

MEETING MINUTES
Zoning Board of Appeals
May 16, 2019

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2020 JAN 17 A 10: 20
TOWN OF LUDLOW

Members Present: Paul Zielinski; Manuel Lopes; Alan Aubin, Nicole Parker

Members absent: Anthony Jarvis, Kathleen Bernardo; Joseph Wlodyka

Vice-Chairman Paul Zielinski called the meeting to order at 7:04 p.m.

First Order of Business: Pledge of Allegiance

The Board held a public hearing on the application of William J. Ellison, for the property located at 581 Miller Street, Ludlow, MA (Assessors Map 25, Parcel 28, Zoning: Agriculture). The subject of the hearing is a Special Permit to allow the demolition of an uninhabitable dwelling and construction of a new two-family dwelling on an Agricultural zoned lot. Ludlow Zoning Bylaw, Section III, 3.2 Prohibited Uses, 3.2.4. Agricultural District.

Mr. Zielinski: our Chairman Tony Jarvis and one of our Board members Joe Wlodyka recused themselves from this hearing. Please mention your name and your address please.

Mr. Ellison: my name is William Ellison, 555 Miller Street, Ludlow, Mass.

Mr. Zielinski: okay and let us know what you'd like to do.

Mr. Ellison: okay, well a quick summary and I suppose we can get into details, a quick summary as I wrote on the application is we want to, in my mind's eye, I want to clarify what I thought had been a foregone conclusion back in around 1960 was to straighten out the record so that that house is in fact a two-family and it's beyond repair at this point so what we'd like to do is take it down and put up a new one in its place essentially.

Mr. Zielinski: okay. And what's preventing you from doing that now?

Mr. Ellison: well we, again, this was kind of, it was kind of a surprise to me, I was born there, my father was, my grandfather was, we all lived in different, different families lived there in a two-family, upstairs downstairs type, completely separate. I went down to talk to Justin about, you know, what would happen to take it down, yada yada, and it just kind of became, he's like oh geez it's not listed and one thing led to another and I started looking into it to find out that it's not listed as a two-family, I thought it was that way forever, the mailbox said that and everything. And I was like okay well what do I need to do, and so we started with the Planning Board, we had the land, the piece of property cut out for just the house, an acre, we went to the Planning Board and then I had to prepare for this, spoke with the Building Department, they gave me the application and here we are.

Mr. Zielinski: okay.

Mr. Ellison: a bunch of documents and stuff, if at any point you want me to walk you through that.

Mr. Lopes: so just to go back you said it was never actually listed as a two-family or?

Mr. Ellison: according to, yeah, according to the Town, and I think back into 49 or something, Joe, either Joe or Justin looked back, it might have been Joe, but anyway, Joe Alves, said that it wasn't listed as a two-family and again, since I only remember two families living there, in two separate apartments, I was surprised. And that's what they tell me. And I guess if you look at the card it doesn't really say it's been there since back in the 1870's so and occupied by the same family.

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Mr. Lopes: and address is, has one number, just 581?

Mr. Ellison: yeah, it always used to have just one number, interesting side note, both my grandfather was a postman, RFD postman for thirty-nine years in town back in the day and my father followed him for 38 years, guess what, the mail just came home, nobody actually delivered it.

Mr. Aubin: on the assessor's card it's only saying, it's only three bedrooms and two baths, so was there a bathroom up, was it, so it's two-family, upstairs and downstairs or was it?

Mr. Ellison: Mr. Aubin?

Mr. Aubin: yup

Mr. Ellison: maybe it's a good time for me to pass out some documents to show you because yeah, it's, it was completely two lockable apartments, kitchens, dining rooms, bedrooms, bathrooms, complete on both floors with locking doors, so yeah and I certainly have some pictures, that might make it a little more obvious, what we're talking about here.

Mr. Aubin: So you're confirming, it's a two-story

Mr. Ellison: up-down

Mr. Aubin: up-down, okay.

Mr. Ellison: it had a common foyer where you would enter from two different, you could enter from the garage, there was a three-car garage, one for storage and one for each family, so three and then there was an entrance from the garage and there was an entrance from the front and it went into a common foyer and then you could either go to the downstairs apartment through a lockable door or you went up the stairs from the foyer to the second-floor apartment through a lockable door. And just like any other deal. So anyway yeah that was essentially, the thing was an up-down like you'd see anywhere else.

Mr. Zielinski: by the way, just a little housekeeping, just need a check for Turley Publications for the publication.

Mr. Ellison: yeah I have a check right here, do you need me to make it out to a number? Do you have a number?

Mr. Zielinski: yeah it's right on there. (He hands him the invoice.)

Ms. Converse: I need the green cards.

Mr. Ellison give Ms. Converse the green return receipt cards.

Mr. Ellison: yeah, so anyway, back to the documentation, we can start with this, now I made eight copies but what I did do for this stuff, there's plenty here so if you want to pass them around there's like eight of them there and I tried to photoshop it like up and down so you can see it's up and down but I can walk you through it, I put some notations on each and I'll give you these too Mr. Chairman, we can probably look at these after.

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Mr. Lopes: can I ask, while you're doing that, when was it last inhabited? TOWN OF LUDLOW

Mr. Ellison: a couple of years ago, and I mean a couple. Here's that check sir. A quick story behind that, so it's gone through and I have plenty of documentation here to show you all the chronological with the addresses from envelopes and mailings sent to the various families that lived here. So the last people that were living there was my mom, my mom was a widow, she was living upstairs, my son was living downstairs, my adult son, kind of keeping an eye on her as she got up in age. My mom had a crisis at one point, kind of an Alzheimer's type crisis back in February, just about two years ago and we had to take her to the hospital and then that led to a nursing home and she actually never came back, unfortunately it was several several months. The night, the day that we took her, that night, that day whatever, she had left a window, again the Alzheimer's, dementia thing, she left a window open and it was February in the bathroom on the second floor. We never went back to the house for like forty-eight hours because I was tied up with my mom at the hospital and then subsequently into the nursing home, we went back to the house to kind of get some stuff together and I found two feet of water in the cellar and water, the second floor pipes had burst because it was open, the window was wide open and it came cascading down, took out the first floor and the cellar. So when you looked, so what we did, we didn't know what was gonna happen with my mom so my kid needed a place to live, we did our best to start doing some stuff to the bottom floor, you can see the top floor, if I labeled it enough, the top floor is still kind of the way it was, we started to try to pull some stuff together and then my mom never made it back home and so we kind of started down this road and so I stopped. Really didn't know what to expect when she was in the nursing home.

