

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
September 14, 2017**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

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

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

Board to Reorganize

Mr. Phoenix: Mr. Minnie, I guess, at the moment, since you are back and everybody is more or less back, aside from brief absences, I'd like to make a **MOTION** that we reorganize back to how we were prior to our temporary status, and effectively replace, put you back in as Chairman, put Mr. Queiroga back in as Vice-Chairman, and everybody else stays exactly as they are.

SECOND Mr. Queiroga.

Mr. Minnie: And any further discussion? And hearing none, all in favor?

3-0 in Favor.

PUBLIC HEARING – Proposed zoning bylaw revisions to include the following:

Delete in its entirety Section 6.2 Home Occupation. 6.2.7 and replace it with new section 6.2.7 a. & b. Specifically deleting out 10,000 pounds G.V.W and replacing it with Class 1 (any), Class 2 (any) and Class 3 (Heavy-Duty Pickup) and adding a section for Accessory Equipment.

SEE ATTACHED MINUTES

APPOINTMENT – Francis Federico – 330 Sewall Street – Change of Occupancy (repair & sale of used autos)

Francis Federico and Donald Davis were present for the appointment.

Mr. Stefancik confirmed that the property is zoned Business A. He also mentioned that a few weeks ago another applicant was in for an appointment regarding a Change of Occupancy (*meeting of August 10, 2017*), and that the Board told them that if there were any changes outside, they would have to come in and do a full site plan, or that they would have to adhere to the 30 year old site plan that is currently on file.

Mr. Federico stated that the current occupants with an auto body and auto repair business are going to be leaving the property. He also noted that the prior owner had a Class II license to sell used cars at the property.

Mr. Stefancik said the Building Commissioner did send a letter stating that he had no issues with the applicant obtaining a used car license at the property.

Mr. Davis remarked that the prior used car license at the property just expired in January.

The Board discussed whether or not a Change of Occupancy can be issued for used car sales without a new site plan.

Mr. Minnie said that they have a two year window to apply for the used car license, and the repair of used automobiles is allowed under Business A. He remarked that the Planning Board needs an application for a used car license in order to approve the Change of Occupancy. Mr. Davis noted that the Board of Selectmen's Office would not accept the application without an approved Change of Occupancy.

Mr. Phoenix remarked that the original site plan from 1993 notes selling cars in the description, with five parking spaces for the vehicles for sale. Mr. Phoenix and Mr. Queiroga said that they wouldn't have an issue working off the old site plan if no changes are proposed. Mr. Phoenix explained to Mr. Federico that everything on the site must match the old site plan before the business opens.

The applicant removed "auto sales" from the Change of Occupancy application, and left "repair autos" as the description.

Mr. Phoenix **MOVED** to approve the Change of Occupancy as amended.

Mr. Minnie: **SECOND?**

Mr. Queiroga: **Yes.**

Mr. Minnie: Ok, all those in favor for the Change of Occupancy?

Mr. Queiroga: ---?

Mr. Minnie: No, I was asking for second. All in favor of approval of a Change of Occupancy at 330 Sewall Street for Sewall Street Auto Center, for the repair of used cars, but not the sale of used cars, all in favor?

3-0 in Favor.

An appointment will be scheduled with Mr. Federico for the next meeting on Thursday, September 28, 2017 at 7:40 p.m., to discuss whether a new site plan will be needed for used car sales at that location.

Documents included: Master application for Change of Occupancy; Letter from Justin Lariyee, Building Commissioner re: no issues with application for Class H license for second hand motor vehicle sales; Site Plan No. S-436: Leonard and Dorothy E Beliste, 330 Sewall Street Ludlow, MA (Revised December 13, 1993)

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Mr. Phoenix voiced his concerns over the fact that he could not connect to the internet while in the Town Hall. Mr. Minnie spoke about the Town Hall phone system not working. Mr. Stefancik will send a memo to the IT Department regarding the internet service.
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APPOINTMENT – Mike Pietras – 185 Miller Street – Yoga Studio

Mike Pietras and Liz Salvador were present for the appointment.

