

**TOWN OF LUDLOW PLANNING BOARD  
MINUTES OF THE MEETING OF  
April 12, 2018**

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2018 MAY 11 A 11: 34  
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**PLANNING BOARD MEMBERS**

Joseph Queiroga – Chairman (Present)  
Raymond Phoenix – Vice Chairman (Present)  
Christopher Coelho (Absent)  
Kathleen Houle (Absent)  
Rafael Quiterio (Present)  
John Pedro, Associate Member (Present)

Meeting began at 7:00 p.m. in the Selectmen's Conference Room

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**Board to Reorganize (Appoint John Pedro as Associate Member)**

Mr. Phoenix: Since we need to reorganize, and we do not have our full membership present, I would suggest that we reorganize exactly as we are now, including all Committee Assignments, and then if somebody decides that they do want to revise it beyond that, we can take that up at a later date. Unless there's any discussion on that, to that, and I will **MOVE** that we retain all of the positions within the Board and all Committee Assignments exactly as they are now.

**SECOND** Mr. Quiterio.

**3-0 in Favor.**

**Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.**

Mr. Phoenix: Just to be on the safe side, as a separate motion, I will **MOVE** to again appoint John Pedro as the associate member to the Planning Board.

Mr. Pedro: I'll accept it.

**SECOND** Mr. Quiterio.

**3-0 in Favor.**

*The Planning Board Reorganized as follows:*

Chairman: Joseph Queiroga

Vice Chairman: Raymond Phoenix

Secretary: Kathy Houle

Members: Christopher Coelho, Rafael Quiterio

Associate Member: John Pedro

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**PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION –  
Dawn Hebert – 844 Center Street (Assessors' Map 17, Parcel 110) (graphic & web designer  
– Dawn Creative Company)**

**SEE ATTACHED MINUTES**

Minutes of April 12, 2018

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File Mail Item #24 - Legal Notice - Ludlow Conservation Commission – 720 Chapin Street

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### ***Consent Agenda:***

*The Board approved the Consent Agenda under unanimous consent.*

- ◆ FILE Mail Item 25. - Legal Notices from surrounding communities
  - Town of Ludlow Board Reorganizations
- ◆ APPROVE Change of Occupancies:
  - Marsia Nogueira (hair & nail salon) – 393 East Street
- ◆ SIGN Special Permit:
  - Jonathon Burek – 36 Nowak Circle (chimney business)
- ◆ APPROVE/SIGN Bills – Ink Products (office supplies)
  - Karen A. Sunnarborg (Housing Production Plan)
  - Ludlow Copy Center (book binding – 2017 minutes)

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**PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION –  
Jonathon Rodrigues – 85 Mclean Parkway (Assessors’ Map 27A, Parcel 36)  
(trucking company – Jonny’s Trucking)**

**SEE ATTACHED MINUTES**

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**ANR (Autumn Ridge Road, Harvest Drive) & Development Agreement (Parker Lane  
Subdivision) (Assessors’ Map 30, Parcel 112) – Armand Deslauriers  
(divide off 3 conforming lots)**

*Armand Deslauriers was present for the appointment.*

Mr. Deslauriers explained that he is releasing 3 lots (Lot 35 Harvest Drive, Lot 42 Autumn Ridge, and Lot 46 Autumn Ridge) for the subdivision, and will probably be releasing the remainder of them next time.

*Mr. Pedro 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.

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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. Phoenix: I will make a **MOTION** to endorse the ANR in the standard form.

**SECOND** Mr. Quiterio.

**3-0 in Favor.**

**Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.**

Mr. Deslauriers commented that there are two things left to accomplish on the subdivision; pear trees and topcoat. He said that the (flowering) pear trees are scheduled for next week, and the topcoat will be done in mid-June. Mr. Stefancik said that the expiration date of the 2 ½ years for the Development Agreement is July 10, 2018, and that Mr. Deslauriers will be going to Town Meeting in October for final approval.

Mr. Phoenix remarked that as long as everything is signed off, and Engineering says that they're happy with everything before the expiration of the Development Agreement, that he has no issues.

