TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
May 11, 2023

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PLANNING BOARD MEMBERS

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

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

PUBLIC HEARING – Special Permit / Home Occupation – Jennifer Wright – 113 Moore Street (Assessors' Map 32, Parcel 16) (telehealth mental health counseling)

SEE ATTACHED MINUTES

PUBLIC HEARING – Special Permit / Home Occupation – Margaret Kibugi – 165 Dowd Court (Assessors' Map 32, Parcel 23L) (office for cleaning business)

SEE ATTACHED MINUTES

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 26. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of February 23, 2023, March 9, 2023, March 23, 2023, April 13, 2023
- APPROVE Change of Occupancies:
  - Antonio Sosa (Sosa's Barbershop) – 118 East Street (from hair salon to barbershop)
  - Kirby Detmers (Detmers Management Services, Inc. dba Griswold Home Care for Hampden and Berkshire Counties) – 360 Sewall Street (existing business – purchased property)
  - Breakaway Retail Enterprises, Inc. – 100 State Street – Stock house #108/208 (from pallet distributing to storage of appliances)
  - Breeanna Sheldon, Emily Murphy (Aura Day Spa) – 485 Holyoke Street (booth rental at existing spa)
- SIGN Special Permits:
  - Mr. Joe Alves – 279 Cady Street (Business in the Agricultural Moderate Density Overlay District)
  - Evan Wurszt – 103 Jerad Drive (office for landscaping business)
  - Crystal & David Williams – 121 Arnold Street (real estate/land transactions, advertising, lead generation, marketing, online sales of goods)
  - Robert D. Bourdeau II – 415 Holyoke Street (2 estate lots)
  - Joaquim & Ana Borges – 198 Stivens Terrace (landscaping & construction business)

- Brian Foster – 26 Coolidge Avenue (painting business)
- Dillon Price – 59 Lehigh Street (office for content writing services (consultant))

File Mail Item #27 – Reorganization of Safety Committee

File Mail Item #28 – Notice of Decision from Board of Appeals re: 0 aka 184 Howard Street

Estate Lots

Mr. Coelho asked if the intent of the estate lot is to allow for divisions in land locked areas or is the intent to allow somebody with the proper frontage on the street to build behind their house. He said that because the Town of Ludlow doesn't allow shared driveways on an estate lot, a property is being required to put a tar mat between the two properties that have been existing for a long time. Mr. Stefancik said that the estate lot driveway has to have a ten-foot setback from any abutting property line. The board members discussed the differences between the estate lot and a subdivision on the plan they were looking at. Mr. Phoenix commented that there are things such as town infrastructure that are wildly different between the two. Mr. Stefancik read the bylaw which stated: *The Planning Board may require a that there be maintained or kept a naturally occurring or a planted vegetative buffer strip between estate lots and adjacent lots to provide effective visual screening between the buildings at grade level.* Mr. Coelho said that he will take that information back to the property owner.

The Board discussed having a conversation with town counsel before an upcoming public hearing.

Mr. Phoenix: I'm going to entertain a motion to discuss pending litigation stuff and then to return to normal session immediately thereafter.
Mr. Carpenter: **SO MOVED.**
SECOND Mr. Coelho.
5-0 in Favor.

The Board went into executive session at 7:55 p.m. and returned to the regular meeting at 7:59 p.m.
SEE SEPARATE MINUTES

Change of Occupancy – Joshua Y. Levine, Esq. (Ludlow Liquors) 21 Harding Street (from retail flooring store to liquor store)

Mr. Stefancik explained that the parcel on 21 Harding Street is a stand-alone parcel but must have a shared parking agreement with Colvest/CVS. Mr. Phoenix said that going from a retail flooring business to a retail liquor store business is not the same. Mr. Coelho mentioned that he thinks the parking is inadequate and that there's already major problems on the road. Mr. Phoenix commented that there is shared site plan for the two businesses and the plan is dated 1999 which is over the twenty-year threshold. He also said that they are close to but not above the parking capacity. Mr. Phoenix remarked that he'd like to see this come in for site plan review and for a special permit for the CVS drive-thru.