Mr. Minnie remarked that this property is in the Agricultural Moderate Density Overlay District. He also mentioned that the property was recently sold, and is under new ownership. Mr. Pietras noted that the propane tank that was on the property is gone, and that the yoga shop would take up the entire space (excluding the garage) on the submitted proposed site plan. Ms. Salvador explained that they do not expect more than eight students in a class at a time, with possibly two classes at a time in the future, with the second class consisting of a parent and child class. Mr. Minnie explained to Ms. Salvador the zoning of the Agricultural Moderate Density Overlay District, and what types of businesses are allowed there.

Mr. Stefancik said that site plan on file, for the previous business, is dated 2006 (with no amendments). He also mentioned that there was a special permit for the business, Turnpike Acres Stove Shop. The Board agreed that since there is a full site plan on file, and if there are no proposed changes to the exterior of the building, that an amendment could be done for the new business. The new proposed site plan notes that the three storage trailers will be removed from the site. Ms. Salvador remarked that the previous owner will vacate the premises on October 5th.

Mr. Stefancik said that Agricultural Moderate Density needs a site plan and special permit. He also commented that the special permit for the prior business was granted to George Dupuis for the Turnpike Acres Stove Shop on 185 Miller Street.

Mr. Phoenix **MOVED** to find that this is suitable to come in as a, well we can't do the waiver without four of us here anyway...

Mr. Minnie: Right.

Mr. Phoenix: ...so I'm gonna shut my mouth for a second and think. What can we do without the fourth to do the waiver?

Mr. Minnie: Nothing.

Mr. Phoenix: Well, we can make findings. So, I **MOVE** to find that given the history of this property, that the yoga studio as proposed is substantially less impactful on the neighborhood, and that a current full site plan with no amendments has been...

Mr. Minnie: Maintained.

Mr. Phoenix: ...maintained and is in effect for this property. That this property appears to be suitable to be occupied by a yoga studio under the control of site plan approval and special permit Planning Board, and that the site plan can probably be waived to a site plan amendment, by further action of this Board.

Mr. Queiroga: You looking for a second?

Mr. Minnie: With a special permit.

Mr. Phoenix: Well, yes.

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

Mr. Minnie: Any further discussion? Hearing none, all in favor?

3-0 in Favor.

A public hearing to revoke the Special Permit for Turnpike Acres will be held at the same time as the public hearing is held for the special permit of the yoga studio.

Documents included: Site Plan – 185 Miller Street Ludlow, MA, owned by Capital Design & Development, LLC (for The Yoga Shop)(09/14/2017)

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Discussion – Maintenance of Site Plans

Mr. Stefancik explained that this is a housekeeping issue for those who have site plans with landscaping issues, or run down fences, etc. He said he received a complaint this week about someone who had a fence on a business property, and the fence, which is noted on the site plan, is missing pieces. The Board agreed that it would be appropriate for Mr. Stefancik to write a letter to the business owner, asking them to come in to meet with the Planning Board.

Mr. Queiroga remarked that he reached out to the property owner, and that they said that they will fix the problem.

Mr. Stefancik will follow up in 60 to 90 days to see if the problem has been resolved.

Mr. Minnie suggested that every two to four years, a letter be sent to all the businesses with a reasonably current site plan 20 years or less, saying that they should be maintaining their parking lot lines, signage, and shrubbery. Mr. Stefancik suggested that maybe a Bylaw change could be made saying that the businesses are expected to maintain their property.

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Discussion – 564 Center Street & 607 Chapin Street – use of property

Mr. Stefancik explained that he heard that the insurance company located at 564 Center Street had purchased the residential property on 607 Chapin Street, and that a parking lot went in at the

location. He noted that whether the parking lot is getting used in conjunction with the business, open air parking isn't allowed in Residence A. Mr. Queiroga will look into what the parking area is being used for. Mr. Stefancik mentioned that a zone change and site plan would be needed if the parking lot is being used for the business next door.

The discussion will be continued until the meeting of October 12, 2017.

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**Mail Item #84 – EEA# 14572 Ludlow Mills Preservation and Redevelopment Project
Comments on Final Environmental Impact Report of July 31, 2017**

Mr. Minnie commented that the Planning Board should have a discussion with PVRTA and the Mill about where the busses are going to go in, where they will come out, where they will stop, and hours of operation.

