

**TOWN OF LUDLOW PLANNING BOARD  
MINUTES OF THE MEETING OF  
January 12, 2017**

**PLANNING BOARD MEMBERS**

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

Meeting began at 7:02 p.m. in the Selectmen's Conference Room

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**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)**

*The applicant was not present for the public hearing. The hearing was opened later in the meeting.*

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**APPOINTMENT – Gerald V. Witkop Jr. – 311R West Street – (Stirling Plumbing Co., Inc.) - Change of Occupancy/Site Plan**

*Gerald Witkop and Lisa Grassette were present for the appointment.*

Mr. Witkop explained that he is moving his plumbing business from Wilbraham to Ludlow. He said that the total building is approximately 10,000 square feet, and that he will be using approximately 2,000 in the back of the building. He noted that they only own a few vehicles, so there will not be a lot of traffic going in and out. Ms. Grassette said that the building has been vacant for about a month, and was previously occupied by a machine shop (pre-existing, nonconforming industrial use). The Board agreed that a plumbing business is less impactful than a machine shop.

Mr. Minnie explained to Ms. Grassette that the site plan on file for the property is out of date.

Mr. Minnie **MOVED** to approve the Change of Occupancy for 311R West Street, Stirling Plumbing, on the caveat that they come in within 120 days with a new registered site plan for the property.

**SECOND** Mr. Coelho.

Ms. Grassette: --- be stipulate that the owner comes in with it, not the renter ---.

Mr. Minnie: If you get the renter to pay for it, it's cheaper.

Ms. Grassette: I'm sure, but.

Mr. Minnie: So, yeah.

4-0 in Favor.

*Documents included: Master application*

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### *Consent Agenda:*

*The Board approved the Consent Agenda under unanimous consent, except for the Change of Occupancy for 135 Carmelinas Circle.*

- ◆ FILE Mail Item 5. - Legal Notices from surrounding communities
- ◆ APPROVE Change of Occupancies:
  - Christopher Skora – 135 Carmelinas Circle (C.S. Auto & Diesel)(auto & truck repair)
  - Red Caravel Associates, LLC – 200 Center Street, Suite 8 (Red Caravel Treasures)(buying & selling of antiques, crafts, gifts, & imports)
  - Kenney Remodeling Group, Inc., Attn: James Kenney, Manager – 541 Center Street – (Kenney Remodeling Group Inc. d/b/a Miracle Method of Western Mass.)
- ◆ APPROVE/SIGN Bills – D. Stefancik (travel expenses)

Mr. Minnie noted that the property on 135 Carmelinas Circle may need to be checked for parking. Mr. Stefancik will go and see if striping is required on the property. Mr. Stefancik said that a current site plan was submitted in 2005.

Mr. Minnie **MOVED** that we approve the Change of Occupancy for 135 Carmelinas Circle, C & S Auto and Diesel Auto and Truck Repair, and have the Town Planner take a drive by and check on the parking and the striping in the lot.

Mr. Phoenix: Do we want to approve it, and then have him check it out...

Mr. Minnie: Yeah.

Mr. Phoenix: ...or do we want him to check it out before we approve it?

Mr. Minnie: I think we can approve it, let the guy go in and get going.

Mr. Phoenix: Ok.

Mr. Minnie: I don't want to be difficult.

Mr. Phoenix: That's fine by me.

Mr. Coelho: And what if he's out of compliance?

Mr. Minnie: Then we'll have them stripe the lot. That's no big deal.

Mr. Phoenix: Well, the motion's there, I don't know if, did I hear a second?

Mr. Queiroga: Yes, **SECOND**.

**4-0 in Favor.**

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**File Mail Item #1 - Reorganization of Ludlow Senior Center Building Committee**

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**File Mail Item #2 - Updated change of unit numbers for 51-57 Howard Street – Dept. of Inspectional Services**

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**File Mail Item #3 - Memo from Ellie Villano, Town Administrator re: Articles for the May 8, 2017 Annual Town Meeting Warrant and the Annual Town Report**

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**Mail Item #4 - Petition for Zone Change - 485 Center Street – Ludlow Center, LLC – forwarded from the Board of Selectmen**

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

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**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**

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**PVPC District Local Technical Assistance (DLTA) Program Projects FY 2017**

Mr. Stefancik explained that the Open Space Recreation Plan doesn't have to be redone until 2020, so the other ideas that he had for Assistance were either Low Impact Standards for Stormwater Zoning or Developing and Updating Subdivision Regulations.

