

LUDLOW ZONING BOARD OF APPEALS
MEETING MINUTES
September 3, 2020
Board of Selectmen's Conference Room
Ludlow Town Hall
TOWN OF LUDLOW

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Members Present: Manny Lopes, Chairman; Alan Aubin Vice Chair via Uber Conference; Joseph Wlodyka; Kathleen Bernardo; Nicole Parker

Call to order at 7:00 pm. First Order of Business: Pledge of Allegiance

***COVID-19:** Please be advised that by the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20 relating to the 2020 novel Coronavirus outbreak emergency, the September 3, 2020 Zoning Board of Appeals meeting shall be physically closed to the public.*

The Chairman stated that this hearing is being conducted via teleconference, anyone wishing to speak must be acknowledged by the Chairman; I ask that you respect everyone that is speaking and give them ample time to finish speaking.

The Chairman opened a public hearing on the application of Kathleen A. Serafino & Peter A. Serafino, for the property located at 82 West Orchard Street (Assessors Map 1C, Parcel 61, Zoning: Residential-A). The subject of the hearing is a Special Permit to enlarge the existing structure by approximately 1,000 square feet. The current square footage of the structure is approximately 1,328. Town of Ludlow Zoning Bylaw 3.4 Non-Conforming Use and Building Regulations, Section 3.4.2b states that enlarged in that use to twenty-five percent (25%) greater in volume or area than that which existed at the time of adoption of this bylaw, and to a greater extent when approved by the Board of Appeals, provided that such enlargement is not substantially more detrimental than the existing non-conforming use to the neighborhood. Limited to one (1) twenty-five percent (25%) increase. (Rev. 10/3/1994)

The applicants attended the hearing remotely via Uber Conference.

Mr. Serafino: Thank you Mr. Chairman and thank you to the members of the ZBA for having a public hearing tonight so that we can present this application to you. So let me start by saying that the purpose of our house expansion is so that, well I'm sorry, let me back up a minute, so I am joined by my father-in-law Louis Casagrande who is sitting here with me and his wife Phyllis is present in the room and my wife Kathy is here as well so as I was about to say the purpose of our request for the special permit is so that we can expand our house so that Lou and Phyllis can move here with us. Lou is a lifelong Ludlow resident and Lou and Phyllis currently reside on Homestretch Drive in Ludlow and Lou is 88 and Phyllis is about to turn 85 and as we've talked about their needs, this actually goes back to before the current COVID state of emergency, we came to the conclusion that the best thing for them would be to expand the house and they can live in here with us so that they can have the care that they need. So that's the motivation behind this request and as you so noted the current house is 1300 square feet, it's two bedrooms although one

of them will likely be used as an office for the foregoing future and then our plan is to expand the house to reconfigure the entryway, but there will be one single entryway and then we would be adding a, another garage, a small sitting area, bringing the laundry room from the cellar up to the main level and then adding a bedroom, walk-in closet and a new bathroom for Lou and Phyllis for their section of the house. I think the application may have mentioned that we were also going to be adding new septic, you know, it turns out now the Town is planning to extend a sanitary sewer on I think both Fairfield and West Orchard Street so it looks like we probably don't need to do that right now. We would much rather connect to a new sewer system that the Town is going to build anyways. And so that's the basic elements of the plan and it's something that we would like to start as soon as possible, we had hoped to start construction back in the spring and of course we all know the current reasons for many delays and lots of things in our lives, but it is important to us to get started as soon as possible so that we can get them in here living with us. That's all I have to say for now but if you have questions for us we are happy to hear them.

Mr. Lopes: we have here some attachments that you gave us, attachment number one is a description of the proposed work, to convert the breezeway which you just touched on a new entrance, new main entrance rebuild and attachment two, that's your petition, OK, attachment three reasons for permit. Everybody get a chance to look through the proposal? Any Board members have any questions or comments?

Ms. Bernardo: Mr. Serafino, it's Kathy Bernardo, I was just wondering if the timing of the Town bringing in the public water and sewer, is it just sewer or is it water and sewer? Its sewer.

Mr. Serafino: we're on, we have public water already.

Ms. Bernardo: so what is the timing, do you know? Is it consistent

Mr. Serafino: I really don't know, when we first started on this process I had contacted the DPW to ask about availability of sewer because we would likely have to expand our septic by doing this expansion and I was told that there were no plans to bring sewer lines in and that turned out to be incorrect so, you know, we've done perc tests, we've done septic design but, you know, I'll sort that through when we submit a building permit application as to, you know, as to the timing on that, but my expectation would be we keep the current septic system that we have and I believe that the new line would come in sometime in the next year or two. I did eventually speak to the town engineer who told me that they were in design because they did the surveys a few months back and that they are in design and the plan I think is to build the new system in 2021.

Ms. Bernardo: thank you.

Mr. Serafino: you're welcome.

Mr. Lopes: okay, do we have, Mr. Wlodyka has a question.

Mr. Wlodyka: good evening my name is Joe Wlodyka, I have a question concerning the septic system, you said that you have a septic design that would be able to handle the additional toilets and showers and sinks that are going to be in the new addition?

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Mr. Serafino: yes, that work was done by, I'm forgetting the gentleman's name, he's right here in Ludlow, an engineer, Innovative Engineering is the company that did the design, we've done the perc test, we've done the system design, I'm good to go on that front and, you know, I'll, whether we do the septic or not I think, you know we, it's something that we will sort out with my contractor and the Building Commissioner.