Mr. Lopes: so these pictures are kind of, are current pictures?

Mr. Ellison: I just took them, just to give you an idea currently. You can see, I mean there's still, there's no food in the fridge but there's still pots and pans and everything on the second floor, you know what I mean? You literally could go up and live there. But we had to gut, we actually had the, you know, the folks come in and do the, that fire restoration stuff, gut it, the first floor because it was completely demolished. All of that time by the way, I never knew any of this, when we were doing all of that, I never knew the situation with the two-family and all that, I thought it was, I just was kind of going along.

Ms. Parker: did you say you have some documentation recently showing that somebody did live there within two years ago?

Mr. Ellison: before that,

Mr. Lopes: before

Mr. Zielinski: before it was destroyed

Mr. Ellison: no before because it was, after the big disaster we didn't, it's kind of stuck in time. This is a ton of documentation and I have boxes full at home if you'd like more. This is kind of cool, this is a book put together, my brother-in-law and my sister lived there for quite a while while they were building their

home next door and so all of the documents in here, this is basically his ledger for building his new house but you can see all the documents here were addressed to him, Travis Wheeler, at the 581 Miller Street address and that's all concurrent when my mom and my dad were living there and I actually did the same thing when I built my house out there, lived with them as well. But that's there, you're welcome to page through that if you want

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Ms. Parker: I'm sorry, I just meant up to, okay so if we're in 2019, so somewhere around 2017

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Mr. Ellison: that's around when things went a rye and so all of the, everything stopped because she unfortunately, the house became uninhabitable for a short period of time with that water damage, it took out the furnace, it was the heating system that actually failed, hot water of course, and so we didn't know what we were gonna do, we shut down the furnace, we were kind of scrambling around to see what my mother was gonna do and then it just, the focus just became taking care of my mother and I just was like the heck with that I gotta, I'll get back to it.

Ms. Parker: right, so do you have bills from 2017, some sort of, a postmark,

Mr. Zielinski: rent receipts, anything like that?

Mr. Ellison: no, there was no rent

Mr. Zielinski: there was no rent

Mr. Ellison: there was no rent

Mr. Zielinski: your mother was in the upper floor correct?

Mr. Ellison: yeah, we just paid for, like my father and my grandfather did previously, they just paid for the electric bill, it was kind of that

Ms. Parker: so like a postmark of an envelope of the bill from 2017

Mr. Ellison: no before that,

Ms. Parker: okay

Mr. Ellison: it's all before that because when the water damage hit nobody could live there.

Mr. Zielinski: right, it's uninhabitable

Ms. Parker: when was the water damage, what year?

Mr. Ellison: February

Ms. Parker: of 2017?

Mr. Ellison: of 2017 so it was right around, yeah it was February so all of the documentation I have goes all the way back to 1961, shows two families living there concurrently, both having the same address, which I kind of tie back to my, both being

Mr. Lopes: show us a couple of examples maybe

Mr. Ellison: yeah absolutely, there's a ton here, so I'll try to make it easy

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Mr. Zielinski: while you go through those, you gave me two property record cards, what are those for?

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Mr. Ellison: oh I wanted to just note that, we can talk about that now too, that might take a minute, if you guys go through these, this is just a note that there is a two-family located in a agriculture, that's essentially the problem here is because agriculture doesn't allow a two-family unless it's a medical type thing, so there's a two-family just up the road at this address that's in agriculture and we got the maps from Assessors, this is from Joe and I just gave you the cards and the GIS just so you can figure that out.

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Mr. Zielinski: okay.

Mr. Ellison: so that's above me, just up the road, the other side of Norwich and I'm sorry, that's the other one, this is the one, and the other one is a group of six of them that are down below us down on Bluebird, down on Miller, same thing, agriculture

Mr. Zielinski: those are duplexes

Mr. Ellison: bunch of duplexes, bunch of two-families

Mr. Zielinski: okay, so these are just examples of other two-families

Mr. Ellison: I'm just noting above and below, two-families in the same neighborhood.

Mr. Zielinski: okay, great.

Mr. Ellison: that's all that is.

Mr. Zielinski: thank you.

Mr. Ellison: so yeah sure we have, this is just a Union News thing when my gram died, just to give you, it says my grandmother was living there when she died, January 1990

Ms. Parker: it says 581 Miller Street?

Mr. Ellison: oh yeah, here

Ms. Parker: oh no I believe you

Mr. Ellison: please, I brought it. It's kind of like, we went through tons of stuff, this is from when my grandfather lived there, this is 1952, we have, like I said, this is from when the Wheelers lived there. I had a couple of really good ones on the top so I didn't have to go through everything, to just to kind of show you what was going on. This just showed that my father and mother, and this is kind of an important document, you might want to look through this one, when it was all done, this was like for a loan, my father and mother right after they got married, 581 Miller Street listed as their address, 1961, okay so this is kind of a cool document. Concurrent with my grandparents living there on the bottom floor, so that's when they lived in the

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Mr. Lopes: so something from around the same time.

Mr. Ellison: I'll dig up something for you.

Mr. Zielinski: what month and year did you say you had the damage?

Mr. Ellison: what's that?

Mr. Zielinski: what year and month did you have that damage occur?

Mr. Ellison: it started right around February of 2017.

Mr. Zielinski: February of 2017 okay.

Mr. Ellison: this is the Town of Ludlow tax for 581 Miller, addressed to my grandmother and grandfather that were living in the same house but in the lower apartment so I thought that, those two things kind of started there. And there's quite a few other examples similar. I'm tried to show the chronological history here. Again, several other examples if you want to see them.

Mr. Lopes: where is Bluebird?

Mr. Aubin: that's what I was looking for, I can't find it.

Mr. Ellison: it's down the other end of Miller by Susan, you know, down by, right before you get to like Ravenwood where the gas company is, on the left-hand side if you were going towards Wilbraham.

Mr. Lopes: so

Mr. Ellison: you know where Siok, Allen Siok is, just past him where the flowers, RC Flowers?

Mr. Lopes: okay, yes

Mr. Ellison: just past him on the left-hand side on the other side of the road.

Ms. Parker: it's like three miles down Miller.