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Mr. Phoenix: I think I've heard enough that I'm gonna say I'll entertain a MOTION to deny the change of occupancy as submitted and inform the applicant that a new site plan would need to be submitted for review in order to ensure that the site meets all of the needs of the existing and proposed business.
Mr. Carpenter: **SO MOVED**.
SECOND Mr. Coelho.
5-0 in Favor.

Town Meeting

Mr. Phoenix explained that the marijuana bylaws change to the general that the Selectmen had failed at town meeting, therefore all of the articles for the marijuana bylaw changes related to that were postponed. He also noted that the self-service storage facility bylaws passed, but that the zone change for 0 Russell Street failed.

Maria's Way

Mr. Phoenix remarked that there was a question about taking over the ownership and responsibility for the stormwater for Maria's Way, and that the Planning Board had reviewed it at a previous meeting and said that it didn't make any sense. He said that the Board of Selectmen now have questions about it, but that the Department of Public Works doesn't feel that it's in the town's best interest due to the fact that it would possibly lead to the town having to take over numerous stormwater basins at the cost of the town.

Mr. Stefancik said that he spoke with Marc Strange and informed him that the maintenance of the stormwater basins is written into the homeowner's associations and property deeds, and that there are currently ten to twelve around town. He also told the Board that the DPW said that they do not have the manpower to take over any maintenance.

The Board will review the Subdivision Rules and Regs regarding stormwater mitigation at a future meeting.

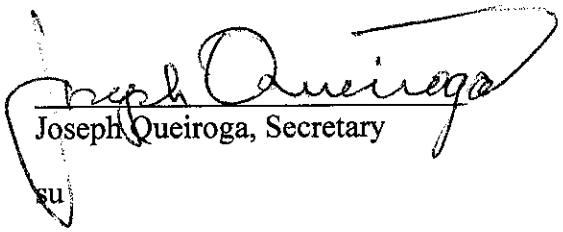
Mr. Carpenter: I will make a **MOTION** to extend an invitation to the Board of Selectmen or their liaison or their representative, assigned representative and/or the town administrator to come to our meeting to discuss the detention basins, etcetera and the town taking over.
SECOND Mr. Queiroga.
5-0 in Favor.

Mr. Carpenter: Mr. Chairman I make a **MOTION** to adjourn.
SECOND Mr. Coelho.
Mr. Phoenix: Those are always in order and not debatable.
5-0 in Favor.

Meeting adjourned at 8:37 p.m.

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APPROVED:



Joseph Queiroga, Secretary

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

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION
113 Moore Street – Jennifer Wright
(telehealth mental health counseling)
May 11, 2023

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PLANNING BOARD MEMBERS

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

The hearing began at 7:02 p.m. in the Selectmen's Conference Room.

In attendance: Jennifer Wright, attendees

Mr. Phoenix read the legal notice, advised the public that the cameras are recording, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: telehealth mental health counseling.

Mr. Phoenix: Generally, in the way of home occupations, we don't have much in the way of comments from any other boards, or anything like that, but we do get a handy dandy sheet telling us what's going on. So, I'm gonna just do some of the highlights of that, then we'll ask you to just describe what you're looking to do. So, for detailed description of proposal, we have private practice for mental health counseling via telehealth video or home visit to client. And on the home occupation supplement sheet, we have total area of home and other buildings housing the occupation, 1,922. Area to be used for home occupation, the home office is 221 square feet. Number of nonresident employees, zero. We also have no to all of the questions as far as planned signage for the business, customers at the house, deliveries unlike those of a normal residence, or changes that would make it look less residential. And we also have no to commercial vehicle beyond what's already there for the residential use. We also do have a waiver request of the full plan in favor of sketch and photos as the applicant has provided for us as is somewhat standard for a home occupation of this type. So that's what I have. So, if you want to just explain for us what you're looking to do.

