

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
July 25, 2024**

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PLANNING BOARD MEMBERS

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

The meeting began at 7:00 p.m. in the Selectmen’s Conference Room.

Mr. Silva acted as Chairman in Mr. Phoenix’s absence.

**PUBLIC HEARING – Special Permit/Home Occupation – Kalee Kenney – 126 Winsor Street
(Assessors’ Map 14B, Parcel 14) (office for vehicle graphic installation)**

SEE SEPARATE MINUTES

**File Mail Item 46 - Certificate of Assessment for the Pioneer Valley Planning Commission (7/1/2024
- 6/30/2025)**

File Mail Item 47 - Reorganization of the Commission on Disability

**PUBLIC HEARING – Special Permit/Home Occupation – Kevin Silva – 41 Crest Street
(Assessors’ Map 27A, Parcel 61) (office for landscaping business & real estate investment
company)**

SEE SEPARATE MINUTES

**Site Sketch – 407 West Street (Assessors’ Map 3, Parcel 66) Linton Holdings LLC
(placement of a 14’ x 40’ storage building)**

Barry Linton was present for the appointment.

Mr. Linton explained that he wants to add a prefab storage shed to his property on existing blacktop to store his equipment for maintaining the property.

Mr. Silva read the comments from the town departments which included no concerns.

Mr. Coelho: I **MOVE** to waive the full plan in favor of a site sketch since there is an existing approved site plan on file that is less than 25 years old and has not been modified more than twice and in doing so is consistent with the purpose and intent of the zoning bylaw. Additionally, with that, I waive the public hearing.

SECOND Mr. Queiroga.

4-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

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Mr. Coelho: I **MOVE** to approve the site sketch as, the site sketch for 407 West Street, Linton Holdings LLC, as presented.

SECOND Mr. Carpenter.

4-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

Documents: Master application; waiver request; comments from Town Departments/Boards; Site Plan of existing condition – Barry J. Linton Inc., West Street Ludlow, Massachusetts (9/30/2003)

Ms. Houle left the meeting at 7:42 p.m.

File Mail Item 48 - Legal Notice – Ludlow Conservation Commission – Lot 15 Church Street (Map 17, Parcel 103D)

File Mail Item 49 - Articles for the October 7, 2024 Special Town Meeting Warrant - Marc Strange, Town Administrator

File Mail Item 50 - Legal Notice – Ludlow Conservation Commission – 0 Lyon Street (Map 18, Parcel 3B)

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 45. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of June 27, 2024
- ◆ APPROVE Change of Occupancies:
 - Jonencia Wood (Mystic Willow, LLC) – 289 East Street (clothing store to metaphysical store & wellness)
 - Jillian Procon (Maple Brooke, LLC dba Align Fitness Boutique) 483 Holyoke Street, Suite 2 (from physical therapy to fitness studio)
 - Cory L. Brantley (Lewis Devine Clothing Co.) – 114 Sewall Street (clothing store to clothing store)

Minutes of July 25, 2024

- Christopher Pelletier (The Watch Wellness Group Inc.) 104 Moody Street, Suite 2 (from transportation office to expanding wellness offices currently occupying Suite 1)
- ◆ SIGN Special Permits:
 - Rosineide Carvalho – 118 Highland Avenue (cleaning service)
 - Nicholas Manewich – 356 Lyon Street (general contracting & property management business)
 - Jillian Beaulieu – 28 Woodland Place (interior design business)
- ◆ SIGN Release of Covenant – Amelia Minney (Lot 7 Penwood Estates, Colonial Drive)

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Zoning Bylaws

Mr. Stefancik said that he started working on the zoning bylaw for Town Meeting. Included are the winery, micro-winery, and nano-winery down at the Ludlow Mills/Mill Redevelopment District as a result of a request from Iron Duke having that as an allowed use there.

He also said that the next article would include the site plan approval process for the Mill Redevelopment District because the six-member quorum has changed to five members due to the decrease in DPW members from two to one.

