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

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PLANNING BOARD MEMBERS

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

The meeting began at 6:30 p.m. in the Selectmen's Conference Room.

Mr. Phoenix: I'm going to entertain a MOTION to go into executive session to discuss pending litigation.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
Mr. Phoenix: Wait, wait, wait, and then to re-enter regular session immediately following.
Mr. Carpenter: **SO MOVED.**
Atty. Chaplin: We have a declaration by the Chair for discussion of litigation in open session to prepare and --- the Board's position in the litigation.
Mr. Carpenter: As amended.
Mr. Phoenix: As town counsel stated.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho - yes; Mr. Queiroga – yes; Mr. Phoenix - yes.

The Board entered into executive session at 6:31 p.m.

EXECUTIVE SESSION – Pending Litigation – Attorney Steve Chaplin
JLL Real Estate, LLC v. Planning Board of the Town of Ludlow, et al.

SEE SEPARATE MINUTES

The Board resumed the regular meeting at 6:54 p.m.

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 57. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of October 26, 2023

File Mail Item #58 – MassDOT Highway Division Project #613542 – Chicopee – Ludlow – Cleaning and Painting of 9 Bridges Carrying I-91

Site Sketch – Paulo M. Dos Santos (CPN & J Realty LLC) – 326 Sewall Street (Assessors' Map 15B, Parcel 4) (update site plan for tattoo shop and relocate dumpster)

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Change of Occupancy – Jonathan Cordeiro – 326 (left) Sewall Street (tattoo shop)

Jonathan Cordeiro was present for the appointment.

Mr. Stefancik explained that the applicant is updating the site sketch because the rear of the house was never defined as two units with the left side being the tattoo shop and the right side being the driving school, and that the dumpster location is changing to the rear of the property. He also noted that the original site plan was done in August 2020.

Mr. Phoenix said that there is a waiver request for the full registered site plan in favor of a site sketch, and a waiver of the public hearing.

The Planning Board discussed the anticipated business hours and traffic for the tattoo shop with Mr. Cordeiro and whether a public hearing would be required for the change of use. They also reviewed the parking requirements on the chart. The Board agreed that the parking shown on the plan is not clear.

Mr. Phoenix: I'll entertain a MOTION to grant the waiver of a full plan down to a sketch on the condition that the applicant come in and that we do not waive the public hearing and that they update the plan to make it more clear as to what's going on and explain what actually is happening on the plan and ensure that the plan is reflecting completely and accurately what's happening there.

Mr. Carpenter: That's for a site sketch.

Mr. Phoenix: That's to approve the waiver on the plan to a sketch and to deny to waiver of the public hearing.

Mr. Carpenter: **SO MOVED.**
SECOND Mr. Queiroga.
5-0 in Favor.

Mr. Phoenix said that the updated plan needs to show that there isn't still a driving school on the left-hand side of the building, make sure that the counts on the parking match the parking that's shown on the plan, and that the calculations on the table match up properly.

Documents included: Master application; Waiver request; Comments from town depts/boards; Site Plan – 314-330 Sewall Street Ludlow, MA – owned by CPN & J Realty, LLC (August 4, 2020)

CONTINUED PUBLIC HEARING – Site Plan – PREM, LLC – 21 Harding Avenue (Assessors' Map 12C, Parcel 70) (approval for an all-alcohol package store)
(Request for continuance to December 14, 2023, from Joshua Levine, Esq.)
SEE ATTACHED MINUTES

Center Street Overlay District

The board reviewed the map layers and requested that additional maps be provided to show all properties 150 and 200 feet from Center Street. Mr. Stefancik will provide those maps for a future meeting.

Mr. Phoenix said that he would like to have this ready for the 2024 May Town Meeting if possible.

The Board also discussed the benefits of the Community Preservation Act.

Documents included: Center Street Overlay Abutters Within 100 Feet (map)

Mr. Phoenix: Hearing nothing, I'll entertain a **MOTION** to adjourn.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
Mr. Phoenix: Strangely, those are always in order and not debatable.
5-0 in Favor.

Meeting adjourned at 8:24 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
21 Harding Avenue (Assessors' Map 12C, Parcel 70)
PREM, LLC
(approval for an all-alcohol package store)
November 9, 2023

PLANNING BOARD MEMBERS

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

The continued public hearing began at 7:32 p.m. in the Selectmen's Conference Room.

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In attendance: attendees

Mr. Phoenix: We do have a bit of new correspondence. Is this also new, Doug?

Mr. Stefancik: Yeah, the peer review is in case you wanted to have their traffic study reviewed, this would be the peer review proposal.