Ms. Wright: Yeah, so I'm a licensed mental health counselor. I've worked in family therapy before and when Covid hit, I used to be a home therapist, you know, we all had to go via telehealth, and then I left and worked for a clinic. So, again, I'm sort of already doing it out of my home but under a clinic, not private, and now I'm making the jump into private. So, I still will be like, I'm still at a clinic now through telehealth, so in this weird way I'm like already doing that, but now I want to do it on my own. So, I want to go through the proper channels to, you know, be an official business. And I do home visits, but anything at my home is only on a screen, like I never would have anyone come to my home.

Mr. Phoenix: And just to kind of expand on that a little bit, with that type of business, you're not looking at getting any kind of strange deliveries or anything like that. I think I saw there's no signage that you're gonna be putting up advertising that there's a business there. Nothing is gonna change really physically from the way that it looks right now.

Ms. Wright: Nope, the biggest thing I had delivered like two years was a desk, but like again, the normal thing that I needed anyway, but yeah, nothing different.

Mr. Phoenix: And you did see the two thirteen-point checklists that we have, the 1-13 and the a-m to talk about all kinds of things that don't really apply to this type of business, but they do cover all home occupations as far as buoyant materials, storage of chemicals, anything like that. Just again, making sure that everything is going to stay looking and feeling residential in the area, right?

Ms. Wright: Yeah.

Mr. Phoenix: Ok, perfect. Does anyone else on the Board have any questions at this time?

Mr. Silva: No.

Mr. Queiroga: No employees?

Ms. Wright: Just me.

Mr. Queiroga: Yeah, just you, ok.

Ms. Wright: Yup.

Mr. Queiroga: And you own the house?

Ms. Wright: No, it's a two-family, and so I rent from a family friend.

Mr. Queiroga: Ok, and they signed the paperwork, ok?

Ms. Wright: Yup.

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Mr. Phoenix: Anything else from this side of the table? Hearing nothing, this is a public hearing, so I am gonna open this up for public comments, questions, and concerns. If you do have anything, I would ask that you state your name and address for the record so we can keep that all straight in the minutes and address any comments, questions, or concerns through myself as chairman, and we'll do our best to get you information that you need. Does anybody have anything at this time? Hearing nothing, I think the next thing that I'd be looking for would be a finding and/or a waiver.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the home office home occupation as described by Miss Wright at 113 Moore Street is a suitable home occupation under the bylaw. In addition, I would

MOVE to waive the full site plan for 113 Moore Street, Miss Wright, in favor of a site 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. Carpenter.
Mr. Phoenix: Motion's made and seconded to both do the finding that this is a suitable home occupation and the waiver of the full site plan in favor of a sketch and photos. And with that in mind, I'm gonna take the vote. We do need to do a roll call since this is a special permit. So, let's see, which end of the table do I want to pick on first tonight?
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Mr. Queiroga – yes.

Mr. Phoenix: You're just jumping, jumping.

Mr. Coelho: Sorry.

Mr. Phoenix: So, we got those taken care of. I'm gonna ask one more time for any comments, questions or concerns on this, and if there are none, I'd appreciate a motion on the item itself.

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the special permit under 7.o.4 a-m with the home occupation under Section 6.21-6.2.13. for Jennifer Wright at 113 Moore Street with the restriction that the permit will run with the applicant and not with the property and to furthermore close the public hearing.
SECOND Mr. Queiroga.
5-0 in Favor.
Roll call vote: Mr. Queiroga – yes; Mr. Coelho – yes; Mr. Carpenter – yes; Mr. Silva – yes; Mr. Phoenix – yes.

The public hearing ended at 7:08 p.m.

APPROVED:

Joseph Queiroga, Secretary

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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
165 Dowd Court – Margaret Kibugi
(office for cleaning business)
May 11, 2023

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PLANNING BOARD MEMBERS

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

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

In attendance: Margaret Kibugi, attendees

Mr. Phoenix read the legal notice, advised the public that the cameras are recording, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: office for cleaning business.

