr. Carpenter: Yes.

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Mr. Phoenix: And I heard a discussion?

Mr. Coelho: Sure. Do you normally reach out to the local Board of Healths because I know we have programs here too, and maybe you guys can work out together with them? Maybe you can schedule and informal sit down with them as well to discuss the services you're gonna offer and maybe they could help you and you can help them. Would that be a problem?

Mr. Salmons: Yes, during actually the zoning and building process, we will have to have a sit down with the Board of Health here.

Mr. Coelho: Great.

Mr. Phoenix: So, the motion as I understand it is to approve the site plan as submitted in our standard form. Is that a fair understanding according to the mover and the seconder?

Mr. Coelho: Yes.
4-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Phoenix – yes.

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

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

The public hearing closed at 9:01 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

Documents: Master application; Waiver request; Comments from Town Departments/Boards; Updated Site Plan – Mid America Properties, LLC – 14 Chestnut Place Ludlow, MA (Revisions 10.25.2018); A-3 Third Floor Plan

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