

**LUDLOW ZONING BOARD OF APPEALS
MEETING MINUTES
November 5, 2020
Board of Selectmen's Conference Room
Ludlow Town Hall**

Members Present: Manny Lopes, Chairman; Alan Aubin Vice Chair via Uber Video Conference; Joseph Wlodyka; Nicole Parker; Elaine Hodgman

Also present: Dolly Cincone, Associate Member via Uber Video Conference (observing as a member of the general public)

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 November 5, 2020 Zoning Board of Appeals meeting shall be physically closed to the public.*

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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 Lisette Godbout, for the property located at 169 Cady Street (Assessors Map 1C, Parcel 97, Zoning: Residential-A). The subject of the hearing is a Variance of five (5) feet to the front yard setback to construct a stair landing for the front door of a new house with a front yard setback of twenty-five (25) feet where thirty (30) feet is required according to Ludlow Zoning Bylaw Table 2 – Table of Dimensional Regulations.

The applicant and the builder attended the hearing remotely via Uber Conference.

Mr. Lopes: Lisette, you want to state your case and tell us why you are here?

Ms. Godbout: yes, we are currently building on a property, we were granted a permit but due to the current setback being 30 feet we are requesting 5 feet of that which would make it 25 feet for our stair landing for the egress to the household to make it a safe entry and exit.

Mr. Thibault: Just to clarify too, it was an existing home that was really never completed some, I'm guessing 50 years ago and so Lisette is, before it was, it really, basically it was just a basement, people were living in a basement so we removed the roof so this is not a new house, this is an existing home that's been there for quite some time.

Mr. Lopes: and for the record, could you state your name

Mr. Thibault: sure, my name is Sylvain Thibault of Thibault & Sons Construction and I am the builder working for Lisette.

Mr. Lopes: thank you. Anything else you'd like to add, either one of you right now?

Ms. Godbout: not at this time.

Mr. Lopes: okay, I'll take it to the Board, any questions, comments from any Board members? We have, I guess we have a, an elevation map here, plans of what you're proposing.

Mr. Aubin: Mr. Chairman I have a quick question.

Mr. Lopes: Alan go ahead.

Mr. Aubin: are you using the existing foundation that's there or are you pouring a new foundation? I have Google maps over here so I can see it, so are you using the existing foundation or is it a new foundation?

Mr. Thibault: it's an existing foundation.

Mr. Aubin: you just took off the top and

Mr. Thibault: exactly, yup

Mr. Lopes: okay, so we have an elevation, a plan here showing the elevations and the footprint of the house. So it looks like what you're doing is 5 feet, so what you're proposing is 5 foot by

Mr. Thibault: 6 foot 6

Mr. Lopes: 6 foot 6 in front of the front door

Mr. Thibault: yes sir

Mr. Lopes: and you're gonna have a roof over it

Mr. Thibault: yup

Mr. Lopes: a covering and then 2 steps coming off of that so the 5 foot, the 2 steps don't encroach, don't count as an encroachment to the front yard, it's just the front landing.

Ms. Godbout: correct

Mr. Wlodyka: Joe Wlodyka, Board member, the front porch now is that gonna be a poured foundation for the stoop or is it framed sitting on piers?

Mr. Thibault: yeah frame sitting on piers, on 2 piers in each corner of the front landing.

Mr. Wlodyka: and I think I see that on your, page 3 of the print

Mr. Thibault: that is correct.

Mr. Wlodyka: okay so it's not really a foundation, it's not part of the foundation being added to the foundation

Mr. Thibault: no sir, no.

Mr. Wlodyka: okay

Mr. Lopes: I think because it has a roof over it I think that's why it, is the question here, that's why it's here.

Ms. Parker: is that why Ann?

Ms. Converse: Justin would be the one to answer that.

Ms. Parker: but he's not here.

Mr. Lopes: anybody else have any questions?

Ms. Parker: I do not.

Mr. Lopes: Elaine?

Ms. Hodgman: I'm all set, thank you.