Mr. Wlodyka: so then you're planning on going ahead with the septic system as part of the approval of this special permit, is that correct?

Mr. Serafino: I'm sorry could you repeat that?

Mr. Wlodyka: are you planning on going ahead with the septic system increase in size or whatever you have planned for, are you planning on going ahead with that as part of the approval of this special permit?

Mr. Serafino: no, I mean I, it appears to be unnecessary to put a new septic system in at this time.

Mr. Wlodyka: but you need sewage removal from the house and we don't have a timeline for the DPW to put in the sewer line so in order for us to approve this, you know, we'd be looking at that you have to have a, you know, an adequate sewage system, sewage removal system which would be your septic tank and leech field.

Mr. Serafino: sure, I mean my understanding is that with the system we have now is adequate for our expansion because we'll be probably using a bedroom as an office and I'm just not understanding why the Zoning issue and the septic issue are intertwined.

Mr. Wlodyka: well you're adding, you know, I see one bathroom, two sinks, and a shower

Mr. Serafino: right, what my engineer tells me is that the septic requirements are based on bedrooms not bathrooms actually.

Mr. Lopes: he is increasing the bedrooms.

Mr. Wlodyka: but you are increasing the bedrooms and is there, I don't see anything in the packet here from the engineer stating that the additional bedroom would be able to be handled by the size of the septic system that you have.

Mr. Serafino: I mean, as I said, I've been working from home and one of the bedrooms currently shown on the plan will be an office from now on so it has been in use as an office so even though we're a two-bedroom house now when we're done we'll have a two-bedroom house.

Mr. Wlodyka: is that office, has it gone through the town and is listed on your property card as an office.

Mr. Serafino: I don't believe so.

Mr. Wlodyka: okay then we have to consider that as a bedroom.

Mr. Serafino: you have to what?

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Mr. Wlodyka: we have to consider that a bedroom.

Ms. Parker: but that's the Board of Health so it really has nothing to do with us.

Mr. Serafino: so I'm trying to understand what you're asking me with respect to the septic system. We designed one and I prefer not to put it in if the sewer line is gonna be built in the next, you know, 12 to 18 to 24 months.

Mr. Wlodyka: well that's the whole thing we don't know when that's gonna go in and we have to have, you know, all our ducks in a row with this, with the approval.

Mr. Serafino: so with a special permit I'm able to go to the building commissioner and he can make that determination, no?

Mr. Wlodyka: I believe that has to go through the Board of Health is that correct?

Mr. Lopes: yes.

Mr. Wlodyka: yes, that has to go through the board of health.

Mr. Serafino: okay, so I'm trying to understand why the special permit is contingent upon the septic system I mean I'm happy to deal with it as needed. I mean obviously I want to do this expansion but, you know, if it's not a necessary expense and it's a considerable expense I'd really would prefer not to have to do it.

Mr. Wlodyka: I understand that but we have to have adequate size of the septic system or sewer system in place before we could really approve this I think.

Mr. Serafino: well OK I'm not familiar with

Mr. Wlodyka: I know where you're coming from I know it's going to be a lot of money to put in a septic system you know to increase the size that you would need for the three bedrooms but, you know, without a sewer system in place or at least a date that we can say that we are contingent on for the approval of this special permit, you know, I kind of think that we're gonna be having to go one way or the other, we're either gonna have to have a definitive date of the sewer system going in or we're going to have to require the septic system to go in.

Mr. Serafino: well I mean I have no problem with a special permit being contingent upon the approval by the Board of Health, the building commissioner and the DPW that I've got adequate sewage I mean we all want to have toilets that flush and water that drains out so I just wouldn't want a special permit contingent upon installing a septic system that would be obsolete and unnecessary in 6 or 12 months.

Mr. Wlodyka: I understand your point but what I'm saying is we can't, you know, without a definitive answer of are you going to have an adequate sized system one way or the other. The sewer system would handle it, that would be your out there but if that sewer system is not going to be put in place for say a year and a half or two years, the special permit, you know, once it's granted, I think there's a timeline at the end of it isn't there? Mr. Chairman?

Mr. Lopes: one year

Mr. Wlodyka: one year from the approval you have to be complete with your project or at least start your project.

Mr. Lopes: does anybody else have anything to say about this?

Ms. Bernardo: I think that due diligence on the septic system will be done at another level other than ours I don't know that we really need to worry about that. My question was merely because I was hoping that a determination would be made earlier rather than later so that the Serafino's weren't stuck in this period of time where nobody knew which way to go but I definitely think that the building commissioner together with the Board of Health will figure all that out before they give him a building permit so I don't know that we specifically need to worry about it. That's my thought process.

Ms. Parker: Mr. Chairman?

Mr. Lopes: yes, Nicole Parker would like to speak on it.

Ms. Parker: I don't necessarily need to speak to the applicant but I would just say that you know when we determine the approval or denial it goes, you know, our approval is there but I think that then they have to go do their due diligence with the septic, with the curb cut, whether or not it gets reassessed as another type of house that doesn't, that has nothing, you know, that is, I don't feel like that's what we're necessarily looking at, if they go on to say our yard wasn't big enough to build the septic and your argument cannot be that the Zoning Board of Appeals gave me the approval so although we may be the beginning of your approval we are certainly are not the end so you know once you go through all of those other departments then you will get your final building permit and that's when everybody else signs off on it including the DPW. I don't know, I tried to look up the regulations for the DPW, I don't know if you can make a bigger driveway or if the Assessors are going to change this to an in-law or you know we don't know any of that, that doesn't have anything to do with us, we go by our own bylaw in our zoning book and that's where our jurisdiction ends.