Mr. Stefancik commented that he put together the battery storage systems bylaw, but that State Representative Aaron Saunders said that the House passed the Critical Energy Reforms Bill to Meet 2050 Net Zero Climate Goals, which states that the Energy Facility Citing Board would be approving these types of projects rather than the town. Mr. Stefancik said that he will be consulting town counsel.

Mr. Stefancik noted that he is still working on Center Street Corridor to see if the board would like to add Special Permit to Business A or Business B.

Documents: Draft Article – Section 3.2.2 Table 1 (Winery, Micro-winery, Nano-winery in Mill Redevelopment District); House passes Critical Energy Reforms to Meet 2050 Net Zero Climate Goals Article (July 17, 2024); Table 1 Ludlow Tables of Principal Uses

Mr. Coelho: I'd like to make a **MOTION** to adjourn.

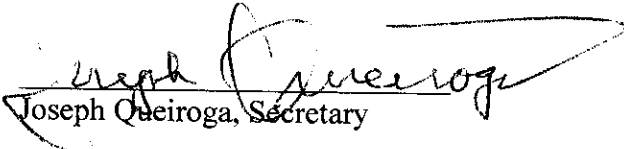
SECOND Mr. Carpenter.

4-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

Meeting adjourned at 7:57 p.m.

APPROVED:


Joseph Queiroga, Secretary

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

**TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
126 Winsor Street (Assessors' Map 14B, Parcel 14)
Kaley Kenney
(office for vehicle graphic installation)
July 25, 2024**

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PLANNING BOARD MEMBERS

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

The public hearing began at 7:01 p.m. in the Selectmen's Conference Room.

Mr. Silva acted as Chairman in Mr. Phoenix's absence.

In attendance: Kaley Kenney, Sean Kenney, attendees

Mr. Silva read the legal notice, advised the public that the hearing was being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: office for vehicle graphic installation.

Mr. Silva: Now you can explain what you intend.

Ms. Kenney: So, my name's Kaley Kenney. My husband Sean Kenney is a vehicle graphics installation specialist. And we are basically using our home for the address to establish the LLC, the entity, and use it as office space. So, there's no changes to the home.

Mr. Silva: So, nothing will happen at the building, just for the office?

Mr. Kenney: Yeah, strictly administrative.

Mr. Silva: The explanation was the graphics will be installed somewhere else, right?

Mr. Kenney: Yeah, it's strictly administrative.

Ms. Kenney: Yeah.

Mr. Queiroga: --- no employees?

Ms. Kenney: Nope.

Mr. Kenney: Just us.

Mr. Silva: So, that's pretty self-explanatory. I don't know if anybody else has any questions here on the Planning Board?

Mr. Coelho: No, that's just a home office. And it's just an office at home, that's it. All your work's done in the field. I'm sorry, maybe you already answered that, but I was trying to.

Mr. Kenney: Yup, all subcontracted. We're looking for a brick-and-mortar location right now with an investor, but that's separate.

Mr. Coelho: Ok. Good.

Mr. Silva: This is a public hearing. I don't know if anybody here that want to make any comments or anybody objects? If not, we'll move to grant findings.

Mr. Coelho: Well, you got to ask people.

Mr. Silva: There's nobody.

Mr. Coelho: Ok.

Mr. Silva: I'm sorry, I'm going too fast. So, we'll move on to grant the findings. There are no comments.

Mr. Stefancik: There are no comments.

Mr. Coelho: Mr. Chairman.

Mr. Silva: Yes.

Mr. Coelho: I **MOVE** to find that the home office for graphic installation for Kaley Kenney at 126 Winsor Street as described is a suitable home occupation under the bylaw.

SECOND Ms. Houle.

5-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

Mr. Silva: Now we move motion to approve?

Mr. Coelho: Mr. Chairman?

Mr. Silva: Yes.

Mr. Coelho: I'd like to make a **MOTION** to waive the full site plan for Kelsey Kenney at 126 Winsor Street in favor of a sketch and photos prepared by the applicant since this is in relation to a home occupation and doing so is consistent with the purpose and intent of the bylaw, additionally, I will also **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 Kalee Kenney at 126 Windsor Street with the restriction that the permit will run with the applicant and not with the property.

SECOND Mr. Carpenter.

