TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
April 30, 2020

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2020 JUN -1 A 11:23
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joseph Queiroga (Present)
Kathleen Houle (Present)
Rafael Quiterio (Absent)

The meeting began at 4:30 p.m. in the Selectmen's Conference Room via Telephonically (by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Steve Levesque – 154 Cedar Street (landscaping)

SEE ATTACHED MINUTES

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Robert Ziemba – 26 Wilno Avenue (small machine shop)

SEE ATTACHED MINUTES

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Dennis and Melanie Fialho – 169 Stevens Street (property management)

SEE ATTACHED MINUTES

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Paul Babiec – 69 Amherst Street (home remodeling)

SEE ATTACHED MINUTES

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Brandon Underwood – 17 Maple Street (landscaping)

SEE ATTACHED MINUTES

File Mail Item #23 – Pioneer Valley Planning Commission RE: FY 2021 Local Assessment Fee

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Allow the Town Planner to sign bills/payroll during the COVID-19 crisis.

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Mr. Queiroga: Mr. Chairman, I'll make a **MOTION** to the same, to allow the Town Planner to sign bills, including payroll during the COVID-19 crisis.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Consent Agenda:

- FILE Mail Item 22. - Legal Notices from surrounding communities

Mr. Phoenix: But, we do need to file Mail Item #22, which is all the legal notices from surrounding communities. Is there a MOTION to file that?
Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

- APPROVE Change of Occupancies:
  - Bernard M. Courtois, Jr. (BMC Electric Inc.) 407 West Street (electrician)

Ms. Houle: **MOTION** to approve the Change of Occupancy.
SECOND Mr. Queiroga.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Ms. Houle: **MOTION** to adjourn.
Mr. Queiroga: **SECOND.**
Mr. Phoenix: Always in order and not debatable.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Meeting adjourned at 5:07 p.m.

APPROVED:

Kathleen J. Houle
Kathleen Houle, Secretary

su

(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
154 Cedar Street – Steve Levesque
(landscaping)
April 30, 2020

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2020 JUN -1 A 11:23
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joseph Queiroga (Present)
Kathleen Houle (Present)
Rafael Quiterio (Absent)

The hearing began at 4:30 p.m. in the Selectmen's Conference Room via Telephonically. (by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

In attendance: Steve Levesque, abutter (Joe Anselmo)

Mr. Phoenix read the legal notice, and reviewed the application. The legal notice included the description of: Home Office – landscaping.

Mr. Phoenix: So that's what I have. Is the applicant on the line?

Mr. Stefancik: He is. Steve, are you on the line?

Mr. Levesque: Yes.

Mr. Stefancik: Can you hear the Chairman?

Mr. Levesque: Yes.

Mr. Stefancik: Ok.

Mr. Phoenix: Beyond what I read off from the application, is there anything else that you wanted to explain as far as what you're looking to do at the property?

Mr. Levesque: No, what I'm looking for the permit at the property is, so I can do a business checking account. ---

Mr. Phoenix: Ok, I'm seeing also that you have the checklist signed off stating that you understand the criteria that go with this special permit. Is that correct?

Mr. Levesque: Yes.

Mr. Phoenix: Does anyone from the Board have any questions for the applicant?

Mr. Queiroga: Not here.

Mr. Phoenix: Ok, and this being…

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Mr. Stefancik: I did, Ray on this one, I did have an abutter there on the line, Joe Anselmo. He had some questions.

Mr. Phoenix: Sure, if Doug already knows who you are, Mr. Anselmo, if you'd like to let us know what your questions or your thoughts are, we'll do our best to get you taken care of.

Mr. Anselmo: Ok, I couldn't hear Steve very well when he was talking, I think, to you. I just want to confirm that all he's doing there is a home office, right, is that what there doing --- over there?

Mr. Stefancik: Steve it's Doug, are you just doing a home office?

Mr. Levesque: Yes.

Mr. Stefancik: He said yes.

Mr. Phoenix: I think I head a yes there. That is what it describes on the application is just using the space for an office with no changes to the site that would make it less like a regular residence in the neighborhood.

Mr. Anselmo: Ok, I'm satisfied. That's all I wanted to make sure. I know Steve's been there for a while, lives next to my mother. She's the one that lives in the house next to him, so ---. I have no problems with Steve, I just wanted to make sure that there was no, that I missed something or something else going on. That's all.