Mr. Phoenix: For this one, let's see, the detailed description of the proposal we've got the business will be based on cleaning people's homes, residential and businesses, move in and move out, cleans as well as organizing services. Ha, that's why that's that way. And on the home occupation sheet we have total area of home and other buildings is 3,660; area to be used for home occupation is 96 square feet; number of nonresident employees is zero. We have as far as planned signage, customers at the house, deliveries unlike those of a normal residence or changes to the site that would make it look less residential, we have no to all of those. And as far as a commercial vehicle, we have an Accura that's 4,000 lbs. GVW which is well below the 10,000 lbs. that we allow for one vehicle above what the residence normally has. We also do have the waiver request signed by the applicant looking for a waiver of the full site plan in favor of a sketch and photos and looks like the applicant has read and signed off that they understand the 26 different criteria that we have that apply universally to all special permits and home occupations regardless of their individual type. So, that's what I have. Want to just describe for us, I think we kind of get the gist from the paperwork, but if you want to just describe for us what you're looking to do?

Ms. Kibugi: Sure, thank you for having me. Again, my name is Margaret, I go by Maggie, and ---. I'm looking to start a cleaning business that will be operated mostly online. So, we will be providing service, cleaning services to residential homes, Airbnb's, business places as well as organizing services. That's what our motto is, but mostly it's online. Our workers just work based on --- 1099 so they don't come to my house for anything. So, it's mostly operated online, most of it. And if I do receive any packages, it'll just be cleaning supplies which is in very small boxes and it's nothing that will look like a store or anything like that.

Mr. Phoenix: I hate to potentially steal your thunder Chris, because this is more in your area of expertise, but as far as the chemicals and things go, that's just normal household cleaners or are those anything?

Ms. Kibugi: Yes, just regular normal household cleaning products that we buy from our local stores and Lowes.

Mr. Phoenix: Ok. Does anybody from this side of the table have any questions?

Mr. Silva: So, it'll function as a warehouse as well? Because that's where you're going to be storing all the materials for your, so, if you're receiving those products, right, you're going to be storing them at the house and then your employees will come to get them? How do you make the distribution?

Ms. Kibugi: No, I will just be, so if I do, based on the number of clients I have, I might end up getting more employees, but usually I create these cleaning kits that I usually give to --- employees that I will have, so it's usually a small cleaning kit that usually I will be giving to a cleaner where they keep it in their own home. Yeah.

Mr. Silva: Ok. I was just ---

Ms. Kibugi: --- to them or we meet in a public place because I'm also worried about my own safety, and I don't want all the employees to know where I live.

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Mr. Silva: Correct.

Ms. Kibugi: So, that's my idea on that, yes.

Mr. Silva: Ok.

Mr. Coelho: How is this run? Is it like an Uber for cleaning? I'm just interested because it's the first time it's come in front of us.

Ms. Kibugi: Oh, it's really, it's I wouldn't say Uber, but let's say for example you need a cleaner coming to your home to clean for you, once a week, twice a week, or every day, that would be me supplying you with one of my employees or myself, and then the whole thing is, I will have a website where you can book yourself and then I'll just connect you to someone who'll be coming regularly or however many times you need someone to come and clean.

Mr. Phoenix: Any other questions from this side of the table at this point? Hearing nothing. I think some of you heard this the last time, if not all of you, but this being a public hearing, I'm gonna open this up for public comments, questions or concerns at this time. If you do have anything, I would ask that you state your name and address for the record so we can keep all that straight for the minutes. And if you do have anything, please ask it through myself as the chairman. I'll do my best to get you any information that you need. Does anybody have anything at this time? Yes.

Ms. Mallonga: My name is Bonnie Mallonga and I live at 52 Dowd Court, first house on Dowd, and I would just like to be very interested in the business model to see if, 'cause I'm only familiar with Molly the Maid in New York. We just moved in Ludlow. And I do see a lot of

employees in a van, and when there's a problem, they normally go to the project coordinator. So, I would like to know if your model looks something like that, because if it does then it will involve, you know, van, traffic, employees passing through to Dowd to your home.

