

MEETING MINUTES
Zoning Board of Appeals
January 17, 2019

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TOWN OF LUDLOW

Members Present: Anthony Jarvis, Chairman; Paul Zielinski; Manuel Lopes; Kathleen Bernardo; Alan Aubin

Chairman Anthony Jarvis called the meeting to order at 7:00 p.m.

First Order of Business: Pledge of Allegiance

The Board continued a public hearing from November 15, 2018 for Peter Kawie and New England Pallets & Skids, Inc., for a Notice of Appeal from Building Commissioner's Denial of a Request for Enforcement of a Special Permit Conditions by Failure to Act Upon the Same.

Present for this hearing were: Rebecca Thibault, Town Counsel; Attorney Patrick Markey representing Peter Kawie; Peter Kawie; Attorney Bradford Martin representing Leonard Allen; Leonard Allen; Planning Board members Joe Queiroga, Ray Phoenix and Doug Stefancik, Town Planner.

Mr. Jarvis: Please state your case.

Atty. Markey: Mr. Chair, Patrick Markey for New England Pallets, Peter Kawie we're here with what we think is some good news, for my client and Attorney Martin's client, and potentially for you guys because maybe you won't have to hear this after all, since our last meeting we have been negotiating pretty vigorously and we have come up with a settlement agreement between the parties, there's a few items that we need to dot i's on and cross the t's on but we expect to be able to settle this in the next week or so with signed settlement agreements which would result in us withdrawing our complaint from your Board and obviating the need for you guys to have any further hearings. What we are going to propose and Attorney Martin and our clients are in agreement, we would like to propose that this hearing be continued for a couple of weeks, you guys pick how long, we would anticipate that in the interim we would complete our negotiations, have a signed settlement agreement and before the next meeting came about file a formal withdrawal of all our claims with prejudice. So on behalf of all the parties, I'm making a motion that we continue this hearing to a date convenient for you with the full expectation that we would not be coming before you again.

Mr. Jarvis: did we have something scheduled for the

Ms. Converse: we have nothing else scheduled.

Mr. Jarvis: we were talking about something if my memory serves correct about January 30 or something like that.

Ms. Converse: the 100 days allowed for the end of this hearing was extended until January 31st.

Mr. Jarvis: that's what I'm saying but we don't have to

Atty. Markey: we don't have to extend it further if you want to meet before the 31st.

Mr. Lopes: Does it end before the 31st or on the 31st, the 31st is two weeks from today.

Ms. Converse: I guess ask Counsel that question.

Mr. Lopes: if we meet on the 31st are we, in two weeks,

Atty. Thibault: the extension was until the 31st so I think that's fine. You would make, assuming you make a decision that day or if you don't make a decision then you vote again to extend or you receive a withdrawal and accept the withdrawal of the appeal.

Atty. Markey: So our expectation is that we'd be filing a withdrawal before then, if the wheels fall off and we do end up having to proceed with our full case which you guys have seen we would do that on the 31st if that's the day you pick. If we didn't finish it on the 31st we would ascent to a further extension so you could continue to hear it later but we think that in the interest of all your time and our client's time and Brad and my time that it makes sense to postpone it for tonight.

Mr. Zielinski: Mr. Chairman, I will not be in attendance on the 31st, I'll be out of town.

Mr. Jarvis: anybody else got issues?

Mr. Aubin: I'm good.

Ms. Bernardo: I'm good.

Mr. Lopes: I'm good on the 31st.

Mr. Jarvis: okay so is there a motion to continue this meeting until January 31st?

Atty. Markey: I think if Mr. Zielinski is not going to be there we'd rather, we'd like to have, we don't think we're gonna be back but if we're gonna be back we'd like to have the full compliment of all your members so we would consent to moving it beyond the 31st to a date on which all of you can be there.

Mr. Zielinski: I suggest the 7th which is the following week.

Mr. Jarvis: I could say that the other thing is our regular meeting is on the 14th unless there's an issue with people for February 14th.

Ms. Bernardo: isn't that Valentine's Day?

Mr. Jarvis: yup

Atty. Markey: who better to spend it with?

Ms. Bernardo: then the two of you.

Mr. Jarvis: I mean it's up to the Board, what's your pleasure, do you want to meet on the 7th or do you want to meet on the 14th?

