

**MEETING MINUTES**  
**Zoning Board of Appeals**  
**September 20, 2018**

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Members Present: Anthony Jarvis, Chairman; Joseph Wlodyka; Manuel Lopes; Alan Aubin

Members Absent: Paul Zielinski; Kathleen Bernardo; Nicole Parker

Anthony Jarvis called the meeting to order at 7:17 p.m.

First order of Business: Pledge of Allegiance

The Board held a public hearing on the application of Susan J. Gamelli for the property located at 58 Beachside Drive (Assessors Map 16A, Parcel 133, zoned Residential A). The subject of the hearing is a Special Permit to construct a two-car attached garage which exceeds the 25% according to the Town of Ludlow Zoning Bylaws Section 3.4.2b Non-Conforming Use and Building Regulations.

Mr. Jarvis: Ms. Gamelli please state your case.

Ms. Gamelli: Well my case is I meet all other setbacks, front, back, side, it's going to be an unheated space, it's a two-car garage. So I'm requesting a special permit and I've provided paperwork, one of which is a permit that the Town of Ludlow granted back in August of 2014 for a, to construct a new house on that property, the new house was 3,118 square feet so I will not exceed that square feet limit with this two-car garage and I was hoping you could see that and I am also going to provide a photograph of my neighbors directly across the street and they've constructed a house with a three-car garage so I'm gonna provide those photos for you. And that's directly across the street from my property.

Mr. Wlodyka: These are all the same?

Ms. Gamelli: They are all the same, yes.

Mr. Jarvis: Before I forget, did you contact the Conservation Commission?

Ms. Gamelli: Well I'm told, I was told by the Building Inspector that I meet all the required setbacks so it's not a Conservation, no, the answer is no I did not.

Mr. Jarvis: Okay, I ran into the, I believe it's the Clerical position for the Planning Board and was told that you need to see them for something with the wetlands, you're within 100 feet of a wetlands, so all I can tell you is you're gonna need to see them.

Ms. Gamelli: Okay.

Mr. Jarvis: Might be nothing, might be something you need to file or whatever.

Ms. Gamelli: I will definitely do that.

Mr. Jarvis: Because the

Ms. Gamelli: I follow all the rules.

Mr. Jarvis: Yeah, I'm just saying if the garage is gonna come somewhere's in about, I'm gonna say about 50 feet from the front property lines

Ms. Gamelli: It is approximately, maybe slightly more, but yes it's under 100

Mr. Jarvis: and so from the garage to the water is gonna be less than 100 feet

Ms. Gamelli: Correct.

Mr. Jarvis: so I guess there's some kind of paperwork you need to look at with them. I just want to make sure that I get that in.

Ms. Gamelli: Okay, thank you I will, that's been duly noted and I, again, I follow all the rules, I'll get that done.

Mr. Aubin: You say this is directly across the street?

Ms. Gamelli: Directly across the street.

Mr. Aubin: I'm looking at a Google Street View, so is it behind those arborvitaes or are those arborvitaes

Ms. Gamelli: The arborvitaes are gone, yeah that's a brand new property, those arborvitaes are gone and

Mr. Aubin: And so this is the front of, I'm sure it's .....is that the front (he hands Ms. Gamelli his cell phone to look at the image) I'm sorry it's small, but so is that the front, is that that storage

Ms. Gamelli: And I took the picture standing right here and that's, the arborvitaes are gone.

Mr. Aubin: and then this

Ms. Gamelli: that is an existing

Mr. Aubin: and is that what this storage shed is there.

Mr. Lopes: So to continue, a follow up to that question, that house in the picture that you are showing us, it's a whole new

Ms. Gamelli: Brand new,

Mr. Lopes: The whole house?

Ms. Gamelli: Brand new

Mr. Lopes: It's not just a garage it's a

Ms. Gamelli: correct, it's brand new

Mr. Lopes: it's a new house that's being built

Ms. Gamelli: correct it's brand new, yeah.

Mr. Lopes: Was there a house there before?

Ms. Gamelli: No it was a lot.

Mr. Lopes: just a lot.

Mr. Jarvis: I believe the people that own the lot face

Ms. Gamelli: Chapin

Mr. Jarvis: Chapin Street and they subdivided the lot.

Ms. Gamelli: Correct.

Mr. Jarvis: If I'm correct.

Ms. Gamelli: You're 100% correct, that's John and Julia Dias, lovely people.

Mr. Lopes: It's a conforming lot as far we know, it didn't come before us?

