

**MEETING MINUTES
Zoning Board of Appeals
February 7, 2019**

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.

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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.

Mr. Jarvis: well we have, I guess we could say good news, in that today we received information that the New England Pallet situation has been resolved. We received a letter from Attorney Markey stating that the paperwork has been filed, basically it says, appeal to the Zoning Board of Appeals of the Building Commissioner's Denial of a Request for Enforcement of a Special Permit Conditions by Failure to Act Upon the Same, August 30, 2018 and appeal to the Zoning Board of Appeals of the Building Commissioner's Denial of Requests for enforcement of building permit by failure to act upon same, August 30, 2018 and 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 November 14, 2018; dear Mr. Jarvis, on behalf of my clients Peter Kawie and New England Pallets and Skids, Inc., I hereby withdraw the above reference of appeals concerning Leonard J. Allen, III, Michele M. Agulier and LJ's Unlimited Landscaping, Inc., without prejudice, very truly yours, Patrick J. Markey, Esq. So all of this paperwork has been filed with the Town Clerk, stamped dated so that is now history.

Mr. Zielinski: Do we need to make a motion, Mr. Chairman, to accept the withdrawal?

Mr. Jarvis: I asked that to Attorney Thibault, she said we really didn't have to because of the fact that it's already been presented to the Town Clerk's office and stamped dated but I don't see any harm in it.

Mr. Zielinski: because we have an open, basically an open hearing still that we have to close out, as a formality.

Mr. Jarvis: that is, I was gonna say, we have the two hearings with the 7:00 and 7:15 so she said both of those are gonna come under this same one so when that one opens we can read the same thing again.

Mr. Zielinski: exactly, and so I'd like to make a motion we accept the withdrawal as filed and submitted by the Petitioner.

Ms. Bernardo: second.

Vote 5-0 all in favor.

The Board signed the Zoning Board of Appeals minutes of October 25, 2018.

The Board discussed the Zoning Board of Appeals application and the possibility of updating and changing the forms. We are looking at the Town of Belchertown's and the Town of Palmer's applications for comparison. The Board will discuss it again at a later meeting.

The Board continued 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.

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Mr. Jarvis: there again this application has been withdrawn, paperwork has been submitted to the Town Clerk's office. What's your pleasure?

Mr. Zielinski: Mr. Chairman, I make a motion that we accept the withdrawal as presented by the Petitioner and filed with the Town Clerk.

Ms. Bernardo: second.

Vote 5-0 all in favor.

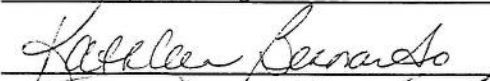
The Board signed the Zoning Board of Appeals minutes of October 25, 2018.

The Board continued discussing updating and changing the Zoning Board of Appeals application in order to streamline the appeal process. They will continue discussing changes at a future meeting.

Moved by Ms. Bernardo, seconded by Mr. Zielinski, to enter into executive session for the purpose of discussing pending litigation for the Town of Ludlow and Way Finders, Inc., at 7:17 pm to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the Chair so declares. Mr. Jarvis so declared.

Mr. Zielinski, yes; Ms. Bernardo, yes; Mr. Lopes, yes; Mr. Aubin, yes; Mr. Jarvis, yes. Vote 5-0 all in favor.

Chairman



Board of Appeals

Transcribed by:


Ann M. Converse, Administrative Assistant