Mr. Lopes: Alan do you have anything to say on it?

Mr. Aubin: yeah I have a couple of questions

Mr. Lopes: are you moving onto a new question or same subject?

Mr. Aubin: new questions

Mr. Lopes: hold on just a second here before we move on, I agree as well that we probably cannot set any conditions on, you know, the septic system or curb cuts, that's probably not within our purview, however, you know, a building permit won't be issued unless the applicant can show to the Board of Health that their septic system, either existing or proposed, meets the requirements of the additional bedrooms.

Ms. Parker: it doesn't stop here.

Mr. Lopes: All right so Mr. Aubin has a new question I think.

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Mr. Aubin: yeah I guess it comes down to being more or less detrimental to the neighborhood so I'm looking, I'm looking at the plan that was submitted and the existing square footage is 1,820 and the proposed addition would total 3,030 square feet

Mr. Serafino: no, no

Mr. Aubin: I'm looking at the plan that was submitted by you.

Mr. Serafino: that must include basement space then because the first-floor space is 1,328 and the expansion including the garage is about 1,000.

Mr. Aubin: okay but this is your plan that was submitted, it says existing is ,820 so does that include the basement or does not include the basement? It's the big plan from Smith & Associates, it is the plan of land.

Mr. Serafino: I don't have the plan of land, no.

Mr. Lopes: I can move the camera to what he's looking at.

Mr. Serafino: yeah I can see it. Yeah that's the survey and I would go by what is on our architectural plan. 1,820 does not match with the assessor's records I can tell you that, if you've got the property card handy, I think that was part of the package.

Ms. Bernardo: the net area on the property card is 1,328.

Mr. Lopes: Alan, can you look at the property card please.

Mr. Aubin: yes I can.

Mr. Lopes: the square footage on the property card.

Mr. Aubin: yeah I think I saw 1,330.

Mr. Wlodyka: 1,328

Mr. Serafino: yeah the 1,300 number is the one that I believe to be correct.

Mr. Aubin: okay so then what are you going to, is the proposed 3,030 or what is the proposed when all is said and done, what is the total square footage going to be?

Mr. Serafino: it's approximately an additional 1,000 square feet

Ms. Bernardo: so it will be 2,328?

Mr. Lopes: does everybody concur with the, what the addition is the square footage on it?

Ms. Parker: 33 by 30 that's about and a little more than 1,000.

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Mr. Lopes: just over 1,000, so we have about a total of 2,300 proposed

Mr. Aubin: but then if I look at the GIS, to me that would be more substantial in size than, I don't have all the surrounding ones but I can look at the surrounding, look at the GIS report and looking across the street and directly behind and to the right, those houses seem to be, even today your house seems bigger than with the garage than the houses that are closer. So based on the other houses around you you're increasing your square footage more substantial.

Mr. Serafino: sure, the non-conformance is not with the size of the building it's with the setback from the street and there are other properties on Fairview, and Glendale and West Orchard that are of similar setback.

Mr. Aubin: but part of our determination also for the special permit it cannot be more detrimental to the neighborhood or to the area so even as a special permit even any setback, part of any addition or any, our decision for a special permit is based on not more detrimental. That's why I'm bringing it up that's all. More detrimental means like you know if you were to build a five-story building there right and go up in the square footage and everything around it was only two stories that could be more detrimental.

Mr. Serafino: okay.

Ms. Parker: the elevation is the same.

Mr. Lopes: so you mentioned the elevation, the elevation seems to be the same, you are not changing the elevation of the house at all, the height

Mr. Serafino: no

Mr. Lopes: just the square footage?

Mr. Serafino: correct.

Mr. Lopes: okay, noted. So you mentioned that the reason for the special permit is because of the setback from the front of the house or the side of the house.

Mr. Serafino: the front on West Orchard Street.

Mr. Wlodyka: that's the non-conformity.

Ms. Parker: he already has pre-existing non-conformity; his house is at the same setback.

Mr. Lopes: you're not bringing it closer than it is right now right?

Mr. Serafino: that's correct.

Mr. Lopes: you're leaving it at the same setback that it currently is?

Mr. Serafino: that's correct it's not increasing the non-conformance.

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Mr. Lopes: so the setback the way I read it right here is 20 foot 8 inches. You are however, your side yard which is on another street, is going to be now

Ms. Parker: well its existing it's, actually existing is 41.3 and he wants to go into it like 4 feet, proposed is 38.7.

Mr. Wlodyka: he's saying side yard setbacks

Ms. Parker: oh sorry, rear, rear

Mr. Lopes: to Fairview Street, the side yard to Fairview Street will be

Ms. Bernardo: it's 39.2?

Mr. Lopes: existing right?

Ms. Parker: no it says existing is 69.2

Mr. Wlodyka: 69.2

Mr. Lopes: so existing is 69.2 and they are proposing to go to

Mr. Wlodyka: 39.2

Mr. Lopes: 39.2

Ms. Parker: but required is only 30.

Mr. Lopes: I just wanted to put that out there. Setback on the rear yard is changing, is that changing at all?

Mr. Wlodyka: by about 2 feet, 3 feet.

Mr. Lopes: but still within the limits

Mr. Wlodyka: but still within limits it requires 20, he's got 38.7.

Mr. Lopes: any other concerns or comments?