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Mr. Phoenix: I **MOVE** for a five minute recess.
SECOND Mr. Queiroga.
3-0 in Favor.

A brief recess was taken from 8:23 p.m. to 8:26 p.m.

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Mail Item #85 – Concerns regarding Sovereign Health (located in the old HealthSouth building between Chestnut and Sewall Streets) from Susan Stanek

Mr. Minnie said that the Planning Board determined that what's there is operating correctly, under an approved status (Change of Occupancy), and that Ms. Stanek can request an informational meeting with the Board if she has any further concerns.

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Mail Item #86 – Concerns re: jersey barriers at the intersection of Center Street and West Avenue, from business owners at 200 Center Street (Bottone Home Inspections, Peter Danio, - New England Systems, Dr. Samuel Carson DVM)

Mr. Stefancik mentioned that they are doing a six month trial period of closing off the road, and that the Safety Committee is in charge of this issue. Mr. Minnie said that the mail item is out of the purview of the Planning Board.

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File Mail Item #87 – Memo from Ellie Villano, Town Administrator re: Town Hall Hours
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Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 88. - Legal Notices from surrounding communities
- ◆ SIGN Special Permits:
 - Estate of Anthony Grabowski – Lot 8 Pinecone Lane (Estate Lot)(also sign ANR plans)
 - Maria Holley – 43 Elaine Drive (Home office – pet services business)
 - Alexa Wurst – 531 Pinecone Lane (Home office – mobile grooming operation)
- ◆ APPROVE Change of Occupancies:
 - Mary Louise LaRiviere – 322 West Avenue (hair salon booth rental)
 - Debra Charette – 322 West Avenue (hair salon booth rental)
- ◆ APPROVE/SIGN Bills – Turley Publications (legal notice – Zoning Bylaws)
 - Ink Products (office supplies)
 - Schwaab, Inc. (office supplies)

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Mr. Phoenix: **MOVE** to adjourn.
SECOND Mr. Queiroga.
3-0 in Favor.

Meeting adjourned at 8:32 p.m.

APPROVED:

Mr. Minnie was not available for a signature
before his resignation on October 24, 2017

Edgar Minnie – Chairman


Joseph Queiroga


Raymond Phoenix

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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
PROPOSED ZONING BYLAW REVISIONS**

Town of Ludlow

Delete in its entirety Section 6.2 Home Occupation. 6.2.7 and replace it with new section 6.2.7 a. & b. Specifically deleting out 10,000 pounds G.V.W and replacing it with Class 1 (any), Class 2 (any) and Class 3 (Heavy-Duty Pickup) and adding a section for Accessory Equipment.

September 14, 2017

PLANNING BOARD MEMBERS

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

Hearing began at 7:04 p.m. in the Selectmen's Conference Room.

In attendance: Attendees

Mr. Minnie read the legal notice which included the description of: Delete in its entirety Section 6.2 Home Occupation. 6.2.7 and replace it with new section 6.2.7 a. & b. Specifically deleting out 10,000 pounds G.V.W and replacing it with Class 1 (any), Class 2 (any) and Class 3 (Heavy-Duty Pickup) and adding a section for Accessory Equipment.

Mr. Minnie: And I'm going to invite the Town Planner to take this and run with it and pitch where we're at. And in this particular case, Doug if you want to come to the, over here.

Mr. Phoenix: You're gonna make him move?

Mr. Minnie: Why not? It'll be a little easier and a little more conversational.

Mr. Phoenix: Hello, nice to meet you.

Mr. Stefancik: Hi. We're basically just doing some housekeeping work here, with our Zoning Bylaw.

Mr. Minnie: Yes.

Mr. Stefancik: And, you know, taking the existing section, and removing the 10,000 lb gross vehicle weight and changing it to truck classification for Class 1 and 2 vehicles, which are all vehicles that are up to 10,000 lbs, and including a Class 3 heavy duty pick up, as we have a lot of people who are in the trades. They do drive a heavy duty pick up, and that will be the only thing under a Class 3 that would be allowed.