Mr. Lopes: do you have anything in there more recent than early 60, you know, showing dual families living there?

Ms. Parker: maybe like your mom and your son at the same time, any recent bills?

Mr. Ellison: I don't know if I have my mom and my son but I have this one you're welcome to look at because that was in the 90's.

Mr. Lopes: yeah let me see that booklet.

Mr. Ellison: sure, just page through, you'll, it'll be self-explanatory when you start looking at the addresses and bills. I kind of concentrated on the older, my approach was it's been going since back then but I can

Mr. Aubin: everything you showed us, to me, doesn't demonstrate that it was a two-family, I mean, based on like the tax cards from 62

Mr. Ellison: yeah they were, I'm, if you'll let me explain for a moment, the point was to try to show you that there were two different, two different people are getting addressed to the same address, are getting documents sent to them via the mail in the town to the same address so

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Mr. Aubin: the same last name, I mean, my wife and I get, we live in the same address, it's a single family and it's two pieces of address

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Mr. Ellison: yeah but one's a father and one's a son and it's a wife and there's a, you know, I thought that would be self-explanatory in the fact that there was separate, up-down.

Mr. Aubin: while you're looking, do you have this in color?

Mr. Ellison: I do but I printed it

Mr. Aubin: do you have like with you, I'd like to see a couple of the color pictures of the second floor.

Mr. Ellison: I can email it to you and you can look at it on your phone.

Mr. Aubin: okay.

Mr. Ellison: I have it in my phone, just, color is expensive and I just

Mr. Aubin: no, no, even if you just had, I just wasn't sure if you had the original pictures or something.

Mr. Ellison: I took them on my phone, yeah, I think I can pull it up, give me a second.

Mr. Aubin: do what you're doing, I didn't mean to verge from what you were doing.

Mr. Ellison: this is 2004, I got a ton of newer stuff from my mother, this is 2004, she got this stuff sent to her. This is from 1988, my parents, both of them. Like I said I've got lots more documents, I have boxes of them.

Ms. Parker: from 2017?

Mr. Ellison: well no because nothing happened from 2017 on, it got

Mr. Parker: or January of 2017 or December of 2016

Mr. Ellison: it would be back then to, so yeah, it would be back then to show you that my mother was there.

Ms. Parker: and son?

Mr. Ellison: and son was in the lower floor. The point is, I thought the older stuff would be self-explanatory. This is actually kind of cool, you might, this is the, my grandparents transferred the house

from the lawyer that shows them both, it shows the date of 77 sent to them at 581, that might be something you want to take a peek at.

Mr. Zielinski: I've got a question for you, you gave us this binder, you had a letter in here from an attorney toDrywall regarding Travis Wheeler. Who's Travis Wheeler?

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Mr. Ellison: Travis Wheeler is my brother-in-law, my sister and my brother-in-law lived there in the bottom floor after my gram, after she went and he was building his house up the street on the property and so this was a ledger of his building of his house but had all the documents sent to him, you know, the various quotes and whatnot. So that's just showing

Mr. Zielinski: okay so this isn't work that was actually done at the subject property?

Mr. Ellison: no, this was just to show that he was living there and he wasn't an Ellison, he was

Mr. Zielinski: so he was living at the subject property while it was being built.

Mr. Ellison: on the first floor.

Mr. Lopes: and at that same time your mom was living on the second floor?

Mr. Ellison: yes. My mom always lived on the second floor.

Mr. Aubin: so has it always been in the family

Mr. Ellison: 1870

Mr. Aubin: but family has been living there, as a two-family, it's always been family, you never rented out to a third party?

Mr. Ellison: no not yet, because it was always, for instance, my plan, if everything goes right is to provide a home for both my son and my nephew, my sister's kid, I mean, there's no, I don't really, it would be nice to have everybody in the family there, you know what I mean.

Mr. Aubin: No but I wasn't sure, I was trying to see if it's always been a family

Mr. Ellison: it's been a family residence, different

Mr. Lopes: you never rented outside of the family?

Mr. Ellison: no. There was always, never a need to look for anybody, there was always somebody needed something. Chronologically, it went from my grandfather then my father moved in, then my grandmother stayed there, once everybody, once my dad passed, my mom stayed there, my grandmother was gone, I moved in, then I built, then my sister moved in, then she built, then my son got old enough, moved back, my mom was still upstairs the whole time. That's kind of the quick chronological.

Mr. Zielinski: your grandmother was Ethel?

Mr. Ellison: Ethel.

Mr. Zielinski: okay.

Mr. Ellison: it was just correspondence sent to the address because my brother-in-law was living there.

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Mr. Zielinski: so this plan that you gave me is for which property?

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Mr. Lopes: was that in the book?

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Mr. Zielinski: this was in the book.

Mr. Ellison: that's the stuff, anything in that book is referencing his house that he built down the street.

Mr. Zielinski: oh that was his house?

Mr. Ellison: yes, everything in that book is

Mr. Zielinski: okay, so I won't even look at that.

Mr. Ellison: no, it was just correspondence, laid out much better than I had it, but it was just correspondence to show that he was living there. There's a ton of correspondence sent to him.

Mr. Zielinski: so this permit data and documents and all that has nothing to do with

Mr. Ellison: 581

Mr. Zielinski: your property, it has to deal with his property.

Mr. Ellison: right.

Mr. Lopes: but it shows that he was living there on the first floor, the address, his grandmother was on the second floor at that time.

Mr. Ellison: his grandmother, my mom.

Mr. Zielinski: I think we've established that.

Mr. Aubin: can you see if you have the color pictures?

Mr. Ellison: yup. I think I sent these to myself just in case.

Mr. Zielinski: Let me ask you this, was there any work done on the house where a building permit was pulled, years prior to any damage occurring?

Mr. Ellison: not that I know of, the only thing I, no, I would say I haven't found any work done where a building permit was pulled. No I have not found that.

Mr. Zielinski: okay. And to your knowledge were there any inspections done on the house by Assessors doing any onsite assessments where they actually entered the home?

Mr. Ellison: to my knowledge, prior to me kind of coming into control of it, I'm not too sure.

Mr. Zielinski: what year did you actually become the owner of it?

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Mr. Ellison: there was a life estate but my mom was still there until 17 and then I kind of took it over.

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Mr. Zielinski: so 2017?