Ms. Gamelli: No it's conforming, but just to show you that the garages are there.

Mr. Wlodyka: So then this is your property? (Shows her his cell phone.)

Ms. Gamelli: Yes sir, yup, that's it.

Mr. Wlodyka: So then this little garage here, is that gonna be torn down or anything?

Ms. Gamelli: No that'll just be a storage,

Mr. Wlodyka: Just a utility shed?

Ms. Gamelli: Yeah utility shed. It's a very, I mean you can barely get a car in there that's probably the original house built in

Mr. Wlodyka: Okay so you're gonna be building what, on the paved area here?

Ms. Gamelli: Oh no, no, no,

Mr. Jarvis: It's attached.

Mr. Wlodyka: It's attached, okay, so down here

Ms. Gamelli: I'm sorry I don't have a picture of the house, but

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Mr. Aubin: Joe I think if you look at the plan.

Ms. Gamelli: I gave you a copy of the survey too.

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Mr. Aubin: The plan, it shows existing, it shows existing parking and then it says new paved so I'm thinking that that existing parking is what you see in that, what you're looking at, that little pavement section with the

Mr. Wlodyka: Yes, okay it is, yeah.

Mr. Jarvis: So what happened, this larger section of the house here, so did that come off?

Ms. Gamelli: No this is all here. This is the street side, okay, that's the street side, and so the garage is gonna go

Mr. Jarvis: The garage has to go in there

Ms. Gamelli: The garage is gonna go right on that wall

Mr. Jarvis: Okay, that's what I was wondering if this was

Ms. Gamelli: Did you get a copy of the survey? I thought I gave you a copy. Here's a copy right here, of the survey, so this is the street side, and okay, this is Beachside Drive here, here's the lake, the pond, and so this is the proposed garage, that's the spot right there, so it's gonna go attached to that existing wall.

Mr. Jarvis: Okay, I knew there was an indentation, I just didn't know how far it went, so it's gonna be, so this is gonna be a, the enclosure from the garage to the house, that'll be that wall, you're gonna drive in facing that thing?

Ms. Gamelli: Yes, that's correct.

Mr. Wlodyka: And it's a step down in to the house?

Ms. Gamelli: It's actually, it's gonna be up, so when you come from the house into the garage, wait a minute, no when you come from the house into the garage, you're gonna go up into the garage, you're gonna step up into the garage because the land, the land has to come up a bit.

Mr. Wlodyka: Yeah I see a staircase with three risers.

Ms. Gamelli: Yeah, you'll walk up into the garage, yeah that's how it's gonna go.

Mr. Jarvis to Mr. Lopes: Where's that showing that, coming into the house? (They are looking at the plans.)

Mr. Lopes: About three steps down into the entry/foyer.

Mr. Jarvis: What I was looking at was trying to see if there was like a ..... here.

Mr. Lopes: Well there probably is, yeah I think they have to do that, building code wise.

Mr. Jarvis: That was my thought, stop vapors from going down into .....

Mr. Lopes: that's a building code issue.

Mr. Jarvis: I was just trying to see if it showed it.

Mr. Lopes: Tony was asking about the entry area where it goes from the garage to the house, the entryway area, it looks like two, possibly three steps, it says three risers, but usually when, usually there's a, you have to provide a barrier between the entry from the garage to the house so that if there's any leakage or fuels

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Ms. Gamelli: There is a wall there

Mr. Lopes: but on the floor so that it doesn't, things don't flow into the house, but that's a

Ms. Gamelli: Okay, I see what you're saying.

Mr. Jarvis: What we're looking at is normally the garage floors and going down stairs can't be used.....so then any gasoline vapors won't go down into your property.

Ms. Gamelli: Living space, yeah, very important factor.

Mr. Jarvis: So that's, I didn't see that, but it might be on there.

Mr. Aubin & Mr. Lopes are talking to each other at the same time:

Mr. Aubin: I know what he's saying. It does say ....wall on the side

Mr. Lopes: It says up three risers

Mr. Aubin: But is that from the ....wall

Mr. Lopes: I'm not sure how high it has to be or if there's a slope down, maybe that's enough but I don't know what the building codes are.

Mr. Lopes: I'm not familiar with the building code, it could be just if there's enough slope, I don't know if that covers it.

Ms. Gamelli: Well the Building Inspector did look at it because I didn't know I needed to come and get a special permit, he's the one that told me and he advised me that I wouldn't have any problem with a one car garage, he could issue the permit for that, but because I'm asking for a two, that I had to, it's a non-conforming and I have to get special permit for this. So he's aware of what, my point being, he's aware of it because he's looked at it.