Mr. Phoenix: Me personally, the Subdivision Rules and Regs have been a sore spot for a while.

Mr. Coelho: Alright, sounds good. ---. Me and Ed have no opinion and...

Mr. Phoenix: So, is there a MOTION to go forward with that as our submittal?

Mr. Coelho: **SO MOVED.**

**SECOND** Mr. Minnie.

**4-0 in Favor.**

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**PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION – Joseph M. Alvayo Jr.  
– 61 Munsing Avenue (home based web development business – JMA Web Consulting)**

**SEE ATTACHED MINUTES**

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**ANR – Alden Street (Assessors' Map 40, Parcel 82) – Jose Alves**

*Jose Alves was present for the appointment.*

Mr. Alves confirmed that the ANR was submitted to divide the property into two for the purpose of two buildable lots.

*Mr. Queiroga read the ANR checklist:*

- 1. Property owner's name, date of plan, and scale of plan.*
- 2. A space for endorsement by the Planning Board.*
- 3. The names of all abutters.*
- 4. The lines of existing streets, ways, property lines, and easements. Indicate whether streets and ways are public or private.*
- 5. The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.*
- 6. Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.*
- 7. The location of all property corner monuments and whether they were found or set.*
- 8. The location, frontage, and area of the land remaining in the original parcel after establishing the new parcel.*
- 9. The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.*
- 10. The location of all existing buildings and the distance from the existing buildings to the new property lines.*
- 11. If a building lot is intended, the frontage requirement at the setback line must be shown.*

*SUBMISSION: Two (2) Mylar's plus four (4) sets of prints (dark line on white background) shall be submitted to the Board for endorsement.*

Mr. Minnie **MOVED** to sign the ANR as submitted.

**SECOND** Mr. Coelho.

#### **4-0 in Favor.**

*Documents included: Master application; Plan: Subdivision Approval Not Required Plan of Land Alden Street Ludlow, MA Owned by Jose M. Alves (November 28, 2016)*

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#### **APPOINTMENT – Tony Goncalves – 240 West Street (Larry's Auto Body) (Pre-existing nonconforming use of property)**

*Tony Goncalves was present for the appointment.*

Mr. Goncalves explained that he is listing the property at 240 West Street for sale, and that he would like to know what the possible uses are for the property that is currently being used as an auto body shop. The Board agreed that a business such as a plumber, HVAC, or carpenter would be allowed, since that would be a lesser use.

Mr. Phoenix mentioned that a site plan may be required, since the site plan on file is dated from 1985.

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#### **ANR – 1608 & 1624 Center Street (Assessors' Map 38, Parcels 11 & 11E) – Martin Glica**

*Martin Glica was present for the appointment.*

Mr. Glica confirmed that the ANR was submitted to convey a one acre piece of property from his neighbor, and combine it to the existing one acre parcel that he presently owns.

*Mr. Coelho read the ANR checklist:*

- 1. Property owner's name, date of plan, and scale of plan.*
- 2. A space for endorsement by the Planning Board.*
- 3. The names of all abutters.*
- 4. The lines of existing streets, ways, property lines, and easements. Indicate whether streets and ways are public or private.*
- 5. The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.*
- 6. Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.*
- 7. The location of all property corner monuments and whether they were found or set.*
- 8. The location, frontage, and area of the land remaining in the original parcel after establishing the new parcel.*

9. *The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.*
10. *The location of all existing buildings and the distance from the existing buildings to the new property lines.*
11. *If a building lot is intended, the frontage requirement at the setback line must be shown.*

*SUBMISSION: Two (2) Mylar's plus four (4) sets of prints (dark line on white background) shall be submitted to the Board for endorsement.*

Mr. Minnie **MOVED** to sign the plan as submitted for Martin, is it Glica?  
**SECOND** Mr. Coelho.