Mr. Aubin: Mr. Chairman I just have one further comment, if we approve this I would like to add to the record, what's on the addendum, that it would only include what's on the list, you know, convert the breezeway, the one car garage, enlarge the driveway, one bedroom, handicapped accessible bathroom, walk-in closet, den/tv, laundry room, 5x6 covered deck, new septic system, well we discussed the septic system, that's, you know, we already discussed that, the landscaping because I don't want this, you know, becoming an in-law apartment or something totally different than just being a couple of bedrooms, from my perspective that's the different measurement, an in-law apartment over just additional bedrooms.

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Mr. Lopes: you're concerned that it's turning, maybe turning into an in-law type apartment, is that what you're thinking?

Mr. Aubin: correct.

Mr. Lopes: so it's an expansion of the current use and not a new use.

Mr. Aubin: correct.

Mr. Lopes: no noted. Anybody else have any comments or issues? The petitioner have anything else you want to say?

Mr. Serafino: no we just, on the last point, you know, we carefully designed this so that it would not be an in-law apartment, I mean, Lou and Phyllis are indeed my in-laws, it is a place they're going to live but it is not in in-law apartment, there's one entrance, there's one kitchen, it's gonna be shared space for sure so the last condition is certainly acceptable.

Mr. Aubin: things have a way of changing sometimes when they get built.

Mr. Serafino: I understand.

Mr. Aubin: and in-law apartments bring a whole other level of zoning. Mr. Chairman just one more thing for the record, I'm looking on google maps, and there's a house diagonally across I'm not sure if it's Fairfield or the end of West Orchard, it's a white house, and it looks like they have an addition in the back with a big garage so I would say the square footage is comparable to what the applicants are doing so I would not consider it more detrimental, they have a big garage on the side so it looks like on Fairview they have a big garage over there so. It's 47 Fairview, which is diagonally across from

Mr. Lopes: is it on the corner?

Mr. Aubin: yeah on the corner so if you go down Fairview you can see there's a big garage there that's

Mr. Lopes: on the corner of West Orchard and Fairview

Mr. Aubin: yeah I just kind of queried the neighborhood a little bit.

Mr. Lopes: so noted, I did a drive-by today and viewed the area as well, I mean, there certainly seems to be an enough property to put an expansion on without making it more detrimental to the neighborhood, so that's just my opinion on that.

Mr. Aubin: well there's a lot of capes around, originally capes from the 50's, trying to preserve what's there but also balance the needs of the applicant.

Ms. Bernardo: Mr. Chairman, may I make a motion for consideration?

Mr. Lopes: any more comments or questions, we have someone that wants to make a motion for consideration, any more comments or questions?

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Ms. Converse: Mr. Chairman, may I address the Board?

Mr. Lopes: yes you may, Ann Converse, the Secretary would like to address the Board. Oh yes, housekeeping, yeah

Ms. Converse: so just some housekeeping issues for the record, we do have the abutter's list, I do have the certified mail receipts and green return cards, all of the abutters have been notified of the hearing, I did not get any advance notice from any abutter that wanted to participate tonight and also the publication for Turley Publications, I do have a check from Mr. Serafino and I have a confirmation email from him that the amount is fine and we are writing the check for that and I'll get that mailed out.

Mr. Lopes: Thank you Ann, I meant to bring that up at the beginning of the meeting, it completely slipped by.

Mr. Wlodyka: do we have to advise him of the three possible things that could happen should we take a vote, you know, what he could do? Should we take a vote, if it passes, he gets a special permit. If we take a vote and it doesn't pass

Mr. Lopes: you want to take care of that?

Mr. Wlodyka: I don't know it by heart but I'll give it a try. Mr. Serafino, this is Joe Wlodyka again, at this point in the hearing here we have to advise you that there are three possible outcomes to this hearing, if the Board takes a vote and it does not pass you cannot come back and revisit this project for a period of two years. If the Board does take a vote and it does pass then you will get your special permit and you can move on to the next steps after a period of I think, 14 days

Ms. Bernardo: 21-day appeal period

Mr. Wlodyka: or you have the option if you don't think that you are in good standing with the Board and you might want to reconsider some issues then you can withdraw without prejudice and you can revisit this at any time after that with another hearing. Do you understand those?

Mr. Serafino: yes I do understand that and I will just say that, you know, we submitted this application in April and I was imploring the former chairman for some feedback on the application and all he told me he was well give me a complete set of plans and I implored him early on to, you know, I'd rather know that there's a problem early on instead of later and we're at later so I would like to proceed with the vote

Mr. Lopes: very good. Thank you Mr. Serafino. So any other questions or comments from the Board? So Kathy Bernardo.

Ms. Bernardo: Mr. Chairman I would like to make a motion for discussion that we approve the applicant's petition for a special permit of a 1,000 square foot addition to their residence at 82 West Orchard Street, Ludlow which will consist of a new entrance, the addition of a one car garage with an enlarged driveway, a new bedroom, handicapped accessible bathroom, walk-in closet, dressing area, den/tv room, laundry room with sink, 5x6 covered deck and landscaping. Keeping the septic system discussion off the table. All of which is shown on a plan submitted with the applicant's petition prepared by Smith Associates dated April 2, 2020. That the Board find that this petition is not substantially detrimental to the neighborhood

and that the expansion of the pre-existing non-conforming use will fit in with the neighborhood and not be far more detrimental.

Mr. Wlodyka: I'd like to add one line if I may. I would agree with all that Ms. Bernardo said, but I would also like to add that

Mr. Fernando Blanco, the applicant for the hearing after this one, called in and was advised that his hearing has not started yet.