Mr. Minnie: And---

Mr. Giza: Could you speak up a little louder 'cause I can't hear.

Mr. Minnie: Ok, you can come on up.

Mr. Giza: I don't want to sit up front.

Mr. Minnie: Ok, so I didn't peruse this, but I was out of town and I didn't get a chance to study it and speak to you as much as I like. So, the Class 3 heavy duty pick up, is that allowing a dual rear wheel truck?

Mr. Phoenix: Yes.

Mr. Minnie: It is. And it's up to what gross vehicle weight?

Mr. Phoenix: Well, the Class 3 would be up to 14,000.

Mr. Minnie: But, is that the combined gross vehicle weight or the single vehicle weight? Do you know?

Mr. Phoenix: The gross vehicle weight. I don't know what you mean by combined or single.

Mr. Minnie: Ok, combined would be what you're allowed with the truck and trailer, total.

Mr. Phoenix: No, a trailer would be a separate piece of equipment, so I would say it'd be the truck.

Mr. Stefancik: And that's where we included a section, accessory equipment.

Mr. Minnie: Yup.

Mr. Stefancik: And specifically it reads: *In connection with the home occupation there will only be allowed one piece of accessory equipment. Accessory equipment per this bylaw includes open utility trailers and cargo trailers. Accessory equipment does not include what will be stored on or in the open utility trailers and cargo trailers. Accessory equipment cannot be stored in the front or side yards of the property or on the street. Heavy equipment more than 10,000 pounds G.V.W (Gross Vehicle Weight) is not permitted to be on site. Heavy equipment refers to heavy-duty vehicles, specifically designed for executing construction tasks, most frequently ones involving earthwork operations.*

Mr. Queiroga: If I may ask a question?

Mr. Minnie: Sure.

Mr. Queiroga: In what cases would we put Class 3?

Mr. Stefancik: Just if it's a heavy duty pick-up truck.

Mr. Minnie: That would be my pick up trucks.

Mr. Queiroga: Yeah right, but I'm saying is, so that would apply, that would be ok, that would be ok under these new regulations?

Mr. Stefancik: Correct. We don't currently allow it, so we had an issue with someone who has a pick-up over 10,000 lbs, they can't have it. They have to park it off site. They'd be able to have that on site ---.

Mr. Minnie: That's been a problem ongoing for years. On the accessory equipment, I would like personally to see an exclusion, anything that is tracked is automatically considered...

Mr. Queiroga: Tracked?

Mr. Minnie: Tracked. So if it's got tracks. We have Skid Steers now, and they have, Skid Steers used to be really tiny. Now they have Skid Steers that are giant, and they can dig a cellar hole. That's, everybody's buying smaller pieces of equipment that are stronger and you can do more work with one small piece. And so, I don't think a home occupation that has a piece of tracked equipment is in the spirit of the special permit. Possibly, you know, are we gonna allow a wheeled Skid Street or Bobcat at what weight limit?

Mr. Stefancik: I think, overall, we exclude anything over 10,000 lbs.

Mr. Minnie: Right.

Mr. Stefancik: So, it kind of limits your equipment to that weight.

Mr. Phoenix: The two things I would say though, are, number one, in the end of accessory equipment, that last sentence plays into both what you're saying and something that I had caught. But, it specifically says, heavy equipment refers to heavy duty vehicles specifically designed for executing constructions tasks, most frequently ones involving earthwork operations. So, we're already saying those aren't allowed.

Mr. Minnie: Alright, so ...

Mr. Phoenix: Whether they have wheels, whether they have tracks, whatever they have. If they're designed for those purposes, we're still not gonna be allowing them under home occ.

Mr. Minnie: Ok.

Mr. Phoenix: The thing that I picked up on, is referring to this heavy equipment here, and then we're saying refers to heavy duty vehicles. We just allowed heavy duty pick up in a., and then we're saying heavy equipment is not allowed in b. So, I think after where it says heavy equipment refers to heavy duty vehicles comma, we need to put something along the lines of excluding heavy duty pick ups as allowed in 6.2.7.a comma, and then, I think, beyond that, I think that's probably a good place to be.