5-0 in Favor.

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Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

Mr. Silva: So, make a MOTION to close the hearing?

Mr. Carpenter: **SO MOVED.**

SECOND Mr. Coelho.

5-0 in Favor.

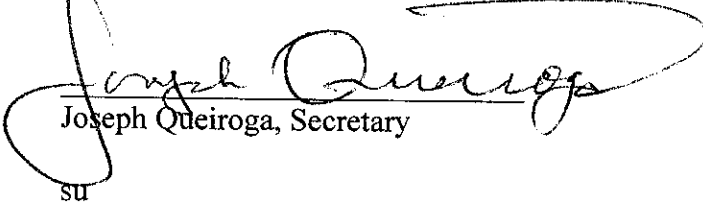
Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

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The public hearing was closed at 7:06 p.m.

APPROVED:


Joseph Queiroga, Secretary

Documents: Master application

(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 – SPECIAL PERMIT/HOME OCCUPATION
41 Crest Street (Assessors' Map 27A, Parcel 61)
Kevin Silva
(office for landscaping business & real estate investment company)
July 25, 2024**

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PLANNING BOARD MEMBERS

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

The public hearing began at 7:10 p.m. in the Selectmen's Conference Room.

Mr. Silva acted as Chairman in Mr. Phoenix's absence.

In attendance: Kevin Silva, Alyssa Houghton, attendees

Mr. Silva read the legal notice, advised the public that the hearing was being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: office for landscaping business & real estate investment company.

Mr. Silva: Now, so we'll start reading some comments. I don't see any comments.

Mr. Stefancik: Oh, there was a letter in there from the neighbors.

Mr. Silva: There's a...

Mr. Stefancik: It's clipped to the back.

Mr. Silva: Oh, there's a letter from the neighbors.

Mr. Stefancik: Yes.

Mr. Silva: I'll start reading it. (*Mr. Silva read the letter of concern from the neighbors – see file*)
We have a list of signatures. Do I have to read them all?

Mr. Coelho: No, no. Just gotta enter it for the record.

Mr. Silva: A list with the checklist marks added by the letter with the designated violations, current violations. We have photographs. Yeah. Everything confirms with what the letter says. There's a utility vehicle on the trailer in front of the house attached to a vehicle. Vehicle is on the lawn. The trailer parks in front of the hydrant. Cars in front of the hydrant. Heavy equipment on the driveway. Again, the trailer with the SUV. There's also what it looks like to be a greenhouse

in front of the house. Vehicle parked halfway on the, in the street and driveway. Well, there's multiple pictures that pretty much confirm what the letter says.

Mr. Kevin Silva: I can give you the updated pictures from today.

Mr. Silva: We'll get to that in a second.

Mr. Coelho: Now you can let them describe what they're doing there.

Mr. Silva: Okay, so now you can explain exactly what you intend to you.

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Mr. Kevin Silva: I'm just putting an office there. Tax purposes. I bought a facility in Springfield. I keep all my equipment there. That was all temporary. They took the pictures when they had a chance when I had it there. Everybody behind me is, I've had altercations with them. That's why they're here and they're, they're just trying to start problems. But they ain't gonna be, I'm not gonna be running my business out of the place. It's just office strictly.

Mr. Silva: What is exactly the landscaping? Are you in the business of selling equipment or?

Mr. Kevin Silva: No.

Mr. Silva: Or you do the landscaping?

Mr. Kevin Silva: I do the landscaping. I do house remodels.

Mr. Silva: Those, that equipment that you have, do you own that?

Mr. Kevin Silva: I own those, correct, yes.

Mr. Silva: And what about the trailers, SUVs and all that?

Mr. Kevin Silva: That's all out of my yard now.

Mr. Silva: When was the last time this was, these pictures that are here?

Mr. Kevin Silva: Those are all old pictures.

Ms. Houghton: The day that they sent those in was the day that he moved everything into the storage without even realizing that they did any of this.

Mr. Kevin Silva: Well, this is all, I was already planning on taking everything out of there. They're just trying to start problems.