Mr. Ellison: was when, yeah, but there was a life estate for her prior to that, but she was still managing some of her stuff. Here, I think I have them, yeah this is

Mr. Aubin: I guess I'm more concerned with the second-floor pictures in color.

Mr. Ellison: this is color of the whole thing.

Mr. Aubin: yeah, perfect. Thank you.

Mr. Ellison hands Mr. Aubin his cell phone.

Mr. Ellison: we went through, there was a, the reason there's so much demolition on the second floor on the walls, it was all knob and tube, so when we exposed the knob and tube wiring on the first floor we had to get it out of there for the second floor so we, you can see where we've been changing, pulling wire out, the knob and tube.

Ms. Parker: and replacing it?

Mr. Ellison: some of it, I didn't finish, I just got some of the Romex pulled rough.

Mr. Aubin: now this picture here, is this for the front door or the back door?

Mr. Ellison: no that's showing you

Mr. Aubin: yeah but it's got to be, this is the entryway?

Mr. Ellison: the entranceway, up the stairs from the common foyer to the first-floor apartment, with a lockable door, I was trying to show you that, yeah see I was just trying to illustrate that that was the entrance to the second floor and those doors were lockable.

Mr. Aubin: so is there an entrance, a front entrance and a rear entrance to the second floor?

Mr. Ellison: there is. There's a common foyer for the, only what I'm showing you there and then in the back there was a, we called it the back, but it actually faced Miller Street, there's another door there and that door was open to the bottom floor with two doors that led into that area, lockable, and the same thing on the second floor, with a staircase down, two doors that were lockable from there. You can enter from left to right, left to right, kind of mirror image if you will, all lockable.

Mr. Aubin: I know this is probably, this is

Mr. Ellison: yeah that's actually a good picture, see this door right here?

Mr. Aubin: yeah

Mr. Ellison: that door right here, that door, there was a staircase in there that went up to the second floor, lockable door left and right, to that room and that room, same thing down here, lockable door left and right

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Mr. Aubin: okay

Mr. Ellison: follow?

Mr. Aubin: yeah

Mr. Ellison: but this was not used, we just didn't use it.

Mr. Aubin: so the apartments were on the second floor, is that what

Mr. Ellison: first floor and, it was up and down and there was an apartment on the first floor and an apartment on the second floor.

Mr. Aubin: okay, okay, but you said, I was confused, because you said the first floor wasn't used, I thought I heard

Mr. Ellison: oh no, the foyer in the first floor, it was a common foyer in the first floor here and a common foyer over here in that little addition that you can see, this was in the main house

Mr. Aubin: okay

Mr. Ellison: this really wasn't used by anyone, there was no sidewalk, it was just, we just didn't use it, I don't know why, we just didn't, everybody used the foyer

Mr. Aubin: so where would the back door be for the second floor?

Mr. Ellison: right there, where it says in the picture, if you look at this you can just see the stairs, and see those stairs

Mr. Aubin: does that lead, is that the back door?

Mr. Ellison: when you go in there, take a left, directly in front of this window is that staircase. If you go in and take a left you went up to the lockable door, knocked on the door and you went in to the second-floor apartment. And if you wanted to go to the first floor, you walked in and there was a lockable door which is illustrated right here so if you were coming in from this door, you'd walk in that doorway, was a lockable door.

Mr. Aubin: okay

Mr. Ellison: the problem I had with that doorway was it wasn't big enough for a wheelchair for my mom and so if she was coming home, if that had happened, we needed to open it up to ADA so I could get a wheelchair through that door.

Mr. Aubin: anybody else want to see the color pictures?

Mr. Lopes: no.

Mr. Zielinski: I think I'm good. I'm confused with the terminology.

Mr. Lopes to Ms. Converse: can you help with terminology?

Ms. Converse: maybe.

Mr. Zielinski: we're just looking at the permits that were pulled in the past just to see if there's any notations regarding it being used as a two-family. That was my stroke of brilliance there for a minute trying to investigate this a little further.

Mr. Ellison: the only thing I can say is my grandfather and my father knew quite a few people in town and things just kind of went on so I can't tell you exactly what they did or didn't do.

Ms. Parker: did it have separate cooling or heating zones to control it separately?

Mr. Ellison: there was one temperature control in the house, it was an old, old furnace, really old and it was one temperature control and the house had separate fireplaces but one common furnace until I put in a new one in the 2000's and I just kept the same setup the way it was.

Mr. Zielinski: so you had one furnace in there, were they all controlled by radiators individually?

Mr. Ellison: yeah, yeah, the baseboard radiators that just pumped out water.

Mr. Lopes: and the electricity was all

Mr. Ellison: yeah it was one meter, one panel and they used to just trade off, you pay this I'll pay that.

Mr. Zielinski: okay.

Mr. Lopes: and that was very common with a lot of the old homes.

Mr. Ellison: yeah back then. Problem here was trying to, was trying to separate it all that's what the plan was and that's when I started with Justin and then I found out that it wasn't on the books that way.

Mr. Zielinski: 1949, Town of Ludlow Building Department card, one-family is what it shows.

Mr. Ellison: probably, that would be because he did it, 61-ish would have been when he actually finished the second-floor apartment so that, I know that, Joe or somebody mentioned something to me about that but it wasn't being occupied back then as a two-family. It was converted around 60-61 when I showed you that document, remember when my parents

Mr. Zielinski: so that begs the question, so when that was done around 1961

Mr. Ellison: yes sir

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Mr. Zielinski: was there a permit pulled to convert it?

Mr. Ellison: I have no clue what he did, I wasn't born. I got, you know what I did find, foundations of like C.A. Smith receipts but I have no clue, no way to, you know, tell you because they're old just old stuff.

Mr. Zielinski: okay, so we go from that card in 1949 showing it to be a one-family to the next permit dated April 23, 1968, it says if a dwelling how many families, two and

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Mr. Ellison: 68 would have been after he did it because I was alive by then.

Mr. Zielinski: okay

Mr. Ellison: I was born in 62.

Mr. Zielinski: additional room needed, wood frame, size of building, front 14, 14 and 17

Mr. Ellison: is that, is he asking for an addition?

Mr. Lopes: looks like additional room

Mr. Zielinski: additional room needed it says

Mr. Lopes: looking for an additional room

Mr. Ellison: I remember, I can just tell you off the top of my head, there's an old, there's a foundation on one corner, the back corner of that house, I don't have a picture of it, that they were gonna build an addition and that addition, that foundation is still there and I kind of remember just a family, a big deal, arguments and stuff like that about it and that's got to be what that, I've never seen that document.