Mr. Lopes: That wouldn't be within our prevue to do anything there anyway. A one car garage you'd be within the square footage allowed to increase but because of the two-car garage you're exceeding the square footage, that's why you're here.

Ms. Gamelli: And so it makes a difference even though it's unheated space?

Mr. Jarvis: Yup. It's space, it's lot coverage basically. It's the area that you're taking up within the boundaries.

Ms. Gamelli: Okay.

Mr. Lopes: So it exceeds the 25% by 296 square feet.

Mr. Aubin: Yeah and I got, the 25% is 467 square feet, but that's not including the last special permit that we granted with the deck, which I think was 10, because I don't see it on tax card so.

Ms. Gamelli: The deck just went on.

Mr. Aubin: Right, and I think it was 10 by 15, if I'm not

Ms. Gamelli: 10 by 12

Mr. Lopes: Well is the deck considered expansion of the square footage of the house? I don't think it is.

Mr. Jarvis: I don't think so. It's not living space.

Mr. Lopes: It's not living space, so it's, you know, because this is a one-time permit for exceeding the 25% square footage, right?

Mr. Jarvis: Yup.

Mr. Lopes: So that was my question, I was gonna have a question, do we know if there was ever a granted, you know, any special permits were granted for any additional square footages on this house. It looks like, because the house looks like it's been expanded by the layout.

Mr. Aubin: I'm guessing three times based on the tax card.

Ms. Gamelli: And I think the last time was like in 1980 when that last addition was put on there. It was 1980 or there about, 80 or 81. It's been a long time. And I just totally renovated the house and I stayed within the footprint of the house.

Mr. Jarvis: So you kind of gutted the inside out?

Ms. Gamelli: I gutted it, it's brand new, it's a brand new house. I mean, brand new heating system, all electrical, plumbing, it's a brand new house. There couldn't have been any other way, because it was pretty bad inside, lots of mold and neglect, many years of neglect.

Mr. Jarvis: It does tend to happen.

Mr. Lopes: So we don't have any history of

Mr. Jarvis: What's that?

Mr. Lopes: We don't have any history of permits being issued for to exceed the 25% for this particular residence.

Mr. Jarvis: I haven't seen any. Any more questions, comments or research?

Mr. Aubin: Just, because I didn't drive down there, but going on Google maps, just I guess for the record, I guess it's driving north, a couple doors down, I don't, I mean, I think there's a couple houses further



down that are similar where the garages actually come out to the street. I mean there's similar type sheds but then there's a couple houses, I don't know which number on Beachside Drive it is, but about four houses down that, there's large garages that come out right to the street so I'm gonna say it's not more detrimental than, in my opinion, based on what I see.

Mr. Lopes: I agree, I think, I mean, it's, you know, you've certainly been fixing up the house and improving the house and, you know, interior and exterior as well so it's definitely an improvement and it's, you know, the houses, a lot of the homes there are older homes that have been added on, garages added on, modernize it, and that's what you're attempting to do so my question was really on the 25% increase whether it had been used in the past.

Mr. Aubin: But I think we had a ruling that, didn't we have this discussion before that, you can have more than one 25%, I believe it was under the, dealing with Mr. Massa and the garage, he already had his 25% and then it was, there was some, I know he did a different route but still there was still some confusion that the 25% was still subjective. I thought the ruling wasn't subjective to the Board's decision.

Mr. Jarvis: Yeah. I mean every situation is different, kind of stands on it's own, usually the criteria is that it meets all the setbacks and once in a while that's what we run into is

Mr. Aubin: To me another criteria is not more detrimental to the

Mr. Jarvis: Which would be basically, permit granting authority or by special permit granting authority designated by such change, extension or authorization shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. I think is what you're looking at?

Mr. Aubin: Yeah.

Mr. Jarvis: If there's no further questions I'll entertain a motion.

Mr. Wlodyka: One question about the Conservation Commission, are they gonna have to give us anything for their approval or, before we can approve this or is that something that can happen after the fact if it's approved?

Mr. Jarvis: You could, in the motion, state that must meet all concerns of the Conservation Commission if you so wish.

Ms. Gamelli: I'll be there tomorrow.

Mr. Jarvis: Well I don't know what it is, she happened to see me in the hallway and she stopped me and I said

Mr. Aubin: My only concern would be that the plan could change based on the ruling of the Conservation Committee, so kind of what Joe was saying is that potentially that we're gonna take a vote on this plan and the plan potentially could change.