Mr. Silva: Well, they'll have a chance to, to talk. And now we, we passed the word along to the, everybody sign up? So, if anybody wants to talk, please stand up. State their name.

Mr. Harrington: Joe Harrington. 25 Crest Street.

Mr. Silva: Hold on one second please.

Mr. Kevin Silva: Do you want the pictures?

Mr. Coelho: Yeah, let's see his pictures. Yeah, sure.

Mr. Kevin Silva: These are from today.

Mr. Silva: Okay. I'm sorry. He's finished.

Mr. Harrington: The question, a couple questions. Criteria number nine, you guys can look at that. The excessive noise, now that we know he's a landscaper, which we didn't know previous, would backpack blowers two or three hours if he's testing that equipment, be a, you know, would that be permitted under this permit? And also, power wash for five hours or three hours on weekends. Testing, obviously 'cause now we know he's a landscaper. And you know, this is the kind of excessive noise that's been coming out of there. Maybe it's been temporary. Yeah, he's cleaned it off. Maybe he's got a place, but if it all comes back or if the trailers start coming in or if he's doing business out of that greenhouse, is that something that's acceptable? Is that permitted? And what's the recourse in the fact that we have these problems again?

Mr. Silva: Well, if the permit gets approved for him to, to have a home office, he will have to abide by all those rules, and if he fails to comply with any of them, the permit gets taken away. As he explained, it sounds like everything was temporary before until he found a place. It sounds like it's, he's on a good path where he started like that. If he complies with everything that he's saying, there's no noise there, he is not gonna be working from there. Everything is no, no washing cars or nothing.

Mr. Harrington: So, the permit is he'll abide by those criteria.

Mr. Silva: If he abides by all the criteria, if we find that anything.

Mr. Harrington: Under those criteria from this point on at that business, or at that address?

Mr. Silva: Yes, correct.

Mr. Harrington: Perfect.

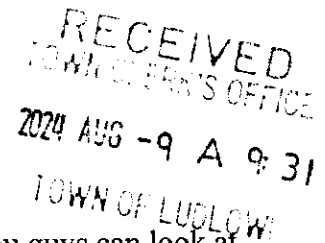
Ms. Orszulak: What happens if he violates?

Mr. Silva: Can I please say, state your name?

Ms. Orszulak: Amber, 15 Crest Street. What happens if he violates those?

Mr. Silva: Then he'll have to, the permit gets revoked and he loses the home office permit.

Mr. Coelho: You'll first be inspected by the building inspector, then if the building inspector finds causes, he'll start fining at a hundred dollars a day. Then you, we usually get back to him and he, we will call him back here and we will have another hearing where we can either revoke or figure it out. But it'd be another hearing just like this where all the neighbors are notified. And then you'd be able to come back in and, and again, speak to the matter.



Mr. Harrington: The other question is, is there a business name?

Mr. Silva: Eco Land. Eco Land Contracting, I believe.

Mr. Harrington: Could you say that again?

Mr. Silva: Ecoland. Excuse me. Gimme one second.

Mr. Harrington: Can you spell that?

Mr. Silva: E-C-O-L-A-N-D. Eco Land.

Ms. Houghton: So, as far as mowing lawns and all that, is he not allowed to like, use a blower in in our own lawn?

Mr. Kevin Silva: Do my own property?

Mr. Coelho: Sure. You're allowed to blow your own property.

Mr. Kevin Silva: Right, that's, that's what he's referring to is doing my own property.

Mr. Coelho: Yeah, but I mean, excessively or if you're running three or four of 'em out there testing 'em or, you know, I mean, I don't know, this is what, this is Crest Street? I mean, I can't imagine you have a big lawn, so what does it take 15 minutes to blow your leaves?

Mr. Kevin Silva: Yeah.

Mr. Harrington: Yeah. There's like 15, maybe 13 houses on the street.

Mr. Coelho: Yeah, it's pretty packed down, down there. So, I can't imagine yard maintenance there is too long.

Mr. Harrington: The yard's not that big.

Mr. Coelho: I mean, if it takes you a long time to cut that yard, you're not gonna be making too much money out there.

(multiple people talking)

Mr. Coelho: So, how long does it take you to clean up your yard? In the fall?