Mr. Lopes: was it ever built?

Mr. Ellison: nope.

Mr. Lopes: the room was never built?

Mr. Ellison: no, the foundation, if, I'm just guessing that's what this is about

Mr. Lopes: this was in 1968, the permit was pulled

Mr. Ellison: and that would have been, I was alive long enough to remember

Mr. Zielinski: at that point it was filled out and it shows that it was a two-family at that time.

Mr. Lopes: somebody wrote in, whoever filled out the application, you know, on the question where number of

Mr. Zielinski: but was it approved? Or is it just an application, let's see, no permit granted on it. So it's just a plan and an application to build.

Mr. Ellison: there was some, I remember some arguments going on internally, I don't even know if they pursued it.

Mr. Zielinski: obviously, well at least according to this, it never happened, they put it on paper, they never did it.

Mr. Ellison: if that's what you're talking about, the foundation is there, nothing ever went on top of it.

Mr. Zielinski: okay.

Mr. Ellison: but they applied.

Mr. Zielinski: it's a cement block foundation.

Mr. Ellison: yeah that's what's there, on the back side, the north side.

Mr. Zielinski: I don't why this is even on file, if it's not even issued.

Ms. Converse: they kept everything I guess.

Mr. Zielinski: okay.

Mr. Ellison: it's kind of cool it said two-family anyway.

Mr. Zielinski: well it said two-family on the application but it's not stamped or signed off on or anything so that kind of makes it a moot point because we could have written four-family on it and it would have sat in a file with nothing on it so it didn't exactly help.

Mr. Ellison: no, I would, I would just point out to you folks that at least somebody before me wrote, thought it was a two-family.

Mr. Lopes: it was being used as a two-family.

Mr. Ellison: it was being used as a two-family.

Mr. Zielinski: it was being used but not officially. And you only had one meter, one furnace which is understandable considering the age of the home, most homes only had one furnace in it and they were just controlled individually with radiators.

Mr. Ellison: and again they just, since it was family, they just took care of it.

Mr. Zielinski: right.

Mr. Ellison: I obviously am trying to do it the other way, trying to do it right.

Mr. Zielinski: yeah, the dilemma we're kind of running into here now is, you know that a two-family is not permitted in agricultural zone, that's number one

Mr. Ellison: right

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Mr. Zielinski: and somehow you have to show or prove to us that it was actually a true two-family home, at least from the 80's on and this is where we're running into the issue now.

Mr. Ellison: well I thought I did. This is in the 90's and I have lots of documentation that he was living there, and we used, well let's take this one at a time, so I think I've shown at least only two, but there's much more, many more examples that people are having, that have two-family duplexes, residences, in the agricultural zone around me in my general neighborhood-ish. So I think we've proven that and I can, there's more documents.

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Mr. Zielinski: well you show that there are duplexes in fact, but, you got two separate sets of utilities involved here, they're distinctly different because they have two separate entrances completely.

Mr. Ellison: no I understand that, I'm just showing that they built duplexes in agriculture.

Mr. Lopes: they did, it was allowed up to a certain date and I'm not sure when that date changed because there's a lot of two-families on one-acre agricultural lots in town and then it got changed, I don't when it changed,

Mr. Zielinski: I have no idea.

Ms. Parker: 2011

Mr. Lopes: 2011?

Mr. Zielinski: 2011

Mr. Ellison: so essentially we're not trying, the plan is not to redo my mother's house the way it is, the plan is to say, I want to build a new one, completely separate, completely like these other ones, exactly like what they did. I don't have a plan, I can't easily and economically redo that house that we're all talking about. The plan originally when I walked in to see Justin was to take it down and just rebuild another one.

Mr. Zielinski: another two-family?

Mr. Ellison: a real one, you know, like these folks on both sides of me, just do that and I thought I could just do it and then we kind of tripped over the agricultural thing with the two-family thing, I said jeez, it's been a two-family and so here we are.

Mr. Lopes: you would have an issue, he would have an issue issuing a permit even to renovate that existing building into a two-family because, you know, it's not registered as a two-family, has not been registered as a two-family.

Mr. Ellison: exactly, that's what led to this.

Mr. Lopes: you'd still be here for that, if you wanted to do that.

Mr. Ellison: correct, but I just thought it would, there wasn't really a sound plan to renovate that because it didn't have the stuff split the way it should be.

Mr. Lopes: so nobody in the family ever had the foresight or the, you know, to come to, you know the Town and make sure that it was a legal two-family.

Mr. Ellison: no, I always thought they did, I literally thought that it was all set and along I came and was super surprised to find that it wasn't and so I just decided okay tell me what to do and we'll make it right.

Mr. Zielinski: how many total building lots do you have there right now?

Mr. Ellison: there's only one, sitting on an acre.

Mr. Zielinski: one single, okay.

Mr. Ellison: just one acre, ...the farm.

Mr. Aubin: you had it re-divided right?

Mr. Ellison: I cut it up to make it, I was told it would make it easier for you folks so we had to cut out to show one and I just did that.

Mr. Lopes: so that was the

Mr. Ellison: it was part of the whole farm.

Mr. Lopes: right it was all one large estate kind of thing and two different buildings

Mr. Ellison: right, twenty-some odd acres, that one sat on one parcel and so we cut that out into one acre to make it easier to see what we're trying to do.

Mr. Lopes: is there another residence on that acreage?

Mr. Ellison: on that parcel?

Mr. Lopes: or just the barns?

Mr. Ellison: no that's just the pastures where the cows graze.

Mr. Lopes: right, and barns or so?

Mr. Ellison: and the barns are on a little, a different parcel but adjacent to that.

Mr. Lopes: so on this, the parcel that you cut this off of, there, there are no other residences?

Mr. Ellison: no other residence, no that's all the pastures for the cattle business.

Mr. Lopes: okay

Mr. Ellison: you know, in an ideal world the kids could live there and still keep an eye on the farm and then eventually I will pass and whatever.

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Mr. Lopes: do you want to open it up?

Mr. Zielinski: yeah, any more questions from the Board?