Mr. Phoenix: Well, that's a whole separate conversation. Let me go through the other letter because maybe that gets pushed to the next thing. *(Mr. Phoenix read the request for continuation letter from Joshua Y. Levine – see file.)* As far as continuing, I don't necessarily think there's a problem continuing. I do have a major issue with doing it on the 14th of December. What would be the next meeting that we have on the books after that?

Mr. Silva: That would be 2025.

Mr. Phoenix: What's that?

Mr. Carpenter: He said that will be 2025.

Ms. Urban: January 11th.

Mr. Phoenix: Would that be at 7:00?

Ms. Urban: Yes.

Mr. Phoenix: Ok, so we've got that. We also do have this peer review proposal. I know there was a brief mention of possibly having someone else take a look at the plan and do some review on some of it. Who solicited for the proposal?

Mr. Stefancik: I did.

Mr. Phoenix: You did. Ok. So, this would be having a third party that we select review it on the applicant's dime, correct?

Mr. Stefancik: Yes, they would have to accept it and pay for the cost.

Mr. Phoenix: Ok, so I would think we probably really shouldn't discuss that much until after we have the applicant here to be able to talk about it with us. Does that sound appropriate to everybody?

Mr. Queiroga: Yes. Is that what you're here for, I'm assuming?

Mr. Coelho: ---

Mr. Phoenix: That's the item she's here for, yup.

Ms. Mendes: ---

Mr. Phoenix: No, they asked for us to continue it because they wanted time to do more stuff. That's pretty much all I have is the stuff that Doug prepared from the third party and the request to continue. There is also, I don't know if it's notable or not, but it looks like the letter that I read may have been a word doc that was attached to an email and the email is also in here. I suppose I should probably read that too. *(Mr. Phoenix read the email from Joshua Y. Levine to Doug Stefancik dated November 3, 2023 – see file.)*

Mr. Carpenter: Yes?

Mr. Coelho: Always about you.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

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Mr. Carpenter: I make a **MOTION** to continue the public hearing to January 11th at 7:00 p.m. **SECOND** Mr. Queiroga.

Mr. Phoenix: With the Board's indulgence, can we walk that back for a moment?

Mr. Carpenter: Ok.

Mr. Queiroga: Sure.

Mr. Phoenix: I know you're here tonight, so I just wanted to make sure that if there is something you'd like to say while we're in session, that you do have a chance to speak your mind before we continue to another night. Is there anything that you wanted to add on the matter at this time?

Ms. Mendes: When I was here last time I got the information, it was just a small store there, but it's the whole building.

Mr. Phoenix: That's my understanding. They're taking over that building.

Ms. Mendes: --- see, I thought it was just a smaller, he's buying and selling the whole building, right?

Mr. Phoenix: Yeah, the day spa building there.

Ms. Mendes: The whole thing, even --- the owner has the carpet store, yeah ok.

Mr. Phoenix: Is there anything else we can answer for you? Anything else you wanted to say?

Ms. Mendes: I don't think ---.

Mr. Phoenix: Ok.

Ms. Mendes: I don't think ---.

Mr. Phoenix: Well, if there's anything that you have that you want to say, you've got an open floor at the moment.

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Ms. Mendes: --- I said before it's gonna be terrible.

Mr. Phoenix: Ok, I don't think you're gonna find too many people, at least in this chair, that disagree with you. I don't want to speak for anybody else.

Ms. Mendes: I've been taking pictures of trailers. Last week it was two trailers ---, one was going to the carpet --- one was going to CVS. They were in front of my house trying to get on one side, the other side and --- every day. --- park on the ramp, now they park in front of the store. So, there's one this side, there's one the other side doing deliveries for CVS. That's a lot of traffic there, you know? ---

Mr. Phoenix: Yeah.

Ms. Mendes: --- will be so many different companies delivering to the package store. How many, how much traffic will be there?

Mr. Phoenix: Yeah, and I'll tell you, I was at the hospital with my wife a couple of weeks ago after we had had that last session, and when we were coming home after everything, it was basically afternoon rush hour when we were coming off the Pike and I'll tell you, I was not coming off the Pike at rush hour thinking you know what would be really good, getting an extra 80 trips per hour through this intersection. That is not what I was thinking.

Ms. Mendes: I just, I take the Mass Pike every day. The other day took me four lights, not because it was, the cars were stuck in Center Street. They couldn't go when the light got, the other lights got red. I mean, my light got green, 'cause I live across the Mass Pike, but the light got green and green and red and green, the cars didn't move, the cars on Center Street because there was so much traffic until McDonald's. It just ridiculous. It just, you have to be live there. You know, whatever it is.

Mr. Phoenix: I agree, and I'm paying a lot of attention to, not specific to this particular proposal, but to that intersection. You know, we had made some changes, they way things are striped on

the ground over on the opposite side of the street there. If somebody's trying to take a right on the Pike, they are not waiting until they get past the box at Starbuck's before they go over.