Mr. Minnie: Because, you know, like today you have garden tractors that can do a lot of light work, they can rake yards, they can spread loam, but they're not 8 or 10 or 12,000 lbs. They're 2,500 lbs. They're quiet. They don't make a lot of noise. But then you get what they call

shuttle tractors which are 14,000 lbs, and it's a tractor, and you can dig and excavate, and dig a trench and all that kind of thing. With a garden tractor you can't do that. And does it make sense that all equipment under the special permit, we take a picture, and get a picture of the equipment being submitted, and...

Mr. Stefancik: You did mention that early on, and I think we should put that in the application process, --- in the Bylaw is that they give us pictures of what ---.

Mr. Phoenix: I think if we require it, it's gonna need to go into the Bylaw as something that we require, because I think the Bylaw needs to state everything that people need to turn in, otherwise we're gonna run into trouble. I mean, I don't see any problem with adding it.

Mr. Stefancik: --- specifically have a portion of the Home Occupation Checklist, they have to fill out everything that they have, the trucks 10,000 lbs, or it's a vehicle, whatever. I was just thinking if we addressed it that way ---.

Mr. Phoenix: --- might be worth running it by Town Counsel whether we need to put it in or not.

Mr. Stefancik: Yup.

Mr. Phoenix: 'Cause I could see how we could work that in there, if he's gonna allow it. I just...

Mr. Minnie: Or also, all equipment is at the discretion.

Mr. Phoenix: That gets to be a little bit more hairy.

Mr. Minnie: I know. And it's...

Mr. Phoenix: That's why, I mean, the idea...

Mr. Minnie: Thirty years you didn't have this crossover equipment problem. You either had a bucket loader or you didn't. And now you have this very small light weight equipment that will fit in your garage, and you can build a house with it. It's...

Mr. Phoenix: But the idea is, you know, John or Jane never done this before. Should be able to look at the Bylaw and say, these are the things that I need to do, and then it should be allowable or shouldn't be.

Mr. Minnie: Do we want to ---...

Mr. Phoenix: If we start saying that it's all discretionary, that starts to make it a little bit more iffy.

Mr. Minnie: Can we put a list of non allowed equipment, which is tracked excavators, miniature excavators, tracked Bobcats.

Mr. Phoenix: I think if we start doing that, then as soon as something new comes out that we don't want somebody to have, we need to amend the Bylaw.

Mr. Minnie: I understand.

Mr. Phoenix: I think we've already done it by category.

Mr. Minnie: Ok.

Mr. Queiroga: And we can always tweak it down the road.

Mr. Stefancik: I think, another thing ---, we'll have the chart included as an attachment in the back, and I think the chart's a good starting point. If we want to, in the future...

Mr. Minnie: Adjust.

Mr. Stefancik: ...adjust to zoning, the type of classes that are allowed in zoning districts.

Mr. Minnie: Are we putting also in the Bylaw that now, in Res A, Res B, Agricultural and everything, that you can't park an excavator and you can't park a backhoe? 'Cause right now we have a problem where this guy's got a gigantic backhoe over in the quote, old downtown section. It's inappropriate for the neighborhood. It's yellow and it's got a huge arm on it, so the thing sticks up 14 feet, and there's 14 or 16 houses looking at a gigantic yellow boom in their backyard. ---

Mr. Stefancik: I think we just addressed it, I think, in the front, the side, and on street.

Mr. Minnie: --- that person doesn't have a home occ., so their point is, I don't have a home occ., you don't have jurisdiction. So, this guy's got a bucket loader in his yard, and it's a big ugly bucket loader, and it's probably got a two and a half yard bucket on the front, and you know.

Mr. Phoenix: Well that would probably ---

Mr. Minnie: So, while we're doing this, should we revisit the rest of what you can park where, i.e. no commercial parking of vehicles on the street, which has been in the Town for years?

Mr. Phoenix: Is that, I don't know that that's under the Zoning Bylaw, I think that might be under the general.

Mr. Minnie: It's under the general. But...

Mr. Phoenix: ---

Mr. Minnie: ...under the General Bylaw, should we say dump trucks, no excavation equipment, no ---.