Mr. Aubin: so you went before the Planning Board to get it

Mr. Ellison: chronologically speaking I went to the Building Department, figured out all this, went to the Planning Board, had it surveyed, had an acre cut out, so that we, you guys could understand we were talking about this acre, this piece, got it approved by the Planning Board as a lot, got it registered and all that

Mr. Aubin: it's still agricultural

Mr. Ellison: oh yeah it's still agricultural

Mr. Aubin: if it went to the Town meeting you could have tried to get it converted to residential, I'm not sure if there's other residential.....

Mr. Ellison: well yeah, or, that I guess was one way, the other way was to talk about a special permit because there was some history here, I wasn't just coming along and hey I'm gonna plop this down, I wanted to expose to you folks my, what happened in my history.

Mr. Lopes: so did the Planning Board explain to you that you could go to the Town Meeting and try to get it re-zoned to Residence B?

Mr. Ellison: yeah they kind of did, I think what was really talked to me about was the spot-zoning thing, this, I wasn't trying to spot-zone, I was basically trying to say I, it was my understanding as a little kid, that that's what we had already, I wasn't trying to change anything, I was just trying to redo the house that was already there. Spot zoning is spot zoning, we can debate that. I was saying we already had one here, there's a duplex above me and there's six of them below me, I'm not trying to make a subdivision, we have a farm, we've committed to that, I'm just trying to provide some housing for the next generation to take my place and still be on the farm and so we were, we have two, well we have two kids, two separate kids so a duplex made sense and it would have been fine, I guess, we would never be here if you think back and my mother doesn't leave the window open, I mean, if you think about it, somebody probably would have stumbled on this but maybe not have been me, but the window got left open, we had the big problem and led to have to redo it and all that, which brought me down here.

Mr. Aubin: what are the closest two duplexes to this location?

Mr. Ellison: the Bourcier one there that's right above Norwich Road, it's shown in that little packet, 625 and 627 I think, so my Mom's is 581

Mr. Aubin: okay

Mr. Zielinski: unfortunately it's no where near close to the subject property.

Mr. Aubin: well that's why I was asking.

Mr. Zielinski: it's not even in the ballpark, as they say, neither of these is, I think you can only take it at face value that these are allegedly in agricultural districts and they're duplexes that's about all you can say about it.

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Mr. Ellison: and they were allowed.

Mr. Lopes: they were allowed but the problem is.....

Mr. Ellison: they weren't rezoned

Mr. Zielinski: but we don't know why exactly either

Mr. Lopes: prior to 2011 you could

Ms. Parker: there's several reasons, it could have been a two-family all along

Mr. Zielinski: right or they could have gotten a variance

Mr. Ellison: those were all built

Mr. Zielinski: and you know, historically some Boards were very liberal and went above and beyond what they should have done for a decision by granting those so.

Mr. Lopes: no, those were obviously built before 2011 when it was allowed.

Mr. Aubin: that's what I was looking for.

Mr. Ellison: yeah I didn't know.

Mr. Lopes: yeah if you go up Munsing Street there's a subdivision there, all two-families on agricultural lots,

Mr. Zielinski: there's a few, yeah.

Mr. Lopes: Moore Street, there's a bunch of two-families out there that were built on agricultural lots and it was allowed then they changed the bylaw.

Mr. Ellison: so I ideally thought that the best thing to do was to try to do it right.

Mr. Aubin: 1985 and 1990, those two were built.

Mr. Lopes: so back then it was a thing.

Mr. Zielinski: anyone from the public wish to make a comment, if you would please state your name and address.

Ms. Louvitakis: my name is, well I'll go back, Bonnie Hershey Louvitakis, my mother was Elsie Ellison, my mother was born in that home

Mr. Zielinski: what address are you at by the way?

Ms. Louvitakis: I'm at 523 Miller Street

Mr. Zielinski: okay, thank you.

Ms. Louvitakis: I abut actually Buddy's property but through all my whole lifetime it always, to us, has been a two-family home, that's why when we got this I was confused because it was always two-family. My grandmother, I mean my grandmother who we took care of as she got older was always downstairs, they always lived downstairs and Buddy's family, before that my uncle, always lived upstairs, it was always a separate apartment, like he said the foyer, you go in you either went in my grandmother's apartment on the first floor or you went upstairs, knocked, you know, it was a whole living apartment, complete with everything so I've never known it to be anything but a two-family home where they lived.

Mr. Zielinski: thank you. Anyone else?

Ms. Kavka: my name is Nancy Hershey Kavka, I live at 507 Miller Street, and I would say originally the land that I live on may have at one time been owned by my grandfather Franklin Ellison and so I have lived at that address, well actually I lived at 523 since 1948 and we built our house where we now live in 1972 and I can remember when his parents married in 19, and I think it was 60 or 61, because our mother was an attendant in their wedding and so they, Aunt Mable moved right in to the house and they always lived in that beautiful apartment upstairs, it was to my knowledge, always a two-family house, separate entrances, the kids were raised up there, my grandparents were down below to I spent a lot of time in that house. We, I think, I don't think we live on agricultural land now but we certainly are farmers by nature and so that house to my knowledge, I'm 75 years old, that house has always, since his parents married and occupied, same dwelling, second apartment.

Mr. Zielinski: okay, thank you. Anyone else?

Ms. Hodgman: Elaine Hodgman, 1475 Center Street, does anyone know why the Zoning Bylaw was changed to not allowing two-families in agricultural to begin with? Was it because they were foreseeing that there was going to be other problems and, if a two-family house is the worst thing that has happened in this town then there's lots of two-family houses in agricultural zoning in Ludlow, so why is it a big problem for him to build a two-family house on agricultural land that he wants to keep preserving and working? Give him the special permit, period, my opinion.

Ms. Parker: so on Miller Street there isn't sewer and, you know, the water pipes are really really little and old and, you know, to keep it agricultural to single family homes, agricultural is bigger land, single family homes so it's less burden on the utilities. If there are any, whatever there is.

Mr. Ellison: there's actually a, Wilbraham has a huge main that comes up there, we have a 36-inch main aqueduct on my property and Wilbraham comes

Ms. Parker: mine is tiny.

Mr. Ellison: Wilbraham comes up from across the bridge, comes, I actually have Wilbraham water on a big line.

Mr. Zielinski: but that aqueduct that cuts through your property

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Mr. Ellison: that's a service

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Mr. Zielinski: that's just the main service, that doesn't service any of the properties off of it though.