Ms. Kibugi: That's a good question, but as of right now my business is very small, so in the future maybe I may have a van and probably even have an office space when I grow, but right now it's just really myself and like two other employees that are in their own homes, and we have it arranged, we are not supposed to come to my house. We are supposed to meet in a public place, and I will supply them with whatever paperwork they need, whatever supplies they need, and that's how I plan on doing that. Again, I do not want, because employees come and go, and I don't want them knowing where I live and sometimes you don't always part ways in good terms with your employees. So, my thing is, I do not want people knowing where I live if I don't feel like, you know, it's a job like any other.

Mr. Phoenix: And I'm not sure if that adequately answers the question to begin with, but I would also say the way the bylaw is written for a home occupation, you can't have more than two non-resident employees that would be going to the site anyway. So, as far as having a larger number of people, that would already be prohibited just under the bylaw as written.

Ms. Mallonga: Thank you.

Ms. Clayton: Hi, Lisa Clayton, 160 Dowd Court. My question is, is that you said you have two employees right now, and if your business expands what is your, what route are you gonna be going to? Are you going to be moving to outside of your home…

Ms. Kibugi: Yes.

Ms. Clayton: …to another, to buy a building or take rent somewhere outside your home?

Ms. Kibugi: I would probably rent an office space to grow my business. I do not, I hope to grow and stop working from home, that is my ultimate goal. So yes, I will be moving, I will be moving my office from my house to probably a rented space.

Ms. Clayton: Ok, now will your two employees, will they be coming to your home? I know, I think you probably already answered this, but I just want a clarification.

Ms. Kibugi: No.

Ms. Clayton: They do not come to your home?

Ms. Kibugi: No.

Mr. Phoenix: Anything else?

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Ms. Rivera: So yes, my name is Maggie Rivera. I live at 131 Dowd Court. And so, I think that the concern for a start of business is potential to grow, and so I'm ecstatic to hear that it's really at a minimum. So, there's virtually no traffic, there's no concerns for employees or clients coming to the home, which was a huge concern for us as well as signage. You know, we just have created a culture within our neighborhood, just a true like family neighborhood and there's kids outside and just the neighbors walk freely across the street. And though it is a public road,

but that's just the nature of the neighbors, very free flowing, so that was ultimately our concern, but I'm glad to hear that. Before we came here, we didn't really have a lot of information, and so it's nice to know that that isn't the case. So, this is good. But again, the concern for a start-up business is once this special permit is issued and the business continues to grow, just to clarify what the town's position is at what point do, does it, you know, reach beyond the point of the special permit and who enforces that? In our position how do we address that if it does become a concern in the future?

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Mr. Phoenix: So, we used to read through all 26 of these points and we found that most of the time don't apply to most businesses, but they are available in the bylaws, or we could get you a copy of them separately. But they cover things like such use is clearly secondary to the use of a premises for dwelling purpose. The use is pursued by a member of the family residing in the dwelling for not more than two nonresident employees. Skipping ahead a little, no external changes made which alters the residential appearance of the building on the lot. The proposed accessory use should be suitably located in the neighborhood for which it is proposed. The use shall not be characterized by outward manifestations such as traffic generation, noise, public service, utility demand, etcetera, not unlike those dwelling units in the particular neighborhood in which the dwelling is located, and it kind of goes on from there. But, that's the general flavor of it is that it's a residence before the business starts in there and it's supposed to still look, feel like a residence with the exception of possibly an extra car or two. And they can have, if they wanted to, the application says that she does not, but if she wanted to have a sign it could be only up to two square feet, not even two feet square, two square feet, can't be lighted. So, the whole idea is to keep everything low key and still feeling like a residential neighborhood. That's the goal with all of these. As far as who does the enforcement, that would be our building inspector is the zoning enforcement officer for the town. I haven't really interacted with our new zoning enforcement officer yet. I've heard of some very mixed reviews from people, but the interactions I've personally had have been pretty positive so far. But, that's who ultimately does the enforcement actions on the zoning bylaws.

Mr. Coelho: And naturally if it's something that were to get out of control, you could send us a letter and we would review it.