Mr. Kevin Silva: In the fall?

Mr. Coelho: Yeah.

Mr. Kevin Silva: I don't know. Maybe, the leaves and stuff, maybe an hour, a couple hours?

Mr. Coelho: Yeah, so. You know, regular, you're still allowed to maintain your, your yard, you know.

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Mr. Carpenter: Mr. Chairman, I have one quick question. Is this?

(multiple people talking)

Mr. Silva: No, that's not mine, I just wanted to show you guys that.

Mr. Carpenter: I was looking at 'em like that's little --- for me.

Mr. Silva: Everybody will have a chance to talk if everybody wants to add anything to the. Sir, are you for this?

Mr. ---: No. All set. I'm just listening.

Mr. Carpenter: Mr. Chairman, through you to the Town Planner. Are we allowed to have two? Is it two separate businesses that he's applying for or is it just one?

Mr. Kevin Silva: It's two separate.

Mr. Carpenter: Are we allowed to have two home occs at same?

Mr. Stefancik: Well, I think the next chapter is his real estate.

Mr. Kevin Silva: Investment company?

Mr. Stefancik: Yeah, if it's combined into one, it should.

Mr. Kevin Silva: I just need it for taxes.

Mr. Stefancik: Because some people have had two businesses, a husband and a wife are the...

Mr. Carpenter: I just, I've never seen it come in as...

Mr. Harrington: If he's got his stuff stored at another address, why can't he use that as a business?

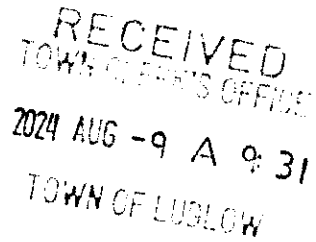
Ms. Houghton: Because it's a storage unit address.

Mr. Harrington: Not, not the, not his house.

Mr. Silva: It's a storage unit. It cannot be used house because...

Mr. Kevin Silva: I'd rather have all my mail come to my property.

Mr. Coelho: It's basically for mailing and office purposes. He's allowed to have one vehicle in conjunction with the business. And it can't be over 10,000 pounds GVW. What does he got? He's got 2020 Ram 1500, which is 7,000 pounds. No employees. Do you anticipate anybody coming to the house to do business more so than, yeah. I mean, all your stuff's gotta be somewhere else.



Ms. ---: The greenhouse in front of the property. What is that for? If that's not part of the business?

Mr. Kevin Silva: That's my mother's. She puts her plants in there.

Ms. ---: But is that not in violation because it's so close to the front yard?

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Mr. Kevin Silva: I can push it over. It's not a big deal.

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Mr. Coelho: I don't know. Again, that's a, that's an issue for the building inspector, the building commissioner.

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Mr. Kevin Silva: I'll find out and if it is, I'll push it over.

Mr. Coelho: Usually those things need permits, and they have to be properly constructed. That's what they make sure they figure out. So yeah, anything there probably needs to have a permit at this point.

Mr. Kevin Silva: Well, it's not like structurally, it's just a...

Mr. Coelho: Yeah, I, I don't know the building laws, but I do know I've had problems with even just sheds.

Mr. Silva: The size, the size of --- require a permit?

Mr. Coelho: Yeah. I mean, tents, they require tents, the...

Mr. Silva: I don't know if they can consider...

Mr. Coelho: ...the party tents like the festa, you know, they, I think they made them do permits for those kind of tents and everything.

Mr. Silva: This on the size of the property. See? Right.

Mr. Queiroga: Kevin, let me ask you a couple of questions. You can see the concern of the, of your neighbors.

Mr. Kevin Silva: Yeah.

Mr. Queiroga: How big is the property?

Mr. Kevin Silva: Oh, not big.

Mr. Queiroga: Not big? Oh, okay. And commercial vehicles that you used in your own business? How, how many do you have?

Mr. Kevin Silva: Only one.

Mr. Queiroga: Only have one.

Mr. Kevin Silva: I have two, three trailers. I have three trailers.

Mr. Queiroga: Where do you keep them?