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Ms. Mendes: Because I almost got hit ---.

Mr. Phoenix: Everybody just cruises right down that lane.

Mr. Silva: ---

(multiple people talking)

Ms. Mendes: --- and it was only like a little carpet store. It was a big building there facing Center Street and it was a little ---. It was residential. That's why we bought this house.

Mr. Phoenix: Yeah and.

Ms. Mendes: And all of a sudden --- I would say five years it was.

Mr. Phoenix: And I think, you know, the problem that we're up against, quite frankly, is that ever since the Pike entrance got put in there it's been destined that that whole area is going to move more and more commercial. It's just that's the nature of things. But there's still those residential properties that abut it, and a lot of these properties are not huge. And then they try and put in businesses that have a lot of intense use or that generate a lot of traffic and you try and put too many intense uses together, it's hard to sustain that traffic no matter what we're trying to do on the street and it's not necessarily any one specific business's fault, but it's that accumulative factor of all of these things over time that just keep stacking up one after another after another. And it's, I know the other thing that we have on our agenda tonight is talking about trying to do some changes to that whole corridor to say that the Planning Board needs to have more control over what's going on than what we currently do.

Mr. Coelho: By changes we don't mean physical changes, we mean regular law changes, you know?

Ms. Mendes: --- talking about Paul. Paul is my nephew. And he was supposed to be here but he couldn't. So, he told me, it's a matter of fact, he told me if he can ---. And then I said make sure you tell them, he suggested to close the two street, ---, close like the first stop sign at Loopley Street. I think it's Blanchard --- 'cause he owns a house in front of Dunkin Donuts. So, it's the same thing. They have a hard time getting out of the driveway. So, block those two streets. Because half of the traffic, it's not so much from CVS and, it's from the people who cross to Blanchard and the other street, Chapin Street.

Mr. Phoenix: Yup, there's a lot of cut through traffic and it's not helped by the fact that there's so many curb cuts there. I mean, CVS has four. That's crazy.

Ms. Mendes: So, if they go in so, I think I understood, they will get into the package store through Center Street but then they go getting out of my…

Mr. Phoenix: Well, it's not gonna be regulated in the site so people are gonna do what they're gonna do.

Mr. Silva: ---

Mr. Phoenix: I mean, people still try and drive straight across Center Street to go between Starbucks and CVS. People still try and take a left out of the ramp at the top of the Big Y plaza at rush hour. People are gonna do the crazy things that they do but if it were me, if I were trying to get in, I would try and use the light as much as I possibly could to my advantage. And if I were trying to get out of the lot, same thing. If I go over to Subway, I try and go through Dunkin and come out through the light because I don't want to deal with the traffic to get out of there.

Ms. Mendes: Another thing Paul said, he went to talk the owner, and --- and he was saying he, when he sold the land to CVS, they was, like you guys were talking about, the eighteen parking spaces so they could use, the store could use, but there was, the contract between CVS and him, it was to him. So, if he sells the business, is it gonna be still valid?

Mr. Phoenix: From what the lawyer said, it sounds like yes, that that agreement is able to transfer with the ownership.

Ms. Mendes: I see, I see, yes. 'Cause Paul had asked me to ask that.

Mr. Phoenix: Yeah, that's my understanding based on what the lawyers were saying last time but it's…

Mr. Coelho: That still doesn't diminish the fact that the business proposed there is so high impact, that, you know.

Ms. Mendes: It is a lot ---.

Mr. Coelho: Compared to what's there now.

(multiple people talking)

Mr. Phoenix: Yeah, so we'll…

Ms. Mendes: Will be January 11th.

Mr. Phoenix: I'm gonna ask for the motion one more time now that we're done with making sure you had a chance to speak, and then we'll, I think that's where that's gonna end, yeah, January 11th at 7:00.

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Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

Mr. Carpenter: I make a **MOTION** to continue the public hearing to January 11th at 7:00 p.m.

Ms. Mendes: And if I was younger I'd get into this. ---. Ok, thank you.

Mr. Phoenix: It's a trip. Ok, is there a second?
SECOND Mr. Queiroga.
5-0 in Favor.

The public hearing was continued until January 11, 2024, at 7:00 p.m.

APPROVED:

Joseph Queiroga, Secretary

su 12/14/2023

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Documents: Master application; Comments from Town Departments/Boards; Email from Christine Bray re: Proposed use of 21 Harding Ave. (September 21, 2023); Existing Conditions Site Plan – 21 Harding Street Ludlow, MA – Owned by KMAC, Inc. (8/16/2023); Email from Joshua Y. Levine to Doug Stefancik (November 3, 2023); Request for continuance from Joshua Y. Levine (November 7, 2023); Proposal for Traffic Engineering Services – Peer Review from McMahon (October 30, 2023)

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