Mr. Wlodyka: okay the additional line that I'd like to add in is that we're sure that all other building regulations and building codes in the Town of Ludlow and health regulations are adhered to.

Ms. Parker: Mr. Chairman, I would like to also make a slight modification, request. Mr. Chairman I would just recommend that before the 1,000 square feet put a +/- because it's not exactly 1,000 square feet, you can see on there it's a little bit different so if you're okay with that it's, you know, it's not exactly 1,000.

Ms. Bernardo: approximate

Ms. Parker: and I don't agree with the last statement because I don't believe that it's our jurisdiction. For the record.

Mr. Lopes: okay.

Mr. Aubin: Mr. Chairman, can we add not to exceed, since we're adding approximate, approximate could be misconstrued as 1,999, can we just, not to exceed, I think it's approximately 1,300 1,500 square feet?

Mr. Lopes: well can we just say as proposed?

Mr. Aubin: yeah, as proposed plan?

Ms. Bernardo: absolutely.

Mr. Lopes: yeah as proposed on the set of plans that were submitted.

Ms. Bernardo: I think I did say that because I said as shown on

Mr. Aubin: yeah I'm okay with that.

Mr. Lopes: as shown on, you already stated as shown on

Ms. Bernardo: so I think if we put approximately and leave as shown on I think we're good.

Mr. Lopes: do you want to re-read

Ms. Bernardo: don't expect me to remember what I just said.

Ms. Lopes: You gonna do it again?

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Ms. Bernardo: you want me to do it again?

Mr. Lopes: please.

Ms. Bernardo: motion to approve the applicant's petition for a special permit for an addition of approximately 1,000 square foot to their residence at 82 West Orchard Street, Ludlow which shall consist of a new entrance, a one car garage and enlarged driveway, a bedroom, handicapped accessible bathroom, walk-in closet/dressing area, den/tv room, laundry room with sink, 5x6 covered deck. And that the Board to do so finding that the requested expansion, the enlargement, will not substantially be more detrimental to the neighborhood. Okay we're gonna try this one more time. A motion to approve the applicant's petition for a special permit for approximately 1,000 square foot addition to their residence at 82 West Orchard Street, Ludlow which shall consist of a new entrance, one car garage and enlarged driveway, one new bedroom, handicap accessible bathroom, walk in closet/dressing area, den/tv room, laundry room with sink, 5x6 covered deck, all as shown on a plan submitted with the petition prepared by Smith Associates dated April 2, 2020 and that the Board make this finding that the proposed enlargement is not more substantially detrimental to the neighborhood.

Ms. Parker: Second.

Mr. Lopes: in order to vote on this we have to do a roll-call with everyone, so Mr. Aubin, yes; Ms. Parker, yes; Mr. Wlodyka, yes; Ms. Bernardo, yes; Mr. Lopes, yes. Vote 5-0 all in favor.

Mr. Serafino: thank you very much.

Mr. Lopes: you know that you have one year to start the project.

Mr. Serafino: absolutely, so I'll follow up with Ann regarding, you know, getting a copy at the end of the comment period and getting the decision recorded as I understand that's something that we have to do as well.

Mr. Lopes: yes, okay, very good.

Mr. Serafino: do you need us for anything else or are we good?

Mr. Lopes: nope, we're good.

Mr. Wlodyka: I make a motion to close the hearing.

Mr. Lopes: we are closing the hearing for the Serafino residence at 7:45 pm.

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The Board held a public hearing on the application of Fernando Blanco, for the property located at 89 Vienna Avenue (Assessors Map 12B, Parcel 87, Zoning: Residential-A). The subject of the hearing is a Special Permit to construct an addition to an existing structure on a pre-existing, non-conforming lot.

Table 2, Table of Dimensional Regulations requires a lot size of 15,000 square feet; the current lot size is 5,000 square feet.

The applicant attended the hearing remotely via Uber Conference by telephone.

Mr. Lopes: so Mr. Blanco we have a five-member Board and one member has joined us remotely, Alan Aubin is Vice-Chair, I'm Manny Lopes, Chairman, also Nicole Parker is here, Joe Wlodyka, and Kathy Bernardo. Okay so a little housekeeping,

Ms. Converse: Mr. Chairman, I'd like to address the Board, just to let everyone know, the abutters, I do have the receipts that the abutter's list was sent out, the legal notice and the green cards that come back, everything checks out good and I have the invoice for Turley Publications for the publication of the hearing, I do have a check from Mr. Blanco and I have an email confirmation with the amount to go ahead and send that in.

Mr. Lopes: excellent. So Mr. Blanco would you like to address the Board on your proposal and what you're trying to do?

Mr. Blanco: yes. Hi, good afternoon everybody, Fernando Blanco, Blanco Electric, so I bought the property and I bought the property to make it a rental property for.....and then what happened is, there was a house, there was an addition and behind that there was a mobile home, like a mobile home with an addition that, prior to before I buy it, that's how.....it, so what happened is I bought the property I thought about it, renovate it and make up to code and everything and then when I was about to get the permits and everything the whole mobile home in the back is very dangerous and the Building Commissioner in Ludlow told me that I had to tear that down because it was unsafe, that I had to tear down the whole mobile home and I kept the addition that was made a foundation and a structuredlike 2x4's and the whole.....before I bought it, the mobile home itself, we had to condemn it down and now I just want to be able to build an addition on there to bring it back to normal for a regular home but as me new on this type ofI realized that I had to go to the ZBA zoning meeting to realize that because the lot is kind of smaller than average and I don't know too much about this stuff but it sounds like I had to do this to make a, so I'll be able to, I'm not adding an addition, I'm not doing nothing different, I'm just, I want to be able to, with the mobile home that I had to take it down, by the Building Inspector told me to take it down because it wasn't safe, I want to be able to build the same type of square footage for a house.