Mr. Kevin Silva: I keep them at my yard now.

Mr. Queiroga: At your yard. You have a yard in Ludlow?

Mr. Kevin Silva: In Springfield.

Mr. Queiroga: Where?

Mr. Kevin Silva: In Springfield.

Mr. Queiroga: Springfield. Okay. So, you keep the trailers there? And the, what you have at your home is, is that a small truck?

Mr. Kevin Silva: Yeah, it's a pickup truck.

Mr. Queiroga: What?

Mr. Kevin Silva: Just a regular pickup truck.

Mr. Queiroga: It's a regular pickup truck. And you, you get going early in the morning?

Mr. Kevin Silva: Sometimes.

Mr. Queiroga: Okay. But as far as this permit that you're asking for, it really is an office job, correct?

Mr. Kevin Silva: It's just an office.

Mr. Queiroga: Okay, and people will not be coming to the house?

Mr. Kevin Silva: No.

Mr. Queiroga: Okay, and the only piece of commercial equipment is gonna be your pickup truck?

Mr. Kevin Silva: Correct.

Mr. Queiroga: Okay.

Mr. Silva: Any other comments that anybody wants to have?

Mr. Lewicki: Going off of the greenhouse.

Mr. Queiroga: Can you just state your name and address?

Mr. Lewicki: Trevor Lewicki 49 Crest Street. Going off the greenhouse, you said that the
Public Hearing – Silva
July 25, 2024

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greenhouse potentially would require a permit. There was also a large metal carport constructed on my side of the property. I live directly next door. It's two and a half feet off the property line. I don't know what, I tried reaching out to the board, the building board. I never got a response from them. Where do we go about with that?

Mr. Coelho: The building commissioner.

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Mr. Silva: It'll have to be the building commissioner to address that.

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Mr. Coelho: Do we have a full-time building commissioner right now?

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Mr. Stefancik: We do. We do. BJ Church is our building commissioner.

Mr. Coelho: BJ Church. So that, that's his job is to enforce those things from a residential perspective.

Ms. Houle: Her job.

Mr. Coelho: I'm sorry, her job. Sorry. Their job.

Mr. Silva: She's probably trying to catch up because there was a while.

Mr. Coelho: So those kinds of things gotta go through her office and she enforces those codes. We enforce the business stuff more so than anything else, but we don't even enforce that. We approve it and then if there's a violation, we forward it to that office as well.

Mr. Silva: Does anybody else want to add anything? Any questions from the board? So pretty much resuming. You cleaned everything up, all the, everything is cleaned. You just gonna run a business an office from your house to make your, take care of your paperwork. Nothing happens, right? No equipment, no washing, just you. And only noise you're gonna make will be taking care of your property like all the other neighbors

Mr. Queiroga: You start in the morning.

Mr. Kevin Silva: Depends what I got going on the next day. Right now, I'm flipping a house, so I'll just tend to start a little later.

Mr. Queiroga: Okay? Still, you only have that one truck, correct?

Mr. Kevin Silva: Correct.

Mr. Queiroga: Be mindful that your neighbors are, you know, they are gonna, if you violate any of these conditions, right?

Mr. Kevin Silva: Trust me I know.

Mr. Silva: --- finding here and you are approved for this, they will be on top of you and we'll be sitting here if any of these violations occur. So, I'll move on to grant finding on the waiver.

Mr. Coelho: Mr. Chairman?

Mr. Silva: Yes.

Mr. Coelho: I will **MOVE** to find that the home office in support of the offsite landscaping and real estate investment company, as described by Mr. Kevin Silva at 41 Crest Street, is a suitable home occupation under the bylaw.

SECOND Mr. Carpenter.

5-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

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Mr. Silva: Do I have to read all the checklist?

Mr. Coelho: Hold on. We still got, we still got some more to do here. We did all this already. Again, we're getting there.

Mr. Carpenter: Mr. Chairman, you want the waiver?

Mr. Coelho: Go ahead. I like other people to make motions instead of me all the time.

Mr. Carpenter: I **MOVE** to waive the full site plan for...

Ms. Houle: 41 Crest.