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Mr. Ellison: interesting side note though, Broderick was the head of the water department at the time for them, when they got that easement, when I went down I had the right to pick off of that aqueduct because it was on my property, it was written into the easement we just opted not to because it was an old line and if something ever happened.

Mr. Lopes: well I know for a fact that the Wilbraham has their water main that runs down Center Street comes from I think Nash Hill, it runs, they were one of the few towns that tied into the Quabbin water, you know, when they built the Quabbin, it was Chicopee tied into it and South Hadley District 1 and Wilbraham were the only towns in Western Mass that tied into the Quabbin and they ran, I know I'm in that business, I know the water main runs right through there and for Springfield Water, you would probably tie into that for this, if this was granted probably tie into that or are you planning on drilling a well?

Mr. Ellison: well it's already got, it's already tied into Springfield Water.

Mr. Lopes: it'll probably require a new service I'm sure.

Mr. Louvitakis: Marco Louvitakis, 523 Miller Street, for what it's worth I just want to say that Buddy is a good man and he's a good neighbor and he's always done, to my knowledge, he's always done the right thing. The right thing for him to do now, that property has been in his family for three generations, he wants to preserve it for the fourth generation. There's not too much farm land left in Ludlow, he's also trying to preserve that so and since I married my wife Bonnie back in 1975, that house has always been two-family. Thank you.

Mr. Zielinski: thank you. Okay, anyone else? No, so

Mr. Aubin: don't look at me.

Mr. Zielinski: I'm looking at everyone right now. What's your pleasure folks?

Mr. Lopes: well I think that, you know, what happened with this house, you know, an old farmhouse being converted to a two-family kind of without a permit was something that occurred quite a bit, not only in this Town, but in other communities as well. Most people, you know, as time went by, realized that they had to make it legal as a two-family, you know, with the Town, register it as a two-family, your parents never did that, probably because, you know, time went by, they got a little older and just didn't think of doing that I guess. The appraisers should have picked up on it, that went out there and, you know, made it a record

Mr. Zielinski: as well as Building Inspectors when they went out for permits, that's what I was kind of searching for to see if we could find any notation of that but unfortunately we didn't find anything, just the application which is not very helpful.

Mr. Lopes: you know, I think it's kind of clear that it was used as a two-family by the family, you know, everybody speaking and what you have here, I think that was common knowledge, we don't see that too

much anymore, not too many families taking care of family anymore and, you know, obviously your family did for years and is still doing it.

Ms. Hodgeman: then give him credit for that, sorry.

Mr. Lopes: yeah, give him credit.

Mr. Zielinski: actually, well wait a second, wait a second here, I just noticed something here, you had a permit issued December 8th of 2016, it was to remove knob and tube wiring first floor, basement, and attic, install four new feeders, 100 amp service and install two meters.

Mr. Ellison: my electrician, we pulled that knob and tube, I told him he had to work, I told the electrician I was gonna pull the knob and tube but he handled it all, I didn't even know, I told him he better take care of it.

Mr. Zielinski: was it done?

Mr. Ellison: yeah, the knob and tube is out.

Mr. Zielinski: okay.

Mr. Ellison: that's the pictures I have.

Mr. Aubin: was the second meter added?

Mr. Zielinski: so the two meters added?

Mr. Ellison: no, we stopped because I didn't know what was up with my mom so I stopped doing it.

Mr. Lopes: when was this?

Mr. Ellison: I didn't even finish paying him.

Mr. Zielinski: this was December 8, 2016.

Mr. Lopes: regardless, I think

Mr. Ellison: we didn't finish that part of it.

Mr. Lopes: I think it's about, I'm ready to make a motion if anybody else has any other things to talk about.

Mr. Ellison: so he wrote two-family on that?

Mr. Zielinski: it says install two meters and that was signed by our current building commissioner.

Ms. Parker: is this proposed house in line with say the next house over? I now your house is set way back but what about to the north of

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Mr. Ellison: we were just gonna set it back like the rest of the houses in the neighborhood. If you look at the picture, you know that black and white shot? The old houses were put right on top of the road, it's on the planning board thing. The setback would be the same as the house across the street and that's to match the neighborhood.

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Ms. Parker: well forty feet is required and it's forty-one feet.

Mr. Lopes: this permit was issued but not done, right?

Mr. Zielinski: right.

Mr. Ellison: what's that?

Ms. Parker: your proposed?

Mr. Ellison: yeah we just put that on there to give you an, I remember that, when I talked with the surveyor, he's like what do you want to do, I said I'm not sure exactly it's gonna go somewhere and he said let's just put it on there over the minimum so that the folks can get an idea what you're trying to do..

Mr. Aubin: but you have a house plan? You want a design because you could be building a four-story

Mr. Ellison: no I'm going to put a first floor because I get old and I want to be on a first floor.

Ms. Parker: so where is this garage then, because it looks like the garage is underneath the duplex.

Mr. Zielinski: it's attached to the house.

Mr. Ellison: there's a picture here, of the new one?

Ms. Parker: yeah

Mr. Ellison: there's gonna be a garage on both, it's a duplex, there will be a garage on both sides in the middle.

Mr. Zielinski: the old house looked like it had a garage as an addition off to the side

Mr. Ellison: it did.

Ms. Parker: (pointing to a map) not his is, here's the house, here's the footprint of the house, the garage is like or under it or something

Mr. Zielinski: the proposal, it's an undercar garage right?

Ms. Parker: that's what it looks like.

Mr. Ellison: no, you mean the future one?

Mr. Zielinski & Ms. Parker: yes

Mr. Ellison: well I wouldn't, okay, I would have been more than happy to have done that but I figured I better do this first so I didn't pay anybody to totally design the whole house yet but the plan is first floor ranch all the way across with a porch and two garages, all first floor.

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Ms. Parker: like that are on Center Street?

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Mr. Ellison: I actually, the house that I'm planning on doing is on Lyon Street, it's exactly that house, down before Munsing and Lyons, the Chenier's actually have a duplex there, a brick-face duplex that is built the same exact way.....

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Mr. Zielinski: single floor?

Mr. Ellison: single floor, ranch, two garages in the middle and the houses off to the side

Mr. Aubin: how many square feet?

Mr. Ellison: I don't know, you can look it up, I didn't bring it, I certainly had it

Mr. Aubin: okay, but that's what we're voting on.