Mr. Lopes: did everybody catch that?

M. Parker: yes.

Mr. Aubin: yes.

Mr. Blanco: I'm sorry if it didn't make sense, so pretty much I'm just trying to be able to whatever the, tear the mobile home down, I want to be able to just add the square footage for a regular house but as the Building Inspector told me that I need to do a zoning change on it because its not approved by the code so that's why I'm doing this right now to make sure what's required.

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Mr. Lopes: okay , questions from the Board, comments? Mr. Blanco, so the mobile home that was there is completely gone right now?

Mr. Blanco: yes I had to take it down for structural reasons, it was falling down, for safety reasons.

Ms. Parker: Mr. Chairman, was this part of the original structure? Did he have to, when he knocked it down? Mr. Blanco, Nicole Parker, was this trailer part of the existing house? Or was it separate? Did you have access to the trailer from this house?

Mr. Blanco: yes it was part of the housethen they put an addition on the front so like with a foundation and everything, an addition from the trailer.

Ms. Parker: so you could get to the trailer from the house, there was a doorway to get through?

Mr. Blanco: exactly.

Ms. Parker: so you had to close that up when you knocked the trailer down?

Mr. Blanco: exactly.

Ms. Parker: is it inhabited right now?

Mr. Blanco: no.

Ms. Parker: did the trailer have a foundation, or just the concrete slab?

Mr. Blanco: no foundation, nothing.

Ms. Parker: I'm just wondering why he couldn't just, if it's the same, are you proposing the same square footage, is this the same exact footprint as the trailer?

Mr. Blanco: no

Ms. Parker: the addition that you're proposing, it's bigger than the trailer?

Mr. Blanco: yes, width wise.

Ms. Parker: okay, thank you.

Mr. Aubin: Mr. Chairman, I want to kind of tag onto Nicole's question

Mr. Lopes: Mr. Aubin would like to ask some questions or comment. Go ahead.

Mr. Aubin: so if I look at the, so Mr. Blanco, you're gonna leave the existing residence there correct, you're not tearing that down, you're just adding to it?

Mr. Blanco: exactly, yeah I'm just adding on, I'm leaving that structure there and just adding on just for because he said it has to be gone.

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Mr. Aubin: okay on the assessor's card, I had to get my magnifying glass, but it looks like it says the front of the house is 23 feet but on your proposal on the application the width is 29 feet so I'm seeing a difference of 6 feet.

Mr. Blanco: it should be the same as that, if you're seeing a different number I don't know but it should be the same as.

Mr. Aubin: but we have to approve on a plan and I'm looking at an assessor's card and it says 23 feet and your plan says 29 feet.

Ms. Parker: yeah but the assessor's card isn't a surveyed plan, those are always approximate.

Mr. Lopes: right so you're looking at the proposed site plan Alan?

Mr. Aubin: yup, well I'm looking at the land surveyor, Smith & Associates Land Surveyor dated July 2020

Mr. Blanco: July 2020 for the surveyor.

Ms. Bernardo: I got March 2020.

Mr. Aubin: it's kind of, they're all the same, they all say 29, there's three different ones from the surveyor, one has a hand-drawn addition and one has no, it must be the original, and one has, it looks like a graphic addition.

Mr. Lopes: correct, Alan, if I may intercede here, so I'm looking at two site plans that were done by the surveyor, both dated March, is yours dated March?

Mr. Aubin: I have the March one too, there's also a July one.

Ms. Bernardo: but all of them have the width as 29 feet

Mr. Blanco: I'm sorry but the assessor's card shows it at 29.

Ms. Bernardo: they all show 29.

Mr. Aubin: it looks like 23 to me

Ms. Parker: it's 29 he can't see it, it's 29 on the card.

Ms. Bernardo: yeah it's 29.

Mr. Wlodyka: yeah it's 29.

Mr. Blanco: take a look at it but assessors has it at 29.

Mr. Aubin: alright, but it's small.

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Mr. Blanco: so just to let you guys know, I'm keeping the front addition as how it is, we're just gonna keep the same off the trailer used to be, just straight back, there's no, we're not doing no.....pretty straight forward because the trailer had to be gone we just want to continue back and just close it up pretty much because that's the only way we can do it. It's the same width as the original house as in the front.....front door just going back, that's it,it stops by the back where the trailer used to be, we're not adding no more additions in back or sides or anything like that, it's pretty much the same width going back.

Mr. Lopes: okay so to bring back to your concern of the different frontage of the house, they all show 29 feet.

Mr. Aubin: okay, where I'm at its kind of dimly lit, I did bring out my magnifying glass, but one more thing, the trailer was 32 on the proposed addition he's going back 33 but he's still within the setback, it's only a foot, if he's within the setbacks that's okay. I'm okay with that, really I couldn't see if it was 23 or 29 and I did get out my magnifying glass.

Mr. Lopes: anybody else have any questions or concerns?