*Documents included: Master application; Plan of Land – Autumn Ridge Road Ludlow, Mass., owned by Whitetail Wreks, LLC (April 10, 2018)*

**ANR – 482 Holyoke Street (Assessors' Map 3, Parcel 89) – Carmina Fernandes, Esq. (creating new parcels 23 & 24)**

*Carmina Fernandes, and the Kennedy Family were present for the appointment.*

Atty. Fernandes explained that the property owners want to split one large lot into two lots so that they can give their son the larger lot with the house located on it, and keep the other parcel that includes the mobile homes.

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Mr. Phoenix 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. Phoenix noted that the compass rose is present on the plan, but that it doesn't say whether it's true, magnetic, or assumed north (#9). He also remarked that there is no dimension from the garage (which looks like it's the closest building) to the new property line (#10). Mr. Phoenix commented that there are also no setback lines shown on the plan (#11).

Mr. Phoenix: Given the nature of the items that the ANR Plan for 482 Holyoke Street needs to have taken care of, specifically the bearing system used for the compass rose on there, the dimension to the nearest, to the property line that's being changed, and at their option, also the setback line, given the nature of those, I would **MOVE** to conditionally approve the, or endorse the ANR. There you go.

**SECOND** Mr. Quiterio.



**3-0 in Favor.**

**Roll call vote: Mr. Phoenix – yes; Mr. Quiterio – yes; Mr. Queiroga – yes.**

*Documents included: Master application; Plan – Subdivision of Parcel 19, CTF. NO. 28243 and Court 18320D-482 Holyoke Street Ludlow, MA, owned by Bonnie L. Kennedy & Paul Kennedy (January 31, 2017)*

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Mr. Queiroga read a response from Peter LaPointe regarding the connection from behind Joy's Restaurant to the other parcel that is anchored by the Westfield Savings Bank: *In response to your inquiry, the development plan for our properties on this portion of Center Street are being reevaluated. The driveway interconnecting Joy's parking lot and the Friendly's parking lot has been left as a convenience and will be paved once the future direction of the plan is clear.*

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Mr. Queiroga mentioned that Mr. LaPointe said in a phone call that he thought that would be sooner than later, and that Colvest recently acquired a new parcel which may have changed their master plan. He also noted that Mr. LaPointe said that he would contact the Planning Board as soon as the plans are finalized, rather than paving the area and ripping it up within a short period of time.

Mr. Phoenix noted that Colvest would have to come through Planning before they change anything at the site. He added that it's been approximately eight years that they've had to complete this work, which was part of their approved site plan, and they have yet to provide that correctly. Mr. Phoenix said that the Town Planner reached out twice to Mr. LaPointe, with no response either time. He also mentioned that Colvest committed, when they asked for the site plan approval, that they were going to be giving the Planning Board that connection between Joy's and the Subway property, and to do it properly. He said that they have failed, year after year, to accomplish what they promised the Town they would do on that plan.

Mr. Stefancik said that they could amend the site plan to take away the paving, because it's been within 20 years, and that he doesn't think that there have been any amendments on it. Mr. Phoenix remarked that if they take it out (the paved connection) that he's not going to vote in favor of it because that's one of the safety conditions that the Planning Board had when it was approved. He remarked that if they amend it, they're going to need to show something that's going to show at least as much safety benefit, if not more.

Mr. Phoenix: I **MOVE** that we notify Colvest that they have 90 days to either pave the connection in accordance with their approved site plan, or to give us an updated site plan, or approvable site sketch that gives us at least as much safety benefit as the approved site plan, or if they fail to do so we will have a public hearing of our own to review compliance on this site plan and take appropriate action at that time.

Mr. Queiroga: I'll **SECOND** it.

Mr. Queiroga: For discussion. I would be ok with that except for the last part. I don't like threatening business people...

Mr. Phoenix: It's not threatening.

Mr. Queiroga: ...in this town, ok, and I would be fine with it, and I'm sure they'll follow up on it.

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Mr. Phoenix: They haven't followed up for years, Joe. That's the reason we're in this, they didn't follow up for years. Doug reached out to them. They ignored the Town Planner. Doug reached out to them again. They ignored the Town Planner again. It's not a matter of trying to threaten them, it's a matter of we need to give them a reason to do what they're supposed to do. Because just the fact that they committed to doing it is clearly not enough to get them to do it, or they would have done it already. So, we need to give them a reason or it's not gonna happen. And that's why I didn't say it's a hearing for revocation, it's a hearing to review compliance and to take appropriate action.