Mr. Glica: Glica.

Mr. Minnie: Glica.

Mr. Glica: Yeah. Most people say Glica.  
**4-0 in Favor.**

*Documents included: Master application; Plan of Land – Center Street Ludlow, Mass. Owned by Lori Hughes + Robert A. Parent #1608 Center Street Ludlow, MA, Martin D. + Ann Marie Glica #1624 Center Street Ludlow, MA (December 6, 2016)*

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*Mr. Coelho recused himself from the meeting at 8:02 p.m.*

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### **Bylaws: Brew Pub / Pub Brewery**

Mr. Stefancik mentioned that he asked Town Counsel about the definitions that the Town of Ludlow has in reference to the comments in the letter of Approval of Ludlow Special Town Meeting Warrant Articles – Office of Attorney General (*Mail item #86 from meeting of December 8, 2016*). He noted that Town Counsel said that he didn't see a problem with the definitions of Brew Pub and Pub Brewery, and that if there is some type of issue in the future with the Bylaw, it can be changed at that time.

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Mr. Minnie remarked that he has had requests for modification of the Used Car Bylaw from Industrial down to a micro used car lot, with a definition of no more than three or five cars, on existing Business A or B properties, with Site Plan approval and/or Special Permit. He asked that maybe the Board can come up with a tiered system for used car businesses/licenses.

The Board agreed to have Mr. Stefancik run the idea by the Board of Selectmen to get their feedback.

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Mr. Stefancik mentioned that the Zoning Board of Appeals is thinking about making changes to the Pre-existing Non-conforming Bylaw about the one 25%, and that they would like to remove it from the Bylaw.

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### **Homeowner's Association – Avelino Way**

Mr. Stefancik said that he spoke with Town Counsel about the requirement of a Homeowner's Association for Avelino Way. He stated that in 2013, when the plan was approved, the condition was made that the building permits were not be disseminated until a homeowner's association was established. He noted that the problem was that about half of the lots were sold before they came in for re-subdivision. Mr. Stefancik remarked that Town Counsel said that people are not going to volunteer for a homeowner's association now that the lots are gone. He also explained that the developer only owns one lot at this time, and that the remaining three lots were sold off in 2014. Mr. Stefancik mentioned that he also spoke with Jim (Goodreau) from the DPW, who said that the detention basin has been working properly and that there haven't been any issues with it. He also said that Mr. Goodreau remarked that there shouldn't be a problem with the developer keeping it should the street get accepted, but that he also didn't see a problem with the Town taking it either. Mr. Stefancik said that the DPW and the developer need to work out how to handle that issue before street acceptance.

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### **Review / Approve 2016 Annual Town Report**

Mr. Phoenix mentioned that he made some modifications to the report and sent them to Mr. Stefancik.

Mr. Minnie **MOVED** to approve the Town Report as modified by the Chairman.

Mr. Queiroga: **SECOND**. Is this the modified one?

Mr. Phoenix: No, that's the original.

Mr. Stefancik: I can email the modified one out. I think Ray just made it look real pretty.

Mr. Phoenix: Yeah, it's, the major changes, I re-ordered things so that things were with other things that they're similar to, like all the zoning stuff was up front, then all of the subdivision and so on and so forth. I changed a little bit in the paragraphs at the tail end, so that the first paragraph actually starts by, we thank the office staff for what they're doing for us, and then, what was originally the beginning of that paragraph, becomes the second paragraph. Beyond that, I sorted things so that it's alphabetical by street within each section, so that if somebody's looking at it, they can say, oh, well, we've got, you know, eighteen of them on Center Street, here's where they are.

Mr. Minnie: Yup.

Mr. Phoenix: And it gives a better idea of what's actually happening in the Town.

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Mr. Minnie: Sure.

Mr. Phoenix: Those are the highlights of what I did with it.

Mr. Queiroga: Ok.