Mr. Aubin: yeah, I mean, I'm looking at Google maps, I know it's out of our jurisdiction but if we're gonna approve something, I mean, I'm not sure where this picture is from, is there gonna be like a driveway put in, it's not in our purview but it looks like it's just a parking in the grass and looks kind of messy there, I'm not saying

Mr. Blanco: no on the left-hand side there's gonna be a one car driveway on the left-hand side.

Mr. Aubin: okay because it looks like there's a, I'm looking at a picture, it looks like there's a concrete

Mr. Blanco: oh no I completely understand by the picture but there's gonna be a one-car driveway on the left, it's gonna be a very basic, very straight forward, straight square, nothing out of the ordinary, it's gonna be a straight forward one-car garage square, the same width of the house, that's it.

Mr. Aubin: okay that's fine.

Mr. Lopes: so the, Mr. Blanco, on the street there's water and sewer?

Mr. Blanco: yes

Mr. Lopes: so you're not gonna be putting in a septic system?

Mr. Blanco: nope, no septic, no well, none of that, it's gonna be a straight forward.....system to the road.

Mr. Wlodyka: single story?

Mr. Lopes: We don't have, you didn't give us any plans of what you're building

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Mr. Blanco: sorry to interrupt you, just to let you know, all the utilities already existed so water, sewer is already attached to the house because the addition in the front was already attached to the water and sewer and everything so the first addition had everything there already attached. We're not adding, attaching to the, like building a new house, the addition already in the front already had the sewer, water, electric, everything overhead, overhead service, we pretty much just adding where the trailer used to be just to close that up and make a regular home but everything is already attached, we're not gonna reattach nothing besides putting a driveway on the left and keep the house the same width going backwards where the trailer used to be and make it a perfect square.

Mr. Lopes: okay, can you explain, I have here, part of your proposal, you have a drawing on, so you have a footprint of your, I think it's your proposal, right, where it has, it shows a dining room and a kitchen and two bedrooms so are you proposing a two bedroom?

Mr. Blanco: it's a three because already exists is one in the front on the right-hand side.

Mr. Lopes: okay. Is that on the application, I don't even look at it.

Ms. Bernardo: you mean the breakdown of the addition?

Mr. Lopes: yup

Ms. Bernardo: of what's going to be added?

Mr. Lopes: yup

Mr. Wlodyka: I didn't see anything describing what he was going to add other than this sketch.

Ms. Bernardo: as to specific rooms, no.

Mr. Lopes: type of building or structure, so according to the application you have, Table of Dimensional Regulations, Table 2, it's for a single-family house, it's 29x20, no that's the existing, but the proposed is 29x52

Ms. Bernardo: no 29x33

Mr. Lopes: that's the addition but the total would be 29x52, correct?

Mr. Wlodyka: mm-hmm.

Mr. Lopes: that's what I'm reading on the application here.

Ms. Bernardo: actually it'd be 53

Mr. Lopes: 53, okay.

Mr. Wlodyka: can I ask him about the sketch.

Mr. Lopes: yeah, I'm still not understanding the sketch, I'm gonna put Joe on.

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Mr. Wlodyka: Hi this is Joe Wlodyka, just a question, you submitted a sketch with two 13x11 foot rooms divided by a three foot wide closet by five feet two foot eleven by 5 foot another closet to the other bedroom and then a five foot by I'm not sure what it was, bathroom and then you have like graph paper with dining area, a couple of closets, another bathroom and a kitchen, a kitchenette area, is that your proposed floor plan for the addition?

Mr. Blanco: you were breaking up a little sorry.

Mr. Wlodyka: you want me to repeat that again?

Mr. Blanco: yeah I couldn't hear you from the point when you were breaking up like that a few seconds ago.

Mr. Wlodyka: okay we have a sketch here that has two 13'x11'1" bedrooms

Mr. Blanco: exactly

Mr. Wlodyka: okay and there's a couple of closets and a bathroom

Mr. Blanco: yup

Mr. Wlodyka: okay and then there's like graph paper lines just below that area and it's showing a dining area and a kitchenette, another bathroom and a couple of other closets. Is this the sketch is this your floorplan for the addition or is this for the whole entire house that you plan?

Mr. Blanco: yup, that's the full plan for the new addition.

Mr. Wlodyka: okay so this is just the addition?

Mr. Blanco: exactly.

Mr. Wlodyka: okay

Mr. Blanco: so just to let you know, the roof line up the front of the house is gonna continue back to the back of the there's not gonna be any Whatever the roof line on the back It's just gonna go back.....to meet the addition.

Mr. Wlodyka: okay so you're gonna keep it as a single story then and no dormers or anything.

Mr. Blanco: exactly. Yeah so the front of the house is gonna go, the roof, nothing is gonna change in the front, it's just gonna go front back, it's gonna go backwards and just make it square right there.

Mr. Wlodyka: okay that's all I wondered about.

Mr. Lopes: okay, is everybody clear on what the non-conformity is?

Mr. Wlodyka: yes

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Ms. Parker: yes, it's the lot size.

Mr. Lopes: lot size, okay. Setbacks are all good?

Ms. Parker: yup

Mr. Wlodyka: setbacks are all good.

Mr. Lopes: Alan, looks like you have a question?

Mr. Aubin: yeah I have a question about the existing site, I'm looking at Google Maps, there's a garage to the left, is that part of this property or is that part of another property?

Mr. Blanco: the garage on the left if you're looking at it is part of the neighbor, that's the neighbors.

Mr. Aubin: and there's actually ten feet between the property line and the existing house, it's hard to tell but.

Mr. Blanco: yes it is.