Mr. Stefancik: I think we'd have to put that in another portion of the Bylaw, and not...

Mr. Minnie: Ok, sure.

Mr. Stefancik: ...specifically in this.

Mr. Minnie: So, you know, like, the person I'm thinking of, specifically has two small F450 dump trucks with salt plows on them. He's plowing for a city, not here, and he's got a pretty good size loader or backhoe, and he's using that to plow for another city. So, he's got three commercial vehicles in his yard that are big, they're heavy.

Mr. Phoenix: Well, let me ask you this, he's plowing for these cities, where is his business based out of?

Mr. Minnie: We don't know.

Mr. Phoenix: Because he's got to have an IRS address for doing that work.

Mr. Minnie: I don't know, but he's parked in a residential house in a residential zone, and because he doesn't have a home occ., we don't have jurisdiction according to the Building Inspector, which I think he's correct.

Mr. Phoenix: ---, if he's supposed to have a home occ., then technically Justin has jurisdiction, not us.

Mr. Minnie: Well, when you don't know the status, you can't just go ---.

Mr. Phoenix: You can say, hey, you have these pieces of equipment here, I'd like to know where your business is.

Mr. Minnie: There's no rule that says you can't have a piece of equipment at a residence.

Mr. Phoenix: But you can say, I'd like to know where your business is based out of ---.

Mr. Minnie: He doesn't have to say it's a business, he can say I own those three trucks.

Mr. Phoenix: --- to generate income.

Mr. Minnie: --- you got to prove that. He's not acknowledging it.

Mr. Phoenix: Well, you're saying that he's using them to plow for these other cities.

Mr. Minnie: We know he's using them because he works for a particular city and he's on the plow list, and we know he's using it.

Mr. Phoenix: Ok.

Mr. Minnie: But the thing is, we don't know, we can't prove that he doesn't have an operation out of Ware, or out of Belchertown, or somewhere else.

Mr. Phoenix: So, maybe the thing to do is, if he's on the plow list for the other community or communities, the Zoning Enforcement Officer should take a look at that and should investigate and enforce that.

Mr. Minnie: ---

Mr. Phoenix: And that person, the Zoning Enforcement Officer, could reach out to the other communities, look for what address is attached to that.

Mr. Queiroga: Can I cut in here?

Mr. Phoenix: But that's Justin's job. That's not our job.

Mr. Queiroga: This particular bylaw that we're thinking about...

Mr. Minnie: Is for home occ.

Mr. Queiroga: ...is for home occ. If that's a thing, and I don't mind doing it for the next time, ok?

Mr. Minnie: Right, next time, and I agree. That is what I was gonna suggest.

Mr. Queiroga: --- ok.

Mr. Minnie: Let's get this done for home occ., and let's get a general review of what can be parked where and what zone. Can we do that?

Mr. Stefancik: Yup.

Mr. Minnie: You know, it's funny how you see things at Town Meeting, people try to change the Zoning Bylaw and 60 people come out screaming.

Mr. Phoenix: Well that depends.

Mr. Minnie: Yeah.

Mr. Phoenix: Usually the ones you think people are gonna have an issue with, go through with no problem, and the ones that are...

Mr. Minnie: Yup, it's --- guess.

Mr. Phoenix: ...the ones that you basically go up and you say state law says we need to do this are the ones that we have a lot of discussion. It's hard to predict.

Mr. Minnie: So, I think the proposal in front of us tonight is correct and adequate for home office and home occupation.

Mr. Queiroga: ---

Mr. Stefancik: Just the only thing is, in parenthesis I have see size classification chart. I just want to change to say see truck classification chart, because it's, it piggybacks up on that.

Mr. Minnie: Now are we gonna put anything in there about lettering and signage? 'Cause the problem is, you can have a magnetic sign that goes on the side of a truck that says ABC lawn care, and it's not very offensive. And then a guy puts one of those big plywood boxes on the

back of his truck to start raking up leaves, and all of a sudden the thing is bright orange and it's got letters on it, and it no longer fits in the character of the neighborhood.

Mr. Stefancik: I think that can piggyback up on to what the one sign that you allow. You don't have to have it on the trucks ---.