Mr. Phoenix: Ok, is there anyone else who's showing that called that has any questions or comments?

Mr. Flebotte: This is Mr. Flebotte. I live at 22 Wilno Avenue, and I was wondering ---.

Mr. Stefancik: Mr. Flebotte's for the next public hearing.

Mr. Stefancik: That's Mr. Ziemba, but this is Levesque.

Mr. Flebotte: Ok.

Mr. Phoenix: Is there anything else for this matter? Hearing nothing, the first thing I would ask is for a motion in the standard form to find that this is a suitable home occupation under the Bylaw.

Mr. Coelho: **SO MOVED**.

Mr. Queiroga: Mr. Chairman?

Mr. Phoenix: Yeah, I heard a so moved.

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Mr. Queiroga: Mr. Chairman, Joe Queiroga. Just want to know, that, make a **MOTION** that, to find that this home office as asked for by Mr. Levesque, is a suitable home occupation under our Bylaw.
SECOND Mr. Coelho.
Mr. Phoenix: Ok, motion's been made and seconded. My understanding is that with doing it this way, we need a roll call on everything. So, to that…
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: We do have that waiver request signed off on, is anyone inclined to make a motion on that?
Ms. Houle: Mr. Chairman, I **MOVE** to waive the full site plan for Steve Levesque at 154 Cedar Street, in favor of a sketch and photos provided by the applicant.
SECOND Mr. Coelho.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: On the application itself, is there a MOTION in the standard form to approve?
Mr. Coelho: **SO MOVED.**
SECOND Ms. Houle.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: So, I'll entertain a MOTION to close this public hearing.
Ms. Houle: **SO MOVED.**
SECOND Mr. Coelho.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Hearing ended 4:37 p.m.

APPROVED:

Kathleen D Houle
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).

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – HOME OCCUPATION / SPECIAL PERMIT
26 Wilno Avenue – Robert Ziemba
(small machine shop)
April 30, 2020

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joseph Queiroga (Present)
Kathleen Houle (Present)
Rafael Quiterio (Absent)

The hearing began at 4:38 p.m. in the Selectmen's Conference Room via Telephonically.
(by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

In attendance: Robert Ziemba, abutter (Richard Flebotte)

Mr. Phoenix read the legal notice and reviewed the application. The legal notice included the description of: Home Office – small machine shop.

Mr. Phoenix: Mr. Ziemba, are you on the call?

Mr. Ziemba: Yes, I am, yes, yes sir.

Mr. Phoenix: Ok, beyond what I read off from the application, is there anything that you feel that you'd like to explain about what you're looking to do at the property?

Mr. Ziemba: It's really just a home business, I'm not, something on the side for, you know, a short term. I'm not looking to be, have the machine in the garage forever, you know, just to get started, earn some income until I move to a bigger facility, expand my business, and, you know, practice growth and everything.

Mr. Phoenix: Ok. It was a little bit hard to hear you. I think I made out the highlights there. But essentially, all you're looking to do there is run the office out of the garage, you're not looking to be, really having any customers or deliveries or anything really coming to the house, or anything else that would make it less residential, something that the neighbors would see and think there's definitely a business going on there?

Mr. Ziemba: I'm not looking to have anything major coming in, just, I mean, it would be normal like FedEx, UPS, just small stuff like cutters and small pieces of steel, would be nothing unusual. The only thing that would probably be big, obviously, for delivery was when when the machine would come in, but that's about it for big stuff.

Mr. Phoenix: Ok, and as far as the work that you're looking to do, are you planning on doing that any particular hours or anything like that?

Mr. Ziemba: I mean, the particular hours would be, it'll be after my day job. I do work a day job at a different shop. So, it would be probably be after dinner, let's say, 7:00 – 9:00 p.m. during the week and, or earlier, 8:30, 9:00. And then on weekends probably like between 11:00 – 8:00 during the day. I don't want to disturb anybody, disturb any neighborhoods, neighbors or anything.

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TOWN OF LUDLOW

Mr. Phoenix: Does anyone from the Board have any questions for Mr. Ziemba?

Mr. Queiroga: No.