Mr. Aubin: okay. Is that garage on your property line because I'm looking on the GIS, it's looks like that garage is on the property line?

Mr. Blanco: very close to the property line.

Mr. Aubin: well what I'm looking at it looks like the property line runs through the middle of it.

Mr. Lopes: yeah but you can't trust those, those GIS, GIS maps aren't, I've seen them go

Mr. Blanco: the thing is Google Maps is not very accurate because my own personal house, I Google Map it and I went crazy for a little bit, then I called my surveyor and they're like no you can't just those.

Mr. Aubin: no we got to go by the survey but the GIS is kind of a good perspective,

Ms. Bernardo: Mr. Chairman, can I ask a question?

Mr. Lopes: yes. So we have Kathy Bernardo would like to ask a question.

Ms. Bernardo: if one is to propose a vote, would the members want the specific rooms listed in that vote?

Mr. Wlodyka: I think if we just refer to the sketch.

Mr. Lopes: well the sketch doesn't show, only shows the proposal not the whole

Ms. Bernardo: I'm trying to say this just once.

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Ms. Parker: I know, I wish he didn't even submit that because you know, who cares if it's just one big room, like who cares what's on the inside. Does it meet the dimensional requirements, yes, it's the lot size that's it.

Ms. Bernardo: That's why I'm just asking if it matters.

Mr. Lopes: that's why you're asking if the Board members, if it's important to list the number of rooms?

Ms. Bernardo: yeah.

Mr. Wlodyka: I guess it wouldn't be.

Mr. Lopes: probably not. Alan you have anything?

Mr. Aubin: no I think, as long as, once again, part of the record is, you know, you can see the proposed floor plan, I think it's in there, the number of rooms that are there

Ms. Bernardo: I just, I just worry that if something has to change that the applicant isn't bound by what we put in our special permit. If it doesn't matter to us then.

Mr. Lopes: by mentioning it then he's gonna be bound

Ms. Bernardo: yes, technically yes.

Mr. Lopes: bound by what we put there, right, and if he wants to change the interior design of it and change the floor plan then you want to give him that freedom.

Ms. Bernardo: right. I sort of understand with, you know, and the prior vote our concern about, you know, not changing the nature of the addition but in this case, to me, I just don't know that we're doing the applicant any favors by being so specific. That's my thought process.

Mr. Lopes: alright. I'm not sure if the applicant heard any of that. Mr. Blanco you have anything that you want to add before we take it to a vote?

Mr. Blanco: no the proposal pretty much is how I planned it, that's what I figure.

Mr. Lopes: we're not to a vote but we're waiting for a motion actually.

Mr. Aubin: Mr. Chairman I have one more question, there's three plans, two plans that are submitted, the hand drawn plan and then there's like a computer-generated plan, so the hand drawn plan says the addition is 32x29 and the computer one says it's 33x29 but the setbacks don't match, one says, there's like a 6-inch difference but there's a big difference in the addition.

Mr. Lopes: yeah but he's not changing the setback at all, the setback is an existing structure

Mr. Aubin: okay but the 33x29 or the 32x29?

Mr. Wlodyka: the rear setback

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Ms. Parker: it still doesn't go into the setback though

Mr. Blanco: so it will be by the survey plan that we have.

Mr. Aubin: the 33x29?

Mr. Blanco: yes

Mr. Aubin: okay.

Mr. Lopes: any more comments or concerns?

Ms. Bernardo: Mr. Chairman, I'd like to make a motion for consideration and discussion.

Mr. Lopes: okay we have a proposed

Ms. Bernardo: I'd like to make a motion that the Board approve the applicant's application for an addition of an approximate 957 square foot addition to the rear home located at 89 Vienna Avenue, the addition being more particularly described and delineated on a plan submitted with the petition prepared by Anderson Associates dated July 2020 as well as one dated March 2020. That the Board finds that this addition and this enlargement is not substantially more detrimental than the pre-existing non-conforming use of this parcel and will not be substantially more detrimental to the neighborhood.

Mr. Lopes: did everybody catch that?

Mr. Aubin: yeah just a quick, was it 957 square feet? Is what I heard?

Mr. Lopes: yes. Was that for discussion or a motion?

Ms. Bernardo: that was for discussion.

Mr. Lopes: Any discussion on that motion?

Mr. Aubin: yes, Mr. Chairman, I'd just like to add that the addition is only a single-story addition and that the roof line will match the existing structure.

Ms. Bernardo: we can amend it to add that information.

Ms. Parker: second.

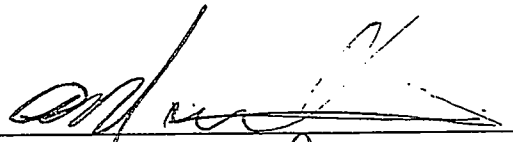
Roll-call vote: Mr. Aubin, yes; Mr. Wlodyka, yes; Ms. Bernardo, yes; Mr. Lopes, yes; Ms. Parker, yes. Vote: 5-0 all in favor.

Mr. Blanco: I really appreciate that, thank you very much.

Mr. Lopes: We can close the hearing of 89 Vienna Avenue at 8:15 pm.

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Ms. Bernardo made a motion, seconded by Ms. Parker, to adjourn at 8:17 pm. Roll-call vote: Mr. Aubin, yes; Mr. Wlodyka, yes; Ms. Parker, yes; Ms. Bernardo, yes; Mr. Lopes, yes. Vote: 5-0 all in favor.


Chairman Michael Parker

Board of Appeals

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