

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
January 26, 2017**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Edgar Minnie – Vice Chairman (Absent)
Christopher Coelho (Present)
Kathleen Houle (Present)
Joseph Queiroga - (Present)

RECEIVED
TOWN CLERK'S OFFICE
2017 FEB 24 P 3:54
TOWN OF LUDLOW

Meeting began at 7:01 p.m. in the Selectmen's Conference Room

**PUBLIC HEARING – ZONE CHANGE – Ludlow Center, LLC (The Colvest Group) –
485 Center Street (Assessors' Map 16A, Parcel 52)(Residence A to Business A)**

SEE ATTACHED MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ APPROVE/SIGN Minutes of December 8, 2016
 - ◆ FILE Mail Item 9. - Legal Notices from surrounding communities
 - ◆ APPROVE Change of Occupancies:
 - James Haas – 40 East Street (Amped Rehab)(physical rehabilitation facility)
 - Sheetal Patel – 259 Fuller Street (Our Town Variety)(convenience store)
-

**File Mail Item #6 - Pioneer Valley Planning Commission's 2016 Major Accomplishments
Annual Report**

**File Mail Item #7 - Approval of Special Permit - Ludlow Zoning Board of Appeals – 30
Green Street**

**File Mail Item #8 - Petition for Zone Change – 720 Chapin Street – John Garcia -
forwarded from the Board of Selectmen**

*(A public hearing for the Zone Change is scheduled for January 26, 2017 with the Planning
Board)*

PUBLIC HEARING – SPECIAL PERMIT/DRIVE THRU – Dorothy Fleishman (Ludlow Sunoco #04056) – 425 Center Street (Assessors’ Map 12C, Parcel 83)(drive thru for existing car wash & operation of an existing service station)

SEE ATTACHED MINUTES

APPOINTMENT – Tony Jarvis – Ludlow Zoning Board of Appeals – Bylaw discussion (nonconforming uses)

The appointment was cancelled by Mr. Jarvis.

135 Carmelinas Circle – marked parking spaces

Mr. Stefancik explained that as part of the approved Change of Occupancy (*C & S Auto & Diesel, 01/12/17*), the Planning Board had asked him to go out and check the parking lot for striping. He said that the parking lot is not striped at this time. Mr. Stefancik noted that the parking area is paved.

Mr. Queiroga: I make a **MOTION** to that effect to send a letter to Mr. Baltazar to, and at the same time, tell him how many spaces he needs to mark out, ok? If he has any questions he can contact our office.

SECOND Mr. Coelho.

4-0 in Favor.

Mr. Stefancik will send a letter to the owner of the property, advising them that striping is needed.

Iron Duke Brewery

Mr. Phoenix explained that Iron Duke is doing a really solid business at the Mills, and that they’ve been a good resource for Town, including fundraising. He said it looks like they may be pushed out of their location. Mr. Phoenix mentioned that the Board has given a lot of latitude to Westmass Development as far as how that piece of property operates, including input on the Bylaws.

Mr. Stefancik said that Mr. Nelson of Westmass came in during the past week, and that his reasoning for the conflict is that Iron Duke has to follow the lease. Mr. Queiroga mentioned that Mr. Nelson contacted him also.

Nick Moran of Iron Duke Brewing said that parking and space have been issues between themselves and Westmass. He said that he has had conversations with Westmass on how they can improve the parking for their business, and about expanding the business. Mr. Moran noted that he is hoping to have further conversations with Westmass on creative solutions to figure out what both parties can work towards. He explained that Westmass has asked them to limit the amount of traffic that they have come through there, which is negatively impacting their

business, and that the biggest disagreement that they are having is the interpretation of the lease of what they can and cannot do. Mr. Morin remarked that Westmass has also asked them to discontinue the food trucks at the site.

Mr. Phoenix said that on a project like this, where there is a large piece of property with an abundance of space and resources, when you have a business that's growing and wants to continue to do well, it would seem to make sense to utilize some of that resource to make that happen. He also mentioned that it would seem that generating more traffic, whether by vehicles or foot, traffic in general going to that property, that it's good for the whole project and the Town.