Mr. Minnie: So, there's a motion and a second.  
**3-0 in Favor.**

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Mr. Minnie **MOVED** to adjourn.  
**SECOND** Mr. Queiroga.  
Mr. Phoenix: Always in order and not debatable.  
**3-0 in Favor.**

Meeting adjourned at 8:20 p.m.

APPROVED:

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Raymond Phoenix – Chairman

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Edgar Minnie

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Joseph Queiroga

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Christopher Coelho

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

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

**PLANNING BOARD MEMBERS**

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

*Hearing began at 7:25 p.m. in the Selectmen's Conference Room.*

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*The applicant was not present for the public hearing.*

Mr. Phoenix read the legal notice which included the description of: For the 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: We do have a letter in the file from Mr. Minnie indicating that there's a, that he is an abutter, but that he has no stake in the issue whatsoever. And I don't think I saw anything at home either. We didn't get any comments back from anybody on this, correct?

Mr. Stefancik: No, no.

Mr. Phoenix: Ok, so with that, is there a motion?

Mr. Queiroga: I make a **MOTION**, Mr. Chairman, to postpone...

Mr. Phoenix: To continue?

Mr. Queiroga: What?

Mr. Phoenix: To continue?

Mr. Queiroga: ...to continue, I'm sorry, to continue till the 26<sup>th</sup> of January at 7:15.

**SECOND** Mr. Coelho.

**4-0 in Favor.**

*The public hearing is continued until January 26, 2017 at 7:15 p.m.*

APPROVED:

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Raymond Phoenix, Chairman

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Edgar Minnie

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Joseph Queiroga

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Christopher Coelho

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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).*

**TOWN OF LUDLOW PLANNING BOARD**  
**PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT**  
**61 Munsing Avenue – Joseph M. Alvavo Jr.**  
**(Home based web development business – JMA Web Consulting)**  
**January 12, 2017**

**PLANNING BOARD MEMBERS**

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

*Hearing began at 7:30 p.m. in the Selectmen's Conference Room.*

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*In attendance: Joseph Alvavo Jr.*

Mr. Phoenix read the legal notice, gave Mr. Alvavo a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – home based web development business (JMA Web Consulting).

Mr. Phoenix: We have, all the paperwork seems to be in order. Total area of home and other buildings housing the occupation is 1,104, and looking to use 200 square feet for the home occupation. We have 0 non-resident employees.

Mr. Alvavo: Correct.

Mr. Phoenix: And we also have no to all of the following: planned signage for the business; customers at the house; deliveries made unlike those of normal residence; and any changes to the site which make it less residential; and also, no commercial vehicle being involved. And...

Mr. Minnie: Have we granted waivers?

Mr. Phoenix: We have not done the waiver or the finding, however, the waiver has been requested. So, that's what I have. Do you want to just briefly explain what you're looking to do, and then we can move things forward from there.

Mr. Alvavo: It's just a web development business, so it's a website development and software support. So, it's basically just me, laptop and phone. That's it.

Mr. Phoenix: And you're looking to do everything either online or going to the client, or are you gonna be having any clients coming to ...

Mr. Alvavo: Online only, no clients.

Mr. Minnie: Mr. Chairman?

Mr. Phoenix: Mr. Minnie.

Mr. Minnie: I make a **MOTION** that the business of a home web development company is correct and concurrent with our existing Bylaw, and move that we approve the use for a web development business.

Mr. Phoenix: Move that it's a suitable home occupation under the Bylaw?

Mr. Minnie: Move that it's a suitable home occupation, yes.  
**SECOND** Mr. Queiroga.

Mr. Minnie: Grasping for words.

Mr. Phoenix: Well, you go that handy, dandy sheet there too, you know.

Mr. Minnie: Gotta remember it's there.

Mr. Coelho: I think we got in trouble for not using the word find either, so you might want to say the word find.

Mr. Minnie: Ok, so I find that the home web development...

Mr. Phoenix: Sue's gonna love this motion.

Mr. Minnie: ...is suitable for home occupation.