Mr. Quiterio: At that time.

Mr. Queiroga: How about a hearing to review compliance, period. Are you alright with that? And I'll vote for it, if not...

Mr. Phoenix: Sure.

Mr. Queiroga: Ok, alright? There's a second.

Mr. Quiterio: I seconded, yup.

Mr. Queiroga: Ok, all those in favor?  
3-0 in Favor.

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Mr. Phoenix **MOVED** to close the, to adjourn the meeting.

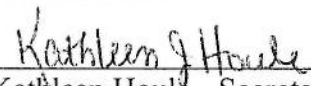
Mr. Pedro: I'll make a motion if I can.

Mr. Queiroga: Sure, ok, all those in favor?

Mr. Pedro: So moved.  
**4-0 in Favor.**

Meeting adjourned at 7:56 p.m.

APPROVED:

  
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Kathleen Houle - 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**  
**PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT**  
**844 Center Street – Dawn Hebert**  
**(graphic & website designer – Dawn Creative Company)**  
**April 12, 2018**

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**PLANNING BOARD MEMBERS**

Joseph Queiroga – Chairman (Present)  
Raymond Phoenix – Vice Chairman (Present)  
Christopher Coelho (Absent)  
Kathleen Houle (Absent)  
Rafael Quiterio (Present)  
John Pedro, Associate Member (Present)

*Hearing began at 7:03 p.m. in the Selectmen's Conference Room.*

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*In attendance: Dawn Hebert, attendees*

Mr. Queiroga read the legal notice, gave Ms. Hebert a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – graphic & web designer (Dawn Creative Company).

Mr. Queiroga: Ok, we've got pictures here of the house. Are you the owner of the house?

Ms. Hebert: My fiancé is, yeah.

Mr. Queiroga: Ok, and did he sign the application?

Ms. Hebert: Yes.

Mr. Phoenix: Mr. Chairman.

Mr. Queiroga: Mr. Phoenix.

Mr. Phoenix: After we get a description, we make a motion to, on whether or not we're gonna waive it the, once we make a motion as far as the finding, we do have the waiver request signed from the applicant also.

Mr. Queiroga: Yes.

Mr. Phoenix: And neither of those motions has been made ---.

Mr. Queiroga: Ok. Have they been requested?

Mr. Phoenix: Yeah.

Mr. Queiroga: Ok.

Mr. Phoenix: So, what are you basically looking to do at the house?

Ms. Hebert: I just want a home office. I wanted to get a business certificate and it was required that I had a business place, a location. I don't want people coming there. I meet them at their place of business or public places. So, no parking issues, no foot traffic. Yeah.

Mr. Pedro: No signs?

Ms. Hebert: No signs. Just, I will just be working on my computer inside the house.

Mr. Queiroga: Web design?

Ms. Hebert: Yeah, graphic and website design.

Mr. Queiroga: Ok.

Ms. Hebert: It's all communication on the email and everything, so.

Mr. Queiroga: And you don't have any employees, I'm guessing?

Ms. Hebert: No.

Mr. Phoenix: Mr. Chairman, I'll make a **MOTION** to find that a home office as described is a suitable home occupation under the Bylaw.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

**Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Mr. Pedro – yes; Mr. Queiroga – yes.**

Mr. Phoenix: And also, based on the description that we've been given, and the fact that we do have a signed waiver request, I will make a **MOTION** to waive the full registered site plan in favor of a sketch and photos as prepared by the applicant.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

**Roll call vote: Mr. Pedro – yes; Mr. Phoenix – yes; Mr. Quiterio – yes; Mr. Queiroga – yes.**

Mr. Phoenix: You're going the other direction. You're keeping us on our toes.

Mr. Queiroga: Ok, alright, we've got a couple.

Mr. Phoenix: Just to run down the data points on the paperwork that we have, you're looking to use 50 square feet out of 1,080. And, as you mentioned, no non-resident employees, no signage, no customers, no deliveries, no changes that would be unlike a regular residence in the area, and no commercial vehicle?

Ms. Hebert: Correct.

Mr. Phoenix: Ready for the checklists?



