TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – HOME OCCUPATION/SPECIAL PERMIT
60 Bluegrass Lane – Steven A. Monteiro
(property management)
June 27, 2019

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2019 JUL 12 A 10:59
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PLANNING BOARD MEMBERS

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

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

In attendance: Steven Monteiro

Mr. Phoenix read the legal notice, gave Mr. Monteiro a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – property management.

Mr. Phoenix: That said, I know we do have the application on file, but if you could just describe for us what you're looking to do at the property.

Mr. Monteiro: Nothing's really gonna change at my house. I just have a bunch of rentals, and I also want to apply for my home improvement contractors certificate license for that, for doing work on my own rentals. So, I just, kind of a slow start too maybe becoming an LLC or something like that in the future, so I kind of want to get a doing business as certificate for the property management/any home improvement.

Mr. Phoenix: Ok, so just to kind of assist in filling the details out there on the sheet that we have for home occupations, you listed that the total area of the home and other buildings housing occupation is 1,326 square feet and you'll be utilizing about 150 square feet of that. Number of nonresident employees is zero. The vehicle that you'd be using in connection with the business is a 2012 GMC Sierra 1500 with a GVW of 7,000, which is under our requirement of 10,000. And as far as planned signage at the location, customers at the house, deliveries unlike those of a normal residence, as well as any changes to the site that would make it look less residential; you answered no to all of those. So, essentially, you're just looking for an office. No customers to the site, no deliveries of odd amounts and stuff or anything like that.

Mr. Monteiro: No. All of my leases and everything are through a P. O. Box through the town, and, you know, I do everything in person at my properties.

Mr. Phoenix: Ok, along those lines, just so the Board is aware, we have not made a finding yet, and we do have a signed request for a waiver of a full plan in favor of a sketch and photos that

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the special permit for the property management as described by Mr. Monteiro at 60 Bluegrass Lane, is a suitable home office occupation under the bylaw.
SECOND Mr. Queiroga.
5-0 in Favor.

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Mr. Phoenix: Is there a motion on the waiver request?

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to waive the site plan for Mr. Monteiro at 60 Bluegrass Lane in favor of a sketch and photos as prepared by the applicant since this is in relation to a home occupation and in doing so is consistent with the purpose and intent of the zoning bylaw.
SECOND Mr. Queiroga.
5-0 in Favor.

Mr. Phoenix: Unless there's anything else from the Board at this time on the actual application, I would ask for a motion on that please.

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.1.2 thru 6.2.13 for Mr. Monteiro at 60 Bluegrass Lane with the restriction that the permit run with the applicant and not with the property.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Queiroga – yes; Mr. Coelho – yes; Mr. Phoenix – yes.

Mr. Phoenix: Unfortunately, we already have four, so I can't ask for John's vote. However, that said, I will ask for a MOTION to close the public hearing.
Mr. Queiroga: **SO MOVED.**
SECOND Mr. Coelho.
5-0 in Favor.

Hearing ended 7:07 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

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TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
June 27, 2019

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Kathleen Houle (Absent)
Rafael Quiterio (Present)
John Pedro - Associate Member (Present)

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

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Steven A. Monteiro – 60 Bluegrass Lane (property management)

SEE ATTACHED MINUTES

SITE SKETCH – Robert's Auto Body – 345 West Street

Miroslaw Kopec was present for the appointment.

Mr. Kopec explained that he wants to move his retail auto body and auto sales business from Carmelinas Circle to 345 West Street. Mr. Kopec noted that he currently has a used car license for five cars but would like to increase it with this new location.

The Board agreed that parking spaces 10-28 are not to scale on the plan.

Mr. Stefancik read from the Bylaws for auto sales: *One space 9' X 18' for each licensed display unit. Additional parking shall be one parking space for each 5 display spaces with a minimum of 3 spaces for salesmen and customers. A front yard buffer display area shall have on its inner side, a fence or barrier at least eighteen inches (18") in height to allow no part of a vehicle within the buffer area.*

Mr. Stefancik commented that there are two parcels with this property, and that the attached parcel is a wooded area. He explained that Mr. Kopec would have to come back for Planning Board approval if he was to use that additional parcel for his business.

Mr. Phoenix: So, I would entertain a MOTION in the standard form with the amendment to it that it is conditioned upon getting a revised plan in that removes the spaces 10-28.
Mr. Coelho: **SO MOVED.**
SECOND Mr. Queiroga.

Mr. Phoenix: Actually, I take that back. We didn't do the waiver yet. I'm gonna get yelled at for not doing that.

File Mail Item #45 - Notice of Decision – Board of Appeals – Special Permit for 664 Fuller Street

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Mail Item #46 – Letter from residents of Barre Drive, Wenonah Drive & River Street re: Change of Occupancy at 201 West Avenue (Nunes Companies Inc.)

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Mr. Phoenix read the letter which stated the concerns of the surrounding residents of 201 West Street, which included trees being cut, runoff onto neighboring properties, trucks entering the property though Barre Drive, and the storage of dumpsters.

Mr. Phoenix said that he reached out to the land owner, and that the owner stated that he does have a site sketch that he has prepared, but that it wasn't requested when the Change of Occupancy was approved. Mr. Queiroga also noted that he reached out to Mr. Baltazar and Mr. Nunes, and that they said that no additional trees will be taken down, and that the distance between any construction materials being stored and the neighboring properties, is more than the required twenty-five feet. Mr. Queiroga commented that he also tried to reach out to Mr. Baltazar to see if Mr. Nunes can use the entrance on West Avenue rather than Barre Drive, but that Mr. Baltazar is currently out of the country.

A number of the residents attended the meeting and voiced their concerns which were stated in the letter.

Mr. Nunes will be contacted to meet with the Board at a future meeting to discuss any concerns.

Mail Item #47 – Letter of questionable business practices at Sewall Street Auto Center (330 Sewall Street) and Dan's Small Engine Repair (326 Sewall Street) from Shaun Gilday

Mr. Phoenix recused himself from this discussion.

Mr. Queiroga took over as Chairman. (7:54 p.m.)

Mr. Queiroga read the letter of complaint which the Board Members found to be mostly a matter for the Better Business Bureau as it was mainly a complaint about vehicle and lawnmower repairs that had been done.

Mr. Stefancik explained that Sewall Street Auto never came to the Planning Board with a site plan, which was to be submitted within 90 days, as a condition of their Change of Occupancy that was approved on September 9, 2017. He also said that that they were contacted in 2018 for the site plan, and that there seems to more than the five cars that they are allowed, per their used car license, on the property.

Mr. Stefancik also mentioned that the lawn mower business located at 326 Sewall Street does not have a special permit for a home occupation.

Mr. Coelho: So, they're in violation of their agreement? The Building Inspector should be taking care of that, which clearly hasn't happened. So, send him another letter cc the Selectmen and send those people a letter. We got to just get a site plan.

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Mr. Stefancik: Ok.

Mr. Coelho: That's my opinion. ---

Mr. Quiterio: I agree with you.

Mr. Coelho: We need a motion for that?

Mr. Queiroga: --- motion to that effect?

Mr. Coelho: So, yeah, yeah.
SECOND Mr. Quiterio.
3-0 in Favor.

Mr. Coelho: Mr. Chairman, I'd like to make a **MOTION** to call it a day.
SECOND Mr. Quiterio.
3-0 in Favor.

Meeting adjourned at 7:59 p.m.

APPROVED:

Kathleen L Houle
Kathleen Houle, Secretary

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