Ms. Gamelli: The plan, I will tell you that the plan will not change, if I can't get this, then I won't, it's over.

Mr. Lopes: I don't see where they would change it because she's not building down by the water, it's just standard procedure because you're within 100 feet of a wetland

Ms. Gamelli: And I'm not gonna hire an architect to redo this.

Mr. Lopes: and, you're not ripping up vegetation and she's not changing the landscape

Mr. Aubin: Right, based on this picture it didn't look like it.

Mr. Lopes: So I would think it'd be

Mr. Wlodyka: But it is a formality that they, you know, she's gonna have to go in front of the

Mr. Jarvis: Or she, you know, she may just have to file a piece of paperwork with the Conservation, I don't know what it is, it's just that it's within the 100 feet of the wetlands.

Mr. Aubin: That's probably it.

Mr. Lopes: They'll probably make you put up silt fence and some hay bales.

Ms. Gamelli: And I'll be happy to do that and I'll be there tomorrow to make sure that it, if they come and whatever I need to do.

Mr. Aubin: The back of the, approximate, the back of the new addition is 40 feet from, approximately, to the water line. That's probably, that's formality.

Mr. Jarvis: Because I think you had to go to them when you were doing the deck.

Ms. Gamelli: Sure, and they didn't have any problem with the deck.

Mr. Jarvis: There again, it's the invisible rear lot line.

Mr. Aubin: Yeah the moving rear lot line, depending on the weather.

Mr. Jarvis: So if somebody's want to make a motion, you can jot it down before you make it or whatever, I can't make one so it's whatever you guys wish or if you want to deny it. It's all up to you. Need somebody to make a motion.

Mr. Lopes: Nobody has any

Mr. Jarvis: Further comments, questions or concerns?

Mr. Lopes: I'll make a motion to approve the building of a two-car garage at 58 Beachside Drive with a total square footage of 729 square feet and that 296 square feet exceeds the 25% increase in square footage for a dwelling and that the Petitioner will also reach out to the Conservation Commission to make sure that she's meeting any requirements of the Conservation Commission that it requires, and that such changes or extensions or alterations shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

Mr. Jarvis: Is there a second?

Mr. Aubin: Second.



Mr. Jarvis: Is there any further discussion, comments or whatever?

Mr. Aubin: Can we add, based upon the plans submitted dated June 2, 2018, Project number 1833.

Mr. Lopes: The plans as submitted.

Mr. Wlodyka: And also you had that Fire Code for the steps

Mr. Jarvis: We can't get into that one, that's a building issue.

Mr. Wlodyka: Okay, as long as it adheres to all building code requirements.

Mr. Jarvis: Anything else? If not, all in favor? Motion passes 4-0. What will happen now is we have, I think it's 14 days or 15 days to file the paperwork with the Town Clerk's office and then there's a 20 day appeal period. But other than that as soon as that's done, you're free to go into the Building Department and look for your building permit.

Ms. Gamelli: Thank you very much gentlemen.

Mr. Lopes: Again I think it's just gonna be standard procedure, so they have it on file.

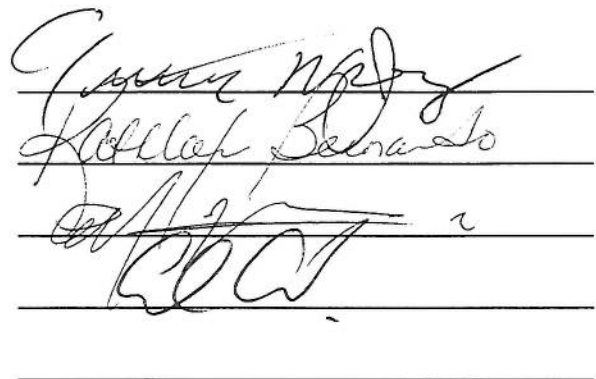
Ms. Gamelli: Oh absolutely, we'll do whatever they ask me to do.

Mr. Lopes: They'll probably require you to put up some silt fence and some hay barriers or something.

Mr. Jarvis: The hearing for 58 Beachside Drive is now closed at 7:44 pm.

Mr. Jarvis stated that there a couple hearings coming up on October 4, 33 Autumn Ridge Road for a swimming pool; someone is challenging the Building Commissioner and 1322 Center Street.

Mr. Lopes, made a motion, seconded by Mr. Aubin, to adjourn at 7:51 pm. Vote 4-0 all in favor.



Transcribed by:

  
Ann M. Converse, Administrative Assistant