Mr. Coelho: When this project was sold to us by the powers that be at Westmass, it was the grandiose long term future plan thing with a beautiful Riverwalk, and we want to, you know, have restaurants and shops and all this beautiful, remember those ---? It's all beautiful, it's all beautiful. Now what I'm seeing, coming to fruition, is we're catering to the Winn Developments, we're catering to the Healthsouths, which is fine. We need those. I get it. Not we, Westmass, Westmass is catering to them. You know, it's pretty easy to get Winn Development and give them all this square footage and let them do what they want to do and make money off of them. It's a little bit more of a challenge to support one of our local businesses. And those are the businesses that are gonna stick with us through thick and thin, are businesses like the Iron Duke. And I think the fact that they're choking them out a little bit with this, regardless of what the lease says. I'm not a lawyer, and that's beyond me, but these are the kinds of things that should be supported in this Town. We've dropped the ball three times this year, or the past two years, spurring new business growth in this Town. Property tax rates can only take so much before they have to go up. If we don't support these kinds of businesses in this Town, it's our fault, shame on us. With that being said, I would, I'd like to make a **MOTION** to send a letter to Westmass in support of the Iron Duke Brewery, carefully worded Doug, to say that as a community, which is evident by the petition, and evident by most of the feelings of the people in this room right now, that we support continued growth by Iron Duke Brewery, and we can, whatever we can do to help iron out any problems over there with parking or, you know, planning related problems, we're here. We're here to help those problems. That's about all we can do as a Planning Board, but, you know, the lease stuff and the legal stuff, that's between you guys and them. You know, anything that comes to Special Permits or licensing or whatnot, I am going to make a concerted effort to do what we can because it is in the best interest of the Town.

Mr. Queiroga: And I'd like to add to that Doug, that somewhere in that letter, that we also say that we encourage them to come to some sort of an agreement to meet these people halfway so they can continue their business.

Mr. Phoenix: Is that a continuation of the motion that everybody's in favor of?

Mr. Queiroga: Yes.

Mr. Phoenix: And is that a second?

Mr. Queiroga: That's a **SECOND**.

4-0 in Favor.

Mr. Stefancik will compose a letter to send to Westmass, in support of Iron Duke Brewery.

Mr. Phoenix: So, unless we have anything else on that, it does appear that that's the last on our agenda for this evening. Is there a MOTION to adjourn?

Mr. Coelho: **SO MOVED** to adjourn.

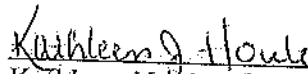
SECOND Ms. Houle.

Mr. Phoenix: Always in order and not debatable.

4-0 in Favor.

Meeting adjourned at 7:49 p.m.

APPROVED:



Kathleen Houle - Secretary

su

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

**TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – ZONE CHANGE
485 Center Street (Assessors' Map 16A, Parcel 52)
Ludlow Center, LLC (The Colvest Group)
January 26, 2017**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Edgar Minnie - Vice Chairman (Absent)
Joseph Queiroga (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)

Hearing began at 7:01 p.m. in the Selectmen's Conference Room.

In attendance: Peter LaPointe

Mr. Phoenix read the legal notice which included the description of: Zone change requested from Residence A to Business A. Reason for Requested Change: Rezone parcel to conform to the zoning of the adjacent properties.

Mr. Phoenix: So that's my way to open it up. If you'd like to explain to everybody what's going on, and I will just advise people this is on a zone change proposal. This isn't on any specific site plan that might be going in on the property. This is just the zoning itself in general, and any action that the Planning Board takes tonight would be recommending of a vote to Town Meeting either in favor or opposed. We wouldn't actually be doing that here tonight, so.

Mr. LaPointe: Thank you. My name is Peter LaPointe. I'm a project manager for the Colvest Group. We're a commercial development firm with offices at 1259 East Columbus in Springfield. We acquired 485 Center Street last year. We own the adjacent commercial properties immediately to the west. So, we were the logical buyer. We're here this evening to request a Planning Board recommendation to the Town Meeting for a zone change from Residence A to Business A so that the property conforms to the business zone of the adjacent properties. The property is bounded on the east by a car wash. It's bounded on the west by Joy's Restaurant, and then Chicopee Savings, and Friendly's, and it's all commercial on that side of the street, down to the Mass Pike from there. The property backs up to the Island Pond Cemetery which is to the north, and is diagonally across the street from the Pride Station. So it was an island of residential zone in a commercial sea. We're requesting the zone change, which would allow a future commercial development of the piece, and make the property consistent with the commercial uses around it. You've had the handout which is a larger view, where we outlined, and we have a graphic which identifies the surrounding properties, and highlights this one.