Ms. Rivera: Right, and so just a few more points. And so, I think the, is this like a limited liability company, is it a corporation? The reason I ask is because will it operate as under the same real estate company that is already registered at that particular address? Because there is a business already based in there that's registered with the Secretary of State. So, I was just curious if it was gonna operate under that particular business.

Ms. Kabugi: Yes.

Ms. Rivera: Yes, but, so it's a real estate holdings company. So, I guess, just to make sure that it's gonna operate. It's basically one in the same?

Mr. Phoenix: From our perspective, we're looking at this as far as if there's another business in there, that'd probably be something that's discussed. Generally, what most people come in here for, quite honestly, is either because they know they're supposed to or because they're looking to open up a business account and the bank wants to know what's the address so the IRS can find them, and if they don't have a physical location, a place that they own separately or a rental location, they get kind of referred over to us. That's usually how a lot of that gets started.

Ms. ---: What's the name of the company that's already there? What business is already there?

Ms. Rivera: It's an LLC, it's Safari Realty LLC. It's just a real estate holdings company. And so, I guess my last comment, because your criteria for a home occupation involves things like, you know, like noise, lighting, over capacity vehicles or what have you. Through this winter for a number of months, there was a vehicle that was parked on the rear part of the property line, actually I abut the property, and it was about a 20,000 lb. truck. It was a good-sized truck. It's no longer there. But we did have to endure that for quite some time back there. It's just out in the open. There's just hardly anything covering it so it was a little bit of a nuisance to see that there. And I think the last thing that I, it doesn't only impact me, but I believe it impacts the neighbor across the street as well is, so I don't know if the lighting at the property is set on a timer, but it's set, literally the lights go on from dusk to dawn, and it's a high voltage lighting, it's very bright. So, on the street there's two columns entering the driveway with lights. Those face the neighbors across the street. And so, on the left of the property, that's where I am, there's lights on the garage that are very, very bright. There's an outbuilding behind also has lights, and the rear of the house also has lights. And so, the second floor of that side of my house, are the bedrooms, and it's the light comes into the house pretty strongly. So, if again, we have a pretty…

Mr. Silva: Is the light related to the business?

Ms. Rivera: They just go on from dusk to dawn. It's not like they're on a timer, they're just dusk to dawn. And so, that's not a problem, it's just I think the wattage could be brought down a little bit, just softened it up it would probably.

Mr. Silva: That's probably something the neighbors can solve by talking to each other, probably --- can talk about between yourselves.

Ms. Rivera: It's included in the criteria. ---

Mr. Phoenix: Well, the idea is that the business can't be doing things that the regular residence can't, the regular residence can't do or isn't doing, so if that's already preexisting there prior to the business operating there, that's a separate issue. I don't know off the top of my head, I can't think of anything in the general bylaws that that's an issue with, but there might be something. But that's a separate issue from the home occupation. I think that's the point you were getting at Mr. Silva?

Mr. Silva: Correct.

Mr. Phoenix: I see another hand.

Ms. Chase: Hi, I'm Kelly Chase. I'm at 104 Dowd Court in Ludlow. And I just wanted to clarify again on the employees, are they required with the bylaws to list the names of the employees or it can only, so say she ends up having like 13 employees, there could be 13 different people running through the neighborhood but only two at a time. Is that correct? So as long it's only two employees at a time it doesn't matter?

Mr. Phoenix: Well, let's go back to the source.

Mr. Carpenter: --- three it's no longer valid.

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Mr. Silva: Who would be notified about that, the neighborhood?

Mr. Phoenix: The use is pursued by a member of the family residing in the dwelling with not more than two nonresident employees.

Ms. Chase: Ok.

Mr. Phoenix: That's the letter of what it's in bylaw.

Ms. Chase: So, she doesn't have to specify who the actual employees are, so if there's more than four or five employees it could be any number of people, different people as long as there's only two at a time?

Mr. Silva: But she said there was only two.

Ms. Chase: But she said she's planning on expanding.

Mr. Silva: But when she expands she's planning on moving out.

Ms. Chase: But how big is that expansion ---?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

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Mr. Silva: These bylaws come into place will have to be reinforced if she gets too big, she'll get notified and she'll have to...