Mr. Lopes: okay. So you're applying for a variance and we have to go through a list of, in order to approve it under Mass General Laws you have to meet some criteria to get approved for a variance. So there's 3 required findings for granting a variance and the first one we have to go through is soil, shape and topography, owing to circumstances relating to soil, shape, or topography of the land or structure especially affecting such land structure but not generally affecting the zoning district in which it is located. The key requirement of the variance law is the determination that there is something wrong or unusual about the parcel's soil, shape, or topography. Do we want to discuss that and make sure that we are meeting

Ms. Parker: I'm very well aware of but I don't know about everybody else, they might need

Mr. Lopes: well we have to go through and make sure it meets all those so. Well I don't know if you've, this is kind of a unique circumstance, I mean, we're dealing with an existing foundation that really can't be moved, if you looked at the topography of the property there, I did a drive by and looked at it, the topography there is a very, the topography of the land is interesting as well, you know, where the foundation sits on the land, I mean they, you know, it's 30 feet setback from the street, there's a very steep decline in the rear of the house, it's pretty much a walk-out basement there I believe, isn't it?

Mr. Thibault: yes it is.

Ms. Godbout: correct.

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Mr. Lopes: and, you know, I think it meets the, you know, the requirement for the topography based on that, I mean you can't move the foundation.

Ms. Parker: yup, right.

Mr. Wlodyka: I would agree, you can't move the foundation because it's been there for 50 years or so already.

Mr. Aubin: Mr. Chairman, even on the plot plan it shows the elevation.

Mr. Lopes: the plot plan shows it?

Mr. Aubin: yes

Mr. Lopes: well it dips even further, even lower as you walk to the back, I didn't walk back there but just viewing it from the street you can see that it continues to grade down from the bottom of the foundation, you know, from the walk-out. So we're reading these because you have to meet those in order to grant a variance. And the second is the finding for hardship, a literal enforcement of the provisions of the ordinance or bylaw that involve substantial hardship, financial or otherwise. Hardship must be caused by the unique soil, shape, or topography conditions and personal hardships do not justify the grant of a variance. Anybody have any comments on that?

Mr. Wlodyka: well I feel that since, at least, I'm in agreement on your finding number 1 that the topography about the foundation will meet that, finding number 1 and number 2 it would be a substantial hardship if they would have to move the foundation back in order to meet the zoning requirements or even worse case scenario would be to dismantle the foundation and start over from new so I feel that finding number 2 has been met by hardship of the existing building having been there for so long already.

Mr. Lopes: Alan were you able to pick that up?

Mr. Aubin: yup I heard it.

Mr. Lopes: Elaine?

Ms. Hodgman: I'm all set. That makes sense to me.

Ms. Parker: I agree.

Mr. Lopes: the final finding is for public good, desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw. So this is probably the easiest of the 3 but any comments here?

Mr. Aubin: Mr. Chairman what I would say is that I think it's actually for the betterment of the area of, I'm looking at Google maps, it is just a foundation with a roof, I think it would actually improve the area and I think it's for the betterment in this case, we're adding a porch in the front and it's for the betterment of the area as opposed to a detriment.

Mr. Lopes: Nicole, you had something?

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Ms. Parker: no I agree with Alan.

Mr. Lopes: alright

Mr. Aubin: Mr. Chairman we're only talking a porch, we're not talking an addition, it's just a porch, it's an entryway so.

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Mr. Lopes: right and it's not, again, it's only about 5-foot-wide or 7-foot, 6-foot 6 wide, it doesn't across the whole front of the house, just that portion there. I did drive by, it looks very good

Ms. Godbout: thank you.

Mr. Lopes: definitely an improvement from what was there.

Ms. Godbout: yes and they'll be a nice stable family residing there.

Mr. Lopes: any other comments or concerns from the Board? Anybody want to make any kind of a motion?

Mr. Wlodyka: do we have some observers?

Mr. Lopes: Dolly would you like to make any comments or observance here?

Ms. Cincone: Nope, I'm just following around what you're doing because this is my first meeting and I'm new to this part. Thank you anyway.

Mr. Lopes: alright.

Mr. Wlodyka: do we have 2 other

Ms. Converse: I believe the other 2 that are on are for the next hearing, at least one of them is.