Mr. Phoenix: Ok, with that said, I'll start by opening it up to comments and questions from the Board if we have any.

Mr. Coelho: I have a couple...

Mr. Phoenix: Ok.

Mr. Coelho: ...not so brief. And I know this is, you know, specifically related to this zone change for this parcel, but there's some things I wanted to get out into public record right now that involve concerns we have with the intersection and the upcoming redevelopment of Center Street, the upcoming construction that the Town's been planning there for several years now. Is there any intention to redevelop that entire lot from a Colvest point of view, at this point? I'm talking everything from Friendly's over.

Mr. LaPointe: We don't even have schematic plans that include the redevelopment of that property. The original plan was to expand the Ludlow Center Building, which is the bank, the Subway, and what's now a nail salon, and add on to that. After we obtained the site plan approval to do that, and --- subsequently acquired the Joy's property, which we hadn't planned on at that point. So that sort of changed the mix. And we do not at this moment have schematic plans for what we've owned right along, let alone plans that would include this piece.

Mr. Coelho: In the future, we are going to be looking at doing whatever we can to make that intersection better.

Mr. LaPointe: Right.

Mr. Coelho: If that involves moving the entrance, and that entrance at Friendly's is problematic. So, I just want to go on record saying that, you know, moving forward, once we get into the site plan process. We're gonna be looking at, we work with the DPW to try and figure out what the best orientation is for the entrance and exit to that parking lot. Colvest has been very good to this Town, and in turn, this Town's been pretty good to Colvest. I mean, the whole Starbuck's thing seemed to work out pretty well. It was kind of squished in there too, as well. But, again, we all kind of worked together, and we kind of want to see that with --- Friendly's. 'Cause it is, I almost got into an accident getting out of there myself, you know? Especially with the traffic the way it is, the Pike now, everybody's coming off the Pike pretty quickly and...

Mr. Phoenix: Just for clarity, you're talking about the first one?

Mr. Coelho: Yeah, the very first one. It seems too close. It was probably fine in the 40's or 50's, you know? But, in the future, just keep that in mind that we'll be looking to just try and straighten that out any way we can.

Mr. LaPointe: Understood.

Mr. Queiroga: Peter?

Mr. LaPointe: Yes, sir.

Mr. Queiroga: I know there's been some land takings along this because of that construction that the Town has committed some money for engineering for, I know, for example, Mr. Lavoie, we he did the condos, he, they actually did take the strip there. 'Cause as I understand, the basic plan is to put a turning lane in the middle.

Mr. LaPointe: Yes.

Mr. Queiroga: --- It's too bad we don't have room for four lanes, but the third lane will probably help things along. The, so there's been no request from the Town to do land taking?

Mr. LaPointe: None related to that piece. All, I think all of the properties on that side of the road will have a construction easement so that there can be reconstruction of the curb, road widening, and they can grade. But, there's nothing that affects this piece of land.

Mr. Queiroga: And, you know, just to add to what Chris said, is that otherwise, I think it's actually very consistent. There's nothing else you could do with this piece. I don't see anybody having a problem with making this consistent with everything around it, and everything across the street. So, that's just my two cents on that.

Mr. Phoenix: Ok, anything else from the Board? Ok, I'm gonna open it up to comments and questions from the public. If anyone does have anything that they'd like to add or ask, I would ask that you state your name and address for the record, so we can keep all that straight in the minutes, and address everything through me as the Chairman so we don't have cross talk and people getting frustrated with each other and that sort of thing. Better if everybody gets frustrated with me, I suppose. So, do we have anything from the public at this time? Hearing nothing, and we had reached the end of questions from the Board, so unless anybody has anything that they'd like to bring up, it would seem that we're at a point where I'd be looking for a motion.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to recommend approval to Town Meeting of the Zone Change for 485 Center Street, Ludlow Center, LLC, The Colvest Group, from...

Mr. Phoenix: Residence A.

Mr. Coelho: ...Residence A to Business A, because it is in the best interest of the Town and is consistent with the Master Plan of the Town, and it is not spot zoning.

SECOND Ms. Houle.

4-0 in Favor.

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

Mr. Queiroga: **SO MOVED.**

SECOND Mr. Coelho.

4-0 in Favor.

Hearing ended at 7:11 p.m.