Mr. Minnie: And I think photographs of all, probably --- photographs of all the equipment, including the vehicles and trailers and work equipment probably should be maintained so the changes, you know, we don't need to know if they changed the lawnmower.

Mr. Phoenix: That's not a bad idea. My, the one other question that I have too, before we probably start looking to the public and everything, should we have an article that specifically, or word it into our existing article to actually insert this into the Bylaw as an attachment? 'Cause the way this is reading to me, we're replacing it with this text, but we never say that we're actually inserting the chart. We reference that the chart is going to be there, but we never say that we're putting it there. Do we need to do that?

Mr. Minnie: And currently, when we change this, if it passes, we have some current home occs. that have vehicles that are no longer going to be in compliance with the Bylaw, specifically ...

Mr. Phoenix: Well, no, they ...

Mr. Minnie: The potato chip truck up on Poole Street?

Mr. Phoenix: If it's over 10,000, then it's over 10,000. We're not ...

Mr. Minnie: Yup.

Mr. Phoenix: ... anything 10,000 and under, we're not ...

Mr. Minnie: Box.

Mr. Phoenix: ... but if it's ...

Mr. Minnie: See that's the problem, it's a box.

Mr. Phoenix: This is a box truck that's 10,001 to 14,000.

Mr. Minnie: Mmmhmm, but ...

Mr. Stefancik: But it wouldn't be allowed ---.

Mr. Phoenix: What's that box truck rated?

Mr. Stefancik: It's locked into your heavy duty pickup ---.

Mr. Minnie: Right, that's right, and so my point is ...

Mr. Stefancik: You can't call that box truck a heavy duty pickup ---.

Mr. Phoenix: But, ultimately, this is kind of the guideline of what the images look like, but at the end of the day, what does that door jamb say? What is it listed as, as GVW? 'Cause if you look, what it actually says in here, must be classified as Class 1 any, Class 2 any, or Class 3 any, which is everything that's listed on here that shows as up to 10,000. So, to me, that's still allowable under that.

Mr. Minnie: No.

Mr. Phoenix: I mean, if somebody comes out with vehicle, let's say somebody comes in with a motorcycle that they want to use as their commercial vehicle. Motorcycle is not on this list, 'cause this is a list of trucks.

Mr. Minnie: Right.

Mr. Phoenix: So, you know, somebody's got a regular car that they're gonna use, it's not on this list, but it's under 10,000, so it's still, it's allowable. It's still below that Class 3.

Mr. Minnie: Ok.

Mr. Phoenix: That's the way I would read it.

Mr. Queiroga: I don't think there's anything that we can put in there that'll make it absolutely...

Mr. Minnie: No, you can't write a bylaw for every single vehicle in the world ---.

Mr. Queiroga: ---

Mr. Phoenix: Essentially, opening it up to one new type of truck.

Mr. Queiroga: And I think this is, this tweaks it to a better place.

Mr. Minnie: Right.

Mr. Queiroga: But, the reason we're doing this is because we're tweaking this because of our past experience, and I expect we'll do the same down the road, too. We need to open it up or no?

Mr. Minnie: Yup, yeah. Is there any comments or questions from the public tonight regarding the Bylaw change for motor vehicles for the home office, home occupation special permit?

Mr. Giza: Well I have a question.

Mr. Minnie: Sure, will you please stand, state your name and address please?

Mr. Giza: Chester Giza, 134 Yale Street.

Mr. Minnie: Yes, Chester.

Mr. Giza: Precinct 2. This is only strictly for trucks right, has nothing to do with cars?

Mr. Minnie: Has nothing to do with cars, and it only has to do with people applying for a business permit under the home office, home occupation, preexisting nonconforming doesn't get affected.

Mr. Giza: Ok, but they told me at the police station that there's a law that they put in two years ago at the Town Hall that's not working. So, they're gonna redo that whole thing. And this is where they sent me today here, because they said they're change all of, and apparently this is strictly for the trucks, not for the automobiles.

Mr. Minnie: This is for home office, home occupation, special permit. It is not anything to do with preexisting, or current, or nonconforming uses. So, there is no change to the classification about what you're asking.