Mr. Zielinski: well it says 48x80, is what he's got for dimensions.

Mr. Ellison: we threw some rough stuff on there.

Ms. Parker: well if he got this special permit he'd have to fall under the dimensional requirements to get a building permit.

Mr. Lopes: right.

Mr. Ellison: I didn't go that far because I didn't realize

Mr. Lopes: you were right not to do that, I mean, you didn't know where it's gonna land.

Mr. Ellison: I have a person that's gonna design it and I have pictures.

Mr. Lopes: I'm gonna make a motion, based on evidence that we've seen here and testimony from people that are here, that's it been used as a two-family since probably 1960 and also based on a building permit here that was issued on December 8, 2016 to install two meters on the property, two electric meters, indicate that it would be a two-family so I'm motioning to approve the permit, a special permit to build a two-family at 581 Miller Street and that the new property, the new two-family that would be built there, the dwelling would have to meet current front yard setback, side yard setbacks and rear setbacks and that building the two-family would not be more detrimental to the neighborhood as it stands right now.

Mr. Aubin: second. Discussion?

Mr. Zielinski: second for discussion.

Mr. Aubin: I still would like to see some size requirement put on it as not to exceed

Mr. Lopes: I don't think that's within our parameters to do that really, he has to meet the setbacks and side yards and that comes into play there, you know, that's my opinion.

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Mr. Aubin: okay.

Mr. Zielinski: the building permit would set that out but just implying the or explicitly stating that it has to meet all the front, side and rear yard setbacks at least allows him to do something and then subject to a permit being issued after that and that's where you get into

Mr. Aubin: okay I'm cool with that. We're just going, basing our ruling on the setbacks andduplex in agricultural.

Mr. Zielinski: right because right now he shows it as, motioner did you mention in the record that the proposed is a 48x80 duplex?

Mr. Lopes: no I did not. Is that what you want to state, say what

Mr. Zielinski: again that's for discussion, did you want to limit it or?

Mr. Ellison: again, I mean, that's kind of a ballpark on that.

Mr. Lopes: well if we vote on it

Mr. Ellison: if that's what it's got to be then that's what it's got to be.

Mr. Lopes: if we put that in there then it's gonna limit you to that.

Mr. Zielinski: right so let's leave that open?

Mr. Aubin: okay. I'm okay with that, I'll curse my words, but I'll leave it open.

Ms. Parker: yeah but he has to meet the dimensional requirements when he gets his building permits

Mr. Aubin: I know that.

Ms. Parker: I think you don't want a four-story monstrosity that has flashing lights like Luso in that neighborhood.

Mr. Zielinski: right

Mr. Ellison: neither do I, we have a farm, it's got to match the neighborhood.

Mr. Lopes: you don't want to scare the cows?

Mr. Ellison: no.

Mr. Zielinski: ...qualify it as a two-family, single-story, ranch style, do you want to throw that in there? It won't limit the dimensions but it does limit the structural use.

Mr. Lopes: well, you know, I'm hesitant to even put that in there, you know, how many stories it's gonna be, if you guys, if somebody else wants to put it in there

Ms. Parker: no I agree with not putting it in there just meeting dimensional requirements

Mr. Aubin: no, you've talked me out of it, I'm okay with it.

Mr. Zielinski: okay so basically the motion stands as it is right now and as presented and it's already been seconded

Mr. Lopes: did I mention that it's for a two-family?

Mr. Zielinski: I believe you did mention it was for a two-family and if you didn't, you just did.

Ms. Parker: do you have to cite the part of the law or no? Or does Ann just do it?

Mr. Zielinski: it's under a special permit, we already knew that.

Ms. Parker: under 3.4.2

Mr. Lopes: for the special permit?

Ms. Parker: yeah for the special permit.

Mr. Zielinski: throw it in there.

Ms. Parker: well I'm just, I don't know if you guys have to do it, you know, I'm used to a different Town, or she just does it.

Mr. Zielinski: we can do that.

Mr. Lopes: go ahead and mention it, we'll put it in there. What is the

Ms. Parker: it's under Section 3.4.2 of the Ludlow Zoning Bylaws.

Mr. Zielinski: or is that 3.2.4?

Ms. Parker: no, 3.4.2a because this is prohibited uses unless, it could be 3.2.4 plus 3.4.2, but it's under the continual use of a two-family within two years.

Mr. Zielinski: 3.4.2 is continual use

Ms. Parker: yeah and that's basically, you're going by the building permit so that's what you want to use.

Mr. Zielinski: okay, so do you want to go ahead and amend that then?

Mr. Lopes: so we amend it to meet the Town of Ludlow Zoning Bylaws 3.4.2 into that?

Mr. Zielinski: seeing that it's a continuous use as a two-family.

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Mr. Lopes: and seeing that it's a continuous use, will be a continuous use as a two-family.

Mr. Zielinski: okay, so that, do I have a second with the amendment?

Mr. Aubin: second to the amendment.

Mr. Zielinski: okay, all those in favor? Ms. Parker, yes; Mr. Aubin, yes; Mr. Zielinski, yes; Mr. Lopes, yes. Vote 4-0 all in favor.

Mr. Ellison: thank you folks.

Mr. Zielinski: good luck. This was a tough one. I would like a copy of that permit placed into the file record. Because that actually was about the only other piece of evidence that we had officially, even pointing to it being a two-family and Justin signed it.

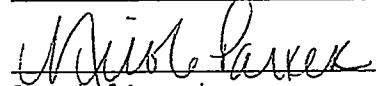
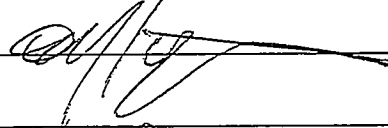
Mr. Zielinski explained that there is a 20-day appeal period and that it gets recorded. Mr. Lopes explained that the Special Permit must be acted upon within one year, that the building permit must be applied for or you will have to reapply. Mr. Ellison stated he understood.

Mr. Zielinski closed the hearing for 581 Miller Street at 8:13 pm.

Mr. Zielinski stated that he will be resigning from the Board of Appeals as he is moving out of town. He will submit a formal letter of resignation to the Board of Selectmen.

Mr. Aubin made a motion to adjourn at 8:18 pm, seconded by Mr. Lopes.

Chairman



Board of Appeals

Transcribed by:

Ann M. Converse, Administrative Assistant

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