APPROVED:

Kathleen Houle
Kathleen Houle, Secretary

su

Documents: Master application; abutters list; Mail Item #4 – Receipt of petition for Zone Change – 485 Center Street – from Ludlow Board of Selectmen, Ellie Villano, Town Administrator; Assessors' Map 16A.

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

TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT for DRIVE THRU
425 Center Street (Assessors' Map 12C, Parcel 83)
Ludlow Sunoco #04056 (Dorothy Fleishman)
January 26, 2017

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Edgar Minnie – Vice Chairman (Absent)
Christopher Coelho (Present)
Kathleen Houle (Present)
Joseph Queiroga - (Present)

Hearing began at 7:15 p.m. in the Selectmen's Conference Room.

In attendance: Marcus Johnson.

Mr. Phoenix opened the public hearing, and gave Mr. Johnson the invoice from Turley Publications. The legal notice included the description of: For purpose of a drive thru for the existing car wash and operation of an existing service station (no site-plan changes are proposed).

Mr. Phoenix: And I think we know the gist of what's going on. You're not looking for anything different from what's already existing at the property, correct?

Mr. Johnson: That's correct.

Mr. Phoenix: This is just a thing to bring you into conformance with the Bylaw, since things have changed with the changes to the site plan.

Mr. Johnson: Correct.

Mr. Phoenix: With that said, I'm gonna ask if we have anything from the Board we'd like to ask at this point?

Mr. Queiroga: Now, I would assume that when this Sunoco was done, now this is the new ownership, correct?

Mr. Johnson: Yes, sir.

Mr. Queiroga: Ok, and there was no --- special permit regulations as we have now, and that, so this is a grandfathered use that needs to be put up to date.

Mr. Phoenix: We allowed them to change things there. Where is it? Should be in the file. I think I saw it when I was looking at it on the computer today. This was September 23rd, please be advised that at their September 22, 2016 meeting, the Planning Board approved your Change of Occupancy for Ludlow Sunoco located at 425 Center, with the condition that you apply for a

Special Permit for the gas station and drive thru within 90 days, see attached Special Permit application. And that went out September 23rd. So, that's where we're at now. Basically, we didn't want to hold up the Change of Occupancy on them, just waiting for this to get handled.

Mr. Queiroga: --- in a way, just doing some record keeping bringing the whole thing up to date.

Mr. Phoenix: Well, and making sure that the conditions of the Special Permit are attached to the property. Is there anyone from the public that would like to add or ask anything at this time? Hearing and seeing nothing, can we run through the Special Permit Criteria?

Mr. Coelho read the Special Permit Criteria Checklist:

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;
- b. The proposal is compatible with existing uses and other uses permitted by right in the same district;
- c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;
- d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;
- e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;
- f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6:5)
- h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;
- i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;
- j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;
- k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;
- l. The proposal is in general harmony with the general purpose and intent of this bylaw;
- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

Mr. Phoenix: And these are both a list of essentially findings by the Board and conditions for the Special Permit. So, these all need to be met going forward. I'm gonna ask for comments and questions once more from the Board, and then from the public and we'll take it from there. Do we have anything from this side of the table? Hearing nothing, from the public? Again, hearing nothing, is there a motion on this?

Mr. Queiroga: Mr. Chairman, I make a **MOTION** on the Special Permit to okay the Special Permit request by the Ludlow Sunoco, 425, Assessors' Map, Parcel 83, for a drive thru for existing car wash and operation of existing and grandfathered service station.

Mr. Phoenix: Ok, are there any conditions?

Mr. Queiroga: Not that ---.

Mr. Phoenix: So, we're not gonna have it be attached with the applicant and not with the property, we're gonna let it run?

Mr. Queiroga: Yes.

Mr. Phoenix: Ok. So, that's the motion. All those in favor?

4-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Mr. Coelho - yes; Ms. Houle – yes; Mr. Phoenix – yes.

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

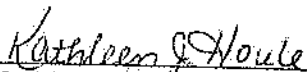
Ms. Houle: **SO MOVED.**

SECOND Mr. Coelho.

4-0 in Favor.

Hearing ended 7:22 p.m.

APPROVED:



Kathleen Houle - Secretary

su

Documents: Application for Special Permit (Existing Drive-Thru Restaurant); Plan – Proposed Building Addition & Site Improvements; Dunkin Donuts 4 Harding Avenue, Ludlow MA (Rev. B 3/30/16)

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