Mr. Wlodyka: okay.

Ms. Converse: I believe the other one is, you could ask but I believe

Mr. Lopes: is anyone else logged in, any members of the public that are logged in that want to address anything? Hearing none, any Board members, any motions on this? Anyone want to make a motion?

Mr. Wlodyka: I'd like to make a motion for discussion that the variance for the property at 169 Cady Street in accordance with the plans that are on file be approved and for discussion by the Board.

Mr. Lopes: do we have a second?

Ms. Parker: second.

Mr. Lopes: anybody want to add anything to that?

Mr. Aubin: nope, I'm good.

Mr. Wlodyka: Elaine?

Ms. Hodgman: no it sounds pretty, quite clear for me.

Mr. Wlodyka: so then the motion as stated, no discussion, that the variance for 169 Cady Street for the porch or the front

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Mr. Lopes: the landing, not a porch

Mr. Wlodyka: yeah the front stoop landing be approved in accordance with the plans that are on file with the Building Department.

Mr. Lopes: do we have a second?

Ms. Converse: so Nicole I will defer to you, do the dimensions need to be in the motion?

Ms. Parker: it can be

Mr. Lopes: they're on the plans

Ms. Parker: you can write it in there, it doesn't necessarily have to be put in the motion, it's in the application. So you can put it in the decision.

Ms. Parker: so I did second it, but remember we have to do roll-call for remote.

Mr. Lopes: yeah, so we have a second from Nicole Parker,

Mr. Aubin: so comments, sorry. Do we want to add the 3 variance criteria to the motion?

Ms. Parker: so this Board has in the past, I know Kathy has written things out but since this Board did, it's up to you Mr. Chairman.

Mr. Lopes: if you feel it's necessary, we can add it in, repeat that again Alan.

Mr. Aubin: I just know in the past we've delineated, we've actually delineated in the finding that why we voted the way we have based on the variance, I would amend that to the motion that based on the topography it meets the topography conditions, the hardship conditions, there's an existing foundation, there would be a financial hardship to deconstruct the foundation and then because, you know, demolish the garage and then build a new foundation, it would be costly and then introduce additional financial hardship, lastly that it's the, addition of a house is a betterment to the, you know, it's not a detriment to the neighborhood, it's a betterment to the neighborhood.

Ms. Parker: so with that I just want to add that and I guess this is why in previous decisions we didn't necessarily be so specific because it's not the personal hardship that is able to be granted. It's the, a hardship to the locus so it's actually, you know, it's not financial, it's not personal to the applicant, it's a different type of hardship but I would say if you're going to specify it with the hardship that it should

probably say something like, you know, that the, I don't know, I don't know if it's the topography because we, it's still very steep so I don't know if that could also be the hardship.

Mr. Lopes: I think you're correct, I think the hardship is due to the topography

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Ms. Parker: right okay so you can't necessarily

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Mr. Lopes: that created the hardship and

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Ms. Parker: that could create the hardship too

Mr. Aubin: the land topography creates a hardship.....

Ms. Parker: to be able to put the landing, yeah

Mr. Aubin: you're right, thank you Nicole.

Ms. Parker: and then the betterment of the community is, you know, obviously so people can walk down the stairs.

Mr. Lopes: you mentioned the roll-call, I was gonna do the roll-call after the votes

Ms. Parker: no the roll-call is the vote.

Mr. Wlodyka: the roll-call is the vote.

Ms. Parker: even the first and second also have to roll-call. So whoever made the motion and seconded it still have to roll-call.

Mr. Lopes: okay, that's a new one. We have a motion, we have a second, we're gonna take a roll-call vote so we can do it one by one?

Mr. Wlodyka: one by one.

Mr. Lopes: one by one, okay. Mr. Aubin, yes; Ms. Hodgman, yes; Ms. Parker, yes; Mr. Wlodyka, yes; Mr. Lopes, yes. Vote 5-0 all in favor. I need to mention here that we have the list of abutters and also the check for the publication and we're all set with that.

The Chairman closed the public hearing for 169 Cady Street at 7:27 pm.