Mr. Queiroga: Yes, sir.

Mr. Phoenix read the Home Occupation Criteria Checklist:

## HOME OCCUPATION CRITERIA CHECK LIST

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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 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. Queiroga: You should be dry by now, Ray. We'll take a minute here to just open up to the general public that might be here that want to comment on the, this applicant.

Mr. Phoenix: Hearing nothing, I'll make a **MOTION** in the standard form to approve the Home Occupation.

Mr. Queiroga: How about the special permit?

Mr. Phoenix: We did the waiver.

Mr. Queiroga: We did the waiver? Ok.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

**Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Mr. Pedro – yes; Mr. Queiroga – yes.**

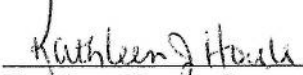
Mr. Phoenix: **MOVE** to close the public hearing.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

*Hearing ended 7:10 p.m.*

APPROVED:

  
 \_\_\_\_\_  
 Kathleen Houle, Secretary  
 su

Documents: Master application; abutters list

*(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  
85 Mclean Parkway – Jonathon Rodrigues  
(trucking company – Jonny’s Trucking)  
April 12, 2018**

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Raymond Phoenix – Vice Chairman (Present)  
Christopher Coelho (Absent)  
Kathleen Houle (Absent)  
Rafael Quiterio (Present)  
John Pedro, Associate Member (Present)

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

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*In attendance: Jonathon Rodrigues, attendees*

Mr. Queiroga read the legal notice and reviewed the application. The legal notice included the description of: Home Office – flooring installation business (Kevin Brown’s Flooring).

Mr. Queiroga: Why don’t you tell us what, is it the intent, with ten square feet it better be just...

Mr. Rodrigues: Just the computer, just to send out my bills.

Mr. Queiroga: Nobody’s gonna come to your house?

Mr. Rodrigues: Nobody come to the house, --- see the house.

Mr. Queiroga: And the trucks will never be near your house, right?

Mr. Rodrigues: Never near the house, nope.

Mr. Queiroga: ---

Mr. Phoenix: Now, you’ve got that in writing on the application. I’m pretty comfortable with that. One thing that we have generally seen, when somebody does have a larger vehicle, or extra vehicles, is something in writing saying, you know, whoever it is, is allowing them to store them there. Like I said, I’m not saying that I’m not comfortable with what’s on here, I just wanted to make sure that that was mentioned ‘cause I don’t want to hold you up over just something where you’re already committing in writing that they’re gonna be offsite.

Mr. Rodrigues: Ok.

Mr. Phoenix: But, just make sure that that stays the case.

Mr. Rodrigues: Yes.

Mr. Queiroga: Ok, the, would it be too early to ask for a motion?

Mr. Phoenix: I can do that. Given the description that we've heard of the business, I would make a **MOTION** to find that it is a suitable home occupation under the Bylaw.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

**Roll call vote: Mr. Phoenix – yes; Mr. Quiterio – yes; Mr. Pedro – yes; Mr. Queiroga – yes.**

Mr. Phoenix: And we also do have the waiver request signed for the site plan down to a sketch. Given the circumstances for the type of business, I would make a **MOTION** to grant that waiver of a full site plan down to a sketch and photos as prepared by the applicant.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

**Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Mr. Pedro – yes; Mr. Queiroga – yes.**

Mr. Queiroga: I'd like to open up the meeting to the public. If anybody has any comments on this applicant's request for a home office, please ask your questions now. Ok, don't all jump all at once here. Ok...

Mr. Quiterio: ---

Mr. Phoenix: Your next, yup, 'cause that's the more specific one. This is the...

*Mr. Quiterio 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.

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*Mr. Phoenix 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. Queiroga: Thank you.

Mr. Phoenix: Unless there's anything else, I will make a **MOTION** in the standard form to approve the Home Occupation, Special Permit as presented.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

**Roll call vote: Mr. Quiterio – yes; Mr. Podro – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.**

Mr. Queiroga: Ok.

Mr. Phoenix: **MOVE** to close the public hearing.

**SECOND** Mr. Quiterio.

**4-0 in Favor.**

*Hearing ended 7:23 p.m.*

APPROVED:

  
\_\_\_\_\_  
Kathleen Houle, Secretary

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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).*