Ms. Chase: So, what is too big generally?

Mr. Phoenix: If she has more than two non-resident employees or if she starts getting deliveries that are unlike a normal residence or starts putting up signage or other things that violate the bylaw, then there would be enforcement through the zoning enforcement officer who would say you either need to come back into compliance or you need to move the business somewhere else.

Ms. Chase: Ok.

Mr. Coelho: The whole intent of this bylaw is to not make it look like a nonresidential situation.

Ms. Chase: Right, I guess my main…

Mr. Coelho: There shouldn't be staff meetings with 15 people there.

Ms. Chase: Right.

Mr. Coelho: You know, she wants a desk to do her bookkeeping basically.

Ms. Chase: Right, it's just a little unclear because two employees, it sounds like it's two at a time. So, my concern, I guess, is having four different people running through the neighborhood that we don't know at different times. So, she can have Mr. A and Mr. B here on Monday, but Mr. C and Mr. D could be here on Tuesday, then Mr. E and Mr. F could be there on Wednesday, so, that's six different.

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Mr. Phoenix: I can't speak for how every lawyer on the planet would read it, and I would suspect that every single one would read it slightly differently, but the way that I read it, it says not more than two non-resident employees. It does not say on site at a time, it says not more than two nonresident employees. Are there any other questions or comments?

Ms. Kibugi: As of right now, the two employees includes myself because I'm counting myself as the person that would be doing the booking which would be online. So, that leaves the other person that doesn't meet there or doesn't come there ---. So that's, and again, I just want to assure that I do not want people that I don't know coming to my house as well. So, these are people I'll be hiring, I don't know who they are. I don't want them, if anything happens, I don't want them to retaliate or anything like that, and come for me, that is just, I'm sorry, I couldn't find a better word. But, I do not intend to, you know, and again, I just wanted to, I understand we just moved there, almost gonna be three years this year. So, we are fairly new, and we do not know how you guys --- lived in that neighborhood for a long time. We learn everyday. We're willing to work with everybody. As far as the lighting go, I don't even think we knew that was happening. I wish you just came and told us that we could have even just turned them off. We don't, it's a safe neighborhood, we are not worried about safety or anything like that. But I just want to assure everybody here that we're here to just love on our neighbors, be there, be accepted and accept all of you, and also want to grow ourselves because that's just how life is, we need to grow and we need to do better, so. And I thank you for understanding, even coming out. This shows me that we really have some caring neighbors and myself too, I'll be doing the same if I hear if anybody's doing something. So, I'm grateful for all of you and thank you for all the questions.

Mr. Coelho: That was very good communication. That being said, Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the cleaning, the home office home occupation for Margaret Kibugi at 165 Dowd Street is a suitable home occupation under the bylaw, and I **MOVE** to waive the full site plan for Mrs. Kibugi at 165 Dowd Court Street in favor of a sketch and photos prepared by the applicant since this is in relation to the home occupation and in doing so is consistent with the purpose and intent of the zoning bylaw.
SECOND Mr. Queiroga.
Mr. Phoenix: Motion's made and seconded. Again, just to make sure everybody knows what we're voting on, this is both the finding that it's a suitable home occupation as well as the waiver of the full site plan in favor of the site sketch as presented and not the actual approval at this time.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

Mr. Phoenix: I'm gonna ask one last time if there's any more comments or questions or anything? Hearing nothing, I would ask for a motion on the item itself.

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Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: Mr. Carpenter.

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the special permit under 7.o.4 a-m and the home occupation under Section 6.2.1-6.2.13 for Margaret Kibugi at 165 Dowd Court with the restriction that the permit will run with the applicant and not with the property and to further close the public hearing.
Mr. Phoenix: Motion is to both approve and to close the public hearing. Is there a second?
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Carpenter – yes; Mr. Coelho – yes; Mr. Queiroga – yes; Mr. Phoenix – yes.

The public hearing ended at 7:35 p.m.

APPROVED:

Joseph Queiroga

Joseph Queiroga, Secretary

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Documents: Master application

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