Mr. Phoenix: How about I fish for it this way? Is there a **MOTION** in the standard form to find that it's a suitable occupation?

Mr. Minnie: **SO MOVED.**

**SECOND** Mr. Coelho.

**4-0 in Favor.**

Mr. Phoenix: And we also have the waiver request.

Mr. Minnie: I **MOVE** we waive a registered site plan and approve the photos provided as a sketch.

**SECOND** Mr. Coelho.

**4-0 in Favor.**

Mr. Phoenix: So, that's the first two hurdles through us.

Mr. Alvavo: Ok.

Mr. Phoenix: What we will be looking for is if anybody from the public has any comments, questions, anything like that. And then we can continue to move through the process.

Mr. Alvavo: Sure.

Mr. Phoenix: If we do have anyone from the public that would like to ask any questions or speak on this, I would just ask that you state your name and address for the record, and address anything that you have through myself as Chairman, and we can go as we have anything. Does anyone have anything that they would like to add or ask at this time? Hearing nothing, we do have our checklists to run through.

Mr. Queiroga: This is a Home Occupation Criteria Checklist which is part of your, will be part of your permit.

*Mr. Queiroga read the Home Occupation Criteria Checklist:*

## HOME OCCUPATION CRITERIA CHECK LIST

1. Such use is clearly secondary to the use of a premises for dwelling purposes.
2. The use is pursued by a member of the family residing in the dwelling with not more than two non-resident employees.
3. No trading in merchandise is regularly conducted except for products made on the premises or of parts or other items customarily maintained in connection with, and incidental to, such merchandise.
4. No external change is made which alters the residential appearance of the building on the lot.
5. All operations, including incidental storage, are carried on within the principal or accessory building, and that there is no outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign or vehicle as hereinafter permitted.)
6. The proposed accessory use would be suitably located in the neighborhood in which it is proposed. The use shall not be characterized by outward manifestations (such as traffic generation, noise, public service and utility demand, etc.) not unlike those dwelling units in the particular neighborhood in which the dwelling is located.
7. Only one vehicle parked on the property may be a commercial vehicle and of not more than 10,000 pounds G.V.W. (Gross Vehicle Weight). In all, the total number of vehicles parked on the property during business hours should not exceed by more than two (2) the number of vehicles parked during non-business hours.
8. In all Residence and Agriculture districts, the use will be reasonably compatible with other uses permitted as of right in the same district and with adjoining uses.
9. The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories, and the use is not a serious hazard to abutters, vehicles or pedestrians.
10. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation on the site and at the intersection with abutting streets.
11. The occupational use shall not occupy more than the equivalent of twenty-five percent (25%) of the total gross floor area of the residential structure plus other accessory structures housing the occupation or not more than 500 square feet of gross floor area, whichever is less.
12. In connection with a home occupation there shall be no display visible from outside the building other than an identification sign not larger than two (2) square feet in area and shall not be lighted.
13. Adequate off-street parking for employees and customers shall be provided and must be screened from view from the roadside and from the neighbor.

Mr. Phoenix: That's one down.

*Mr. Minnie 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: Ok, anything else from the Board? Hearing nothing, I'll open it up for the public one more time. Do we have anything from the public? Hearing nothing, is there a motion?

Mr. Coelho: Mr. Chairman?

Mr. Minnie: Go ahead Chris.

Mr. Coelho: I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1 thru 6.2.13 for Mr. Alvavo at 61 Munsing Avenue, with the restriction that the permit will run with the applicant and not with the property.

**SECOND** Mr. Minnie.

**4-0 in Favor.**

**Roll call vote: Mr. Queiroga – yes; Mr. Minnie – yes; Mr. Coelho - yes; Mr. Phoenix – yes.**

Mr. Minnie: **MOTION** to close the public hearing.  
**SECOND** Mr. Coelho.  
**4-0 in Favor.**

*Hearing ended 7:40 p.m.*

APPROVED:

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Raymond Phoenix – Chairman

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Edgar Minnie

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Joseph Queiroga

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Christopher Coelho

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Documents: Master application; abutters list

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