The Chairman opened a public hearing on the application of Kathleen Shea, for the property located at 208 Reynolds Street (Assessors Map 27, Parcel 188, Zoning: Residential-A). The subject of the hearing is a Variance of Ludlow Zoning Bylaw 3.3,B.(4) for the construction of a 24'x30' (720 square feet) detached garage. The new structure will exceed fifty percent (50%) of the total square footage of all current structures per the zoning bylaw at 7:28 pm.

The applicant, her husband Andy and the builder attended the meeting via Uber Conference.

Mr. Lopes: I'm Manny Lopes, I'm the Chairman and we have Alan Aubin remotely with us, Nicole Parker is here as well as Joe Wlodyka and Elaine Hodgman is filling in as a full-time member. Kathleen if you could just kind of go through why you are here and state your case.

Ms. Shea: sure, well I'd like to build a garage in my back yard. The garage again would be 24' x 30', it's in accordance with all of the setbacks and all of the dimensions, the only problem is it can't be more than 50%, because it's an accessory building it can't be more than 50% of my living space. Well I would love to be able to put that garage on my house however my, the end of my driveway is the end of my property so on the side of, well as you can probably see if you're looking at the paperwork, that's where my property line ends, is at the driveway so I cannot put the garage attached to my house. So my only other option is to put a detached garage in, which is what I'm asking for.

Mr. Lopes: okay. We have in our packet, there's a plot plan that shows the location of the house and the proposed garage to the rear left of the property and also, what is this one here?

Ms. Converse: that's the assessors map.

Mr. Lopes: and we also have an elevation of the garage that you are building showing the dimensions

Ms. Shea: yeah there should be something in there that shows all the dimensions for the garage from several different angles

Mr. Wlodyka: 30 x 24

Mr. Lopes: yup, okay, alright. Any of the Board members have any questions or comments on what we're looking at?

Mr. Aubin: Mr. Chairman, this is Alan, I have a question, on the GIS which the GIS is not right but it looks, I guess we, Ms. Shea, so where you want to build the garage the land next, adjacent to where you want to build the garage there's no, is there structures there, that's just land that's, isn't that like State land part of the Mass pike, is that true?

Ms. Shea: no that land is owned by Sodi, Inc., they're the ones that are putting the solar panels.

Mr. Aubin: okay

Ms. Shea: but they can't put any like next to me they can only put it like across the street but that's his land and it's all just wooded area, there's nobody, there's nobody than can even live there, I guess they can even put a house there because inward of that land there is wetlands but I'm in the buffer, I mean outside of the buffer zone so that's not an issue either. I had the land all surveyed, the survey should be there as well.

Mr. Aubin: yeah it was just, it was in the packet, it looks like a GIS report but it looks like there is structures there but these

Ms. Shea: no no there's nothing there, the GIS, I don't know what's going on with the GIS, it's kind of inaccurate.

Mr. Aubin: right I know, Google maps that I'm looking at is more accurate.

Mr. Lopes: yeah so those structures that show on the left side of your property, they are not there?

Ms. Shea: there's nothing there.

Mr. Lopes: and again, I can confirm that, I drove by there, went around the cul-de-sac and I didn't see any buildings there to the left of the house either. And again the GIS is off a little bit, there's more room on the side yards, you know, allowing for a driveway. Any other questions or concerns?

Ms. Hodgman: Mr. Chairman?

Mr. Lopes: Elaine, yes.

Ms. Hodgman: is the shed being relocated, is that what I'm seeing?

Mr. Lopes: the question is, there's a shed that is being relocated?

Ms. Shea: yes

Mr. Lopes: and where is the shed now?

Ms. Shea: it is in the spot where the garage, where we're gonna plan to put the garage, pretty much.

Ms. Hodgman: and you're but you're gonna be putting the shed back up also?

Mr. Lopes: they're just moving it back probably

Mr. Wlodyka: moving it back behind the garage?

Ms. Shea: right

Mr. Lopes: it looks like you're moving it behind your proposed garage.

Ms. Shea: we're not, we haven't figured out exactly where but that's kind of where we're thinking right now, I mean, I wasn't sure if we had to have an exactness to where the shed went at this meeting.