Mr. Carpenter: ...41 Crest Street in favor of a sketch and photos prepared by the applicant.

SECOND Mr. Coelho.

5-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

Mr. Coelho: Second for discussion in the standard form. You skipped a couple sentences

Mr. Carpenter: As amended.

5-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

Mr. Silva: Motion to close a public hearing,

Mr. Coelho: We need to approve now.

Mr. Silva: Oh my God. I'm getting ahead here.

Mr. Coelho: Mr. Chairman.

Mr. Silva: Yes.

Mr. Coelho: I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1-6.2.13 for Mr. Kevin Silva at 41 Crest Street with the restriction that the permit run with the applicant and not with the property.

Mr. Carpenter: **SECOND** for discussion.

Mr. Silva: Everyone in favor?

Mr. Coelho: One second.

Mr. Carpenter: To the abutters. Were there any issues with timing of the noise and anything like that?

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Mr. Harrington: As far as when the noise took place?

Mr. Carpenter: Yes.

Mr. Harrington: The noise took place on Sundays and Saturday nights for hours during the week hours. We're not talking a power wash for, for 10 minutes. We're talking a power wash for four hours. Police were called, we're not talking a little bit of noise cleaning up your yard. We're talking a whole different story.

Mr. Kevin Silva: I just had to write a police report on him actually. So, that's why he said he's trying.

Mr. Silva: What are you, what are you washing at that time?

Mr. Kevin Silva: I was pressure washing my back around the pool. I have an inground pool. I was washing cement around.

Mr. Silva: So, it was property maintenance?

Mr. Kevin Silva: Yeah, it was property maintenance.

Ms. Houghton: More like his fence, like, we have like a white fence. It's just normal house, outdoor maintenance.

Mr. Silva: We've gotta make, we have to make clear that there's no equipment. There's no, no maintenances or nothing like that. Okay.

Mr. Carpenter: Would you be willing to add a condition that they?

Mr. Coelho: I'm not the chairman. He's the chairman. Oh, to my motion.

Mr. Carpenter: To your motion. To have it conditional based on nothing after eight o'clock at night, nothing before 7:00 a.m.?

Mr. Coelho: I don't know that we can do that being a residential situation. And he's not gonna be having any bus... Excuse me. Well, when you need to talk, the Chairman, will, will let you know. Now I lost my train of thought. Yeah, when you're talking about a residential situation, I mean, people can work in their house within reasonable hours. I don't know that our town has any bylaws saying what reasonable hours is, but the neighbors are legally entitled to quiet enjoyment of their property. Typically, you know, that's seven to ten, you know, after ten at night before

seven in the morning people would need to be more quiet. I don't know how enforceable that stuff is. I, you know, that's all, you know, neighbors being good neighbors kind of stuff. Anything with this business, he, it's just a home office. So, you know, anything he's doing out there shouldn't be of commercial use or associated at all with his business. And if that's the case, then he's certainly in violation, but he's just, we're just giving him a home office.

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Mr. Carpenter: Okay.

Mr. Coelho: Printer, computer, just like he had in the picture there.

SECOND Mr. Carpenter.

5-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

Mr. Silva: So, MOTION to close the hearing?

Mr. Carpenter: **SO MOVED.**

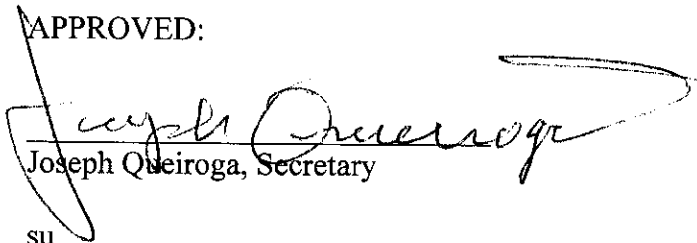
SECOND Mr. Coelho.

5-0 in Favor.

Roll call vote: Mr. Queiroga – yes; Ms. Houle – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Silva – yes.

The public hearing was closed at 7:31 p.m.

APPROVED:



Joseph Queiroga, Secretary

SU

Documents: Master application; Complaint letter/photos from the Crest Street neighborhood

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