Mr. Giza: Ok, because I was told...

Mr. Minnie: ---

Mr. Giza: ...this was gonna be the changes they were gonna make into that law that happened.

Mr. Stefancik: The Selectmen are doing that to the general bylaw.

Mr. Minnie: Right, so what you're looking for is the change in the general bylaw direction, and that's not what we're doing tonight. This is for the special permit.

Mr. Giza: Special permit, yes, but it's not for like the automobiles ---, you know, guy's got four cars in his yard.

Mr. Minnie: Right.

Mr. Giza: Unregistered, all this stuff, and just a mess.

Mr. Minnie: Right. That's all staying the same. This is just for when you're asking for a special permit, for special permission to operate maybe a landscaping business that's lightweight, or maybe an eBay business, or consulting business.

Mr. Giza: I understand, I understand. But, the problem is, like I said, they told me at the police station that this, you guys are gonna change this whole thing.

Mr. Minnie: The water is muddy. We're not changing the whole thing.

Mr. Giza: Yeah.

Mr. Minnie: Yeah.

Mr. Giza: 'Cause it's just a wasted situation with the law we got, and nothing's happening.

Mr. Minnie: Right, yup, so...

Mr. Giza: They --- they don't take it out, they don't do nothing.

Mr. Minnie: Your concerns aren't being addressed tonight because it's on a different subject.

Mr. Giza: Yes.

Mr. Phoenix: We didn't change this in any real way within the past few years, correct?

Mr. Stefancik: No, we haven't, no.

Mr. Minnie: No.

Mr. Phoenix: I know the 10,000 ---, but we haven't tweaked it at all, that I can think of.

Mr. Minnie: No, we have not.

Mr. Phoenix: So that, the two years that you're talking about, that doesn't have anything to do with this bylaw whatsoever.

Mr. Giza: You're right. Right now I found that out because ...

Mr. Stefancik: ---

Mr. Giza: ... when I was at the police station, there was about, because they wanted to clean out the Town ---.

Mr. Phoenix: Somebody must have just been confused when they were talking to you, pointing you in the wrong place.

Mr. Giza: That's what's happening.

Mr. Phoenix: Yeah.

Mr. Giza: --- at the station where I was ---.

Mr. Minnie: Any other questions or comments tonight on the Special Permit Classification for Motor Vehicles? And hearing nothing, I'll entertain a motion from the Board Members.

Mr. Phoenix: Mr. Chairman.

Mr. Minnie: Mr. Phoenix.

Mr. Phoenix: I would make a **MOTION** that with the changes and verbiage from myself and from the Town Planner, specifically including the words *excluding heavy duty pickups as allowed in 6.2.7. a*, and changing size classification chart to truck classification chart, that with those changes we recommend approval to Town Meeting.

SECOND Mr. Queiroga.

Mr. Minnie: Is there any further discussion from the Board? And hearing none, all those in favor?

3-0 in Favor.

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

Mr. Minnie: MOTION to close the public hearing?

Mr. Phoenix: **SO MOVED.**

SECOND Mr. Queiroga.

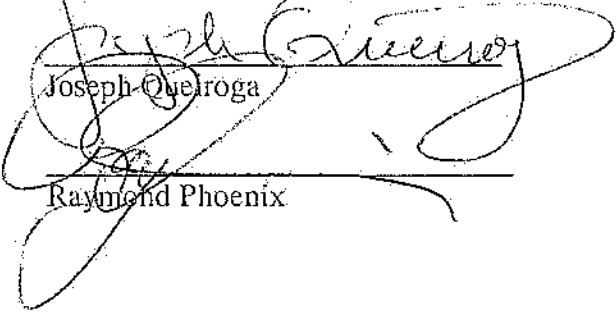
3-0 in Favor.

The public hearing closed at 7:25 p.m.

APPROVED:

Mr. Minnie was not available for a signature before his resignation on October 24, 2017

Edgar Minnie – Chairman



Joseph Queiroga

Raymond Phoenix

SU

Documents: Draft Zoning Bylaw Changes 2017 October Town Meeting; Truck Classifications Chart

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