Ms. Bernardo: it doesn't matter to me, either one.

Mr. Zielinski: the 7th.

Mr. Jarvis: I've got a request for the 7th.

Mr. Lopes: if we do the 7th we'd have to go downstairs?

Mr. Jarvis: yes

Mr. Stefancik: the Planning Board is meeting the 14th.

Mr. Lopes: the Planning Board is the 14th? Maybe the 7th is better.

Mr. Jarvis: is February 7th good for everybody?

Atty. Markey: yes, and again the expectation is that none of us would be here for that.

Atty. Martin: yeah, I mean, we've worked pretty hard on this and we're there, I mean, we just got some details to wrap up so.

Mr. Jarvis: okay, so there's a motion to continue this meeting to February 7th, 7:00 pm, same location.

Vote 5-0 all in favor.

Ms. Bernardo: okay, so we have a public hearing at 7:30 so

Mr. Jarvis: I was just going there, so unfortunately

Atty. Markey: we got to stay until 7:30.

Mr. Jarvis: you have to stay until 7:30 for that second hearing which is on that second portion.

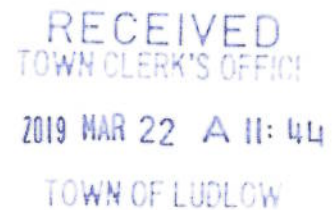
Atty. Markey: sounds good.

Ms. Bernardo: so then we can just say ditto?

Mr. Jarvis: so we're all set on New England Pallet at the moment.

Atty. Markey: see you at 7:30.

Mr. Jarvis stated that everyone needs to check with the Town Clerk's office on your status of the Ethics test.



Mr. Jarvis stated that the Board members received information regarding the Way Finders project on Fuller Street. He stated that he requested funding from the Board of Selectmen for legal services. There will be an executive session scheduled in the near future to discuss.

Mr. Jarvis stated that we are working on revising our paperwork and application for appeal and will be forwarding information to the Board members and we will discuss it at the February 7th meeting.

Mr. Jarvis stated that he is requesting funding in the next fiscal year budget for training for members of the Board.

The Board signed the Zoning Board of Appeals minutes of September 20, 2018 and October 4, 2018.

The Board held a Public Hearing on the application of Peter Kawie/New England Pallets and Skids, for the Notice of Appeal to Zoning Board of Appeals from Building Commissioner's Denial of Requests to enforce §3.2.4(b), §3.3.1(b)(4), and §3.3(f) of the Ludlow Zoning Bylaws and Ludlow Accessory Building Requirements.

Mr. Jarvis: state your name and your case.

Atty. Markey: Mr. Chairman Patrick Markey for New England Pallets and Peter Kawie and we, again as we did at 7:00 would like to make a motion to continue this hearing until February 7th, we've negotiated what we believe is a settlement that will stick and we expect that prior to that date we would be filing a withdrawal of our claims. But in the event that doesn't happen, we want to meet on the 7th.

Mr. Jarvis: Boards comments, questions?

Mr. Zielinski: motion to accept for the 7th at 7:30 pm.

Mr. Jarvis: is there a second?

Ms. Bernardo: should we make that 7:15?

Mr. Jarvis: I was thinking about that, is 7:15

Mr. Zielinski: 7:15 works for me. I'll amend that.

Ms. Bernardo: second.

Vote 5-0 all in favor.

Mr. Jarvis: meeting is continued to February 7th at 7:15 pm.

Atty. Markey: Thank you everybody.

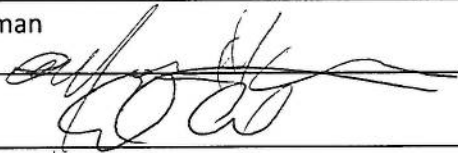
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Mr. Jarvis read correspondence from the Board of Selectmen that the May Annual Town Meeting Warrant was opened.

The meeting adjourned at 7:34 pm.

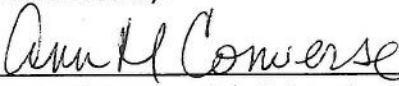
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Chairman




Board of Appeals

Transcribed by:



Ann M. Converse, Administrative Assistant