Mr. Phoenix: Hearing nothing from the Board, I'm gonna open it up to the public. Does anyone have anything on this public hearing for 26 Wilno Ave. for Mr. Ziemba?

Mr. Flebotte: Yes, this is Richard Flebotte. I own the property right next door at 22 Wilno Avenue. And I'm only concerned about noise. How loud do you expect it to be, sir?

Mr. Ziemba: I mean, it's got to be about the same noise of a vacuum cleaner, so you'll barely hear it. My machine, it has 8 ½ horsepower motor. And I just talked to the --- dealer where I'd be purchasing the machine and they pretty much said I'm not gonna be --- enough to make noise. And I'll say if there is any issues, --- coming back to me and I'll take care of it the best I can.

(multiple people talking)

Mr. Phoenix: Yes, just so you know as well, as part of the application process, we do have a couple checklists that are part of what we grant with this permit, and Mr. Ziemba signed off that he's read and understands those. And there are provisions in there, for instance, on the home occupation checklist: *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.* There's some other criteria, as well, that similarly would protect you from any kind of loud noises or anything else that would be detrimental to your quality of life.

Mr. Flebotte: Sounds good to me.

Mr. Phoenix: Ok, is there anything else that we can help to get you answers on?

Mr. Flebotte: I'm all set.

Mr. Phoenix: Ok, is there anyone else on this matter? Hearing nothing, let's try and to combine things a little bit. Can I get a MOTION to find that this is a suitable home occupation and to waive the full plan in favor of the sketch and photos as provided?

Mr. Coelho: **SO MOVED.**

Mr. Phoenix: Ok, I heard a so moved. Is that a second Joe?
SECOND Mr. Queiroga.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: On the approval itself, is there a motion in the standard form?

Mr. Queiroga: Mr. Chairman.

Mr. Phoenix: Joe.

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Mr. Queiroga: I **MOVE** to approve the special permit under, for Mr. Ziemba at 26 Wilno Avenue in Ludlow, under 7.0.4 a-m and the home occupation under Section 6.2.1-6.2.13 with the restriction that the permit will run with the applicant and not with the property.

Mr. Phoenix: Ok, Is there a second?

SECOND Ms. Houle.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: Is there a MOTION to close the public hearing?
Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Hearing ended 4:45 p.m.

APPROVED:

Kathleen Houle

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).

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – HOME OCCUPATION / SPECIAL PERMIT
169 Stevens Street – Dennis & Melanie Fialho
(property management)
April 30, 2020

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PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joseph Queiroga (Present)
Kathleen Houle (Present)
Rafael Quiterio (Absent)

The hearing began at 4:46 p.m. in the Selectmen's Conference Room via Telephonically.
(by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

In attendance: Melanie Fialho

Mr. Phoenix read the legal notice and reviewed the application. The legal notice included the description of: Home Office – property management.

Mr. Phoenix: Is the applicant on the line?

Ms. Fialho: Yes, Melanie Fialho is on the line.

Mr. Phoenix: Thank you. Beyond what I read off from the application, is there anything else that you wanted to share with us, so that we can go forward with this for you?

Ms. Fialho: Nope, you covered it all, thank you.

Mr. Phoenix: Ok, is there anything from the Board? Hearing nothing, is there anything from the public on this application for Dennis and Melanie Fialho at 169 Stevens Street?

Mr. Stefancik: Nothing from the public.

Mr. Phoenix: Ok, hearing nothing again, let's try to combine, at least, the finding and the waiver request if we could. Is someone inclined to make a motion on those?

Mr. Queiroga: Ok, Mr. Chairman?

Mr. Phoenix: Yup.

Mr. Queiroga: I make a finding, I **MOVE** to find the a business as described by the Fialho's is a suitable home occupation under our Bylaw, and further, I make a waiver of the full site plan in favor of a sketch and photos to be prepared by the applicant since this is in relationship to a home occupation and doing so is consistent with the purpose and intent of our zoning bylaw.

Mr. Phoenix: Thank you.

SECOND Ms. Houle.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

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TOWN OF LUDLOW

Mr. Phoenix: On the application itself, is there a motion?

Ms. Houle: **MOTION** to approve the special permit home occupation for the Fialho's at 169 Stevens Street.

Mr. Phoenix: In the standard form Kathy?

Ms. Houle: In the standard form.

SECOND Mr. Queiroga.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: I'll entertain a MOTION to close the public hearing.
Mr. Queiroga: **SO MOVED.**
SECOND Mr. Coelho.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Hearing ended 4:50 p.m.

APPROVED:

Kathleen J Houle
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
69 Amherst Street – Paul Babiec
(home remodeling)
April 30, 2020

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PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joseph Queiroga (Present)
Kathleen Houle (Present)
Rafael Quiterio (Absent)

The hearing began at 4:52 p.m. in the Selectmen's Conference Room via Telephonically.
(by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

In attendance: Paul Babiec

Mr. Phoenix read the legal notice and reviewed the application. The legal notice included the description of: Home Office – home remodeling.

Mr. Phoenix: Is the applicant on the line?

Mr. Babiec: Yes.

Mr. Phoenix: And is there anything else you'd like to add beyond what was on the application so that we can consider this for you?

Mr. Babiec: Nope, just trying to get my dba through the Town Clerk.

Mr. Phoenix: Fair enough. Are there any questions from the Board? And is there anyone from the public that has any comments, questions, or concerns on this matter?

Mr. Stefancik: No abutters.

Mr. Phoenix: Ok, so with that, I'll look for a motion on the finding and the waiver please.

Ms. Houle: Mr. Chairman, I make a **MOTION** that we find this to be a suitable home occupation, and also to waive the site plan for the sketch and photos prepared by the applicant.
SECOND Mr. Queiroga.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: Is there a motion on the application itself?

Mr. Queiroga: Mr. Chairman.

Mr. Phoenix: Mr. Queiroga.

Mr. Queiroga: I **MOVE** to approve the special permit under 7.0.4 a-m and the home occupation under 6.2.1-6.2.13 for the applicant with the restriction that the permit run with applicant and not with the property.
SECOND Ms. Houle.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

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TOWN OF LUDLOW

Mr. Phoenix: Is there a MOTION to close the public hearing?
Mr. Queiroga: **SO MOVED**.
SECOND Ms. Houle.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Hearing ended 4:56 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
17 Maple Street – Brandon Underwood
(landscaping)
April 30, 2020

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PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Christopher Coelho – Vice Chairman (Present)
Joseph Queiroga (Present)
Kathleen Houle (Present)
Rafael Quiterio (Absent)

The hearing began at 4:58 p.m. in the Selectmen's Conference Room via Telephonically.
(by order of the Governor's March 10, 2020 order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, § 20" due to the COVID-19 Virus Outbreak)

In attendance: Brandon Underwood

Mr. Phoenix read the legal notice and reviewed the application. The legal notice included the description of: Home Office – landscaping.

Mr. Phoenix: Is the applicant on the line?

Mr. Underwood: Yes.

Mr. Phoenix: And beyond what was on the application, is there anything else you'd like to add?

Mr. Underwood: No, I think that covers it.

Mr. Phoenix: Ok. Are there any questions from the Board at this time? And is there anyone on the line from the public with any comments, questions, or concerns?

Mr. Stefancik: No, there were no abutter comments at all.

Mr. Phoenix: Ok, so as far as this application goes, would anyone care to make a motion on the finding and the waiver request?

Mr. Queiroga: Go for it Kathy.

Ms. Houle: Mr. Chairman, I make a **MOTION** to waive the site plan in favor of a sketch, and to find that the business as described by Brandon Underwood, 17 Maple Street, is a suitable home occupation. Caught me off guard, Joe.
SECOND Mr. Queiroga.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: An on the application itself, is there a motion?

Mr. Queiroga: Mr. Chairman.

Mr. Phoenix: Mr. Queiroga.

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TOWN OF LUDLOW

Mr. Queiroga: I **MOVE** to approve the special permit for Mr. Underwood under 7.0.4 a-m and the home occupation under Section 6.2.1-6.2.13 with the restriction that the permit will run with the applicant and not with the property.
SECOND Ms. Houle.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Mr. Phoenix: Is there a motion to close the public hearing?
Ms. Houle: **MOTION** to close the public hearing.
SECOND Mr. Queiroga.
Roll call vote: Ms. Houle – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes. 4-0 in Favor.

Hearing ended 5:02 p.m.

APPROVED:

Kathleen J. Houle
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).