Ms. Hodgman: no I was just curious, thought maybe I'd ask.

Mr. Wlodyka: how big is the shed?

Mr. Lopes: how big is the shed? That is the question from Joe.

Ms. Shea: the shed is 16 x 8.

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Mr. Wlodyka: 16 x 8 is that what she said?

Mr. Lopes: 16 x 8

Mr. Wlodyka: 228 square feet

Ms. Parker: Mr. Chairman I'm ready to make a motion.

Mr. Lopes: okay, before we do that

Mr. Wlodyka: yeah it's a variance so we have to through the criteria.

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

Mr. Aubin: just a quick question Mr. Chairman, so based on the plan the garage height is going to be 18 feet, do you know

Mr. Lopes: the height of the garage?

Mr. Aubin: yeah, it looks like 18 feet.

Mr. Lopes: I have 10 feet, the garage is 10 feet, 10 foot up to the

Mr. Aubin: I'm talking about the height

Mr. Lopes: yeah, the total height?

Mr. Aubin: yeah

Mr. Lopes: it's not, the elevations doesn't show the total height, up to the ridge is what you're talking about?

Mr. Aubin: yeah, correct. No it's up to the top, right here Mr. Chairman, if you look on the screen, this right here, it says 18 feet

Mr. Lopes: oh yes, 18 feet

Mr. Aubin: so just, my question is do you know what, similar to your house, what the height of your roof is, is it the same height to the peak of your roof?

Ms. Shea: yes the plan is to have it the same height.

Mr. Aubin: okay, that's what it looks like, I mean I figured it's probably.....

Mr. Lopes: now if I'm, correct me if I'm wrong Kathleen but the rear part of the house where the garage is doesn't that decline from the, the elevation decline from the house itself, it slopes down to the back, no?

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Ms. Shea: no there's no slope back there.

Mr. Lopes: there's no slope, okay. So to answer Alan's question that 18 feet is not gonna be higher than the existing house.

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Ms. Shea: no.

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Mr. Lopes: okay. Any more questions?

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Mr. Wlodyka: I got one I'm working up here.

Mr. Lopes: Joe is working on one. How about, anybody from the public have any questions or comments right now? Or the builder, anybody? Joe Wlodyka has a question.

Mr. Wlodyka: so what I'm seeing here is you have a shed that's 8x16 which is 128 square feet and the garage you're proposing is 720 square feet so the total of that is 848 square feet, now from what I'm reading here is your house is 1,056 square feet, is that correct?

Ms. Shea: it is.

Mr. Wlodyka: okay, so then half of 1,056 would be about 528 square feet?

Ms. Shea: yes.

Mr. Wlodyka: okay so then you're asking for a variance of about 320 square feet

Ms. Shea: I'm sorry?

Mr. Wlodyka: so you're asking for a variance of 320 square feet which is over the, that's how much over the 50% you are, the 320 square feet.

Ms. Shea: correct.

Mr. Wlodyka: okay, I just wanted to check my math.

Ms. Parker: sorry Joe, how much did you say she's going over the 50%?

Mr. Wlodyka: she's going, she's asking for a variance of 320 square feet.

Ms. Parker: what percentage of that is over 50%?

Mr. Wlodyka: well

Ms. Parker: that's more math?

Mr. Wlodyka: that's more math. 50% of her house would be 528 square feet, she's, with the proposed garage and the shed that's existing she's gonna have 848 square feet which is a difference of about 320 square feet.

Ms. Parker: hm, too bad I don't have my accountant with me. So I mean the bylaw says all unattached accessory structures cannot exceed 50%

Mr. Wlodyka: correct

Ms. Parker: now let's see what the variance says, what the variance rules are.

Mr. Lopes: you want to read what the variance says?

Ms. Parker: we have to to them right? You want me to is that what you're saying? We have to read it before we vote.

Mr. Lopes: well the variance stuff, I thought you wanted to read

Ms. Parker: no I'm just saying let's see what they say about them going over 50%, what kind of hardship it is.

Mr. Lopes: oh okay got ya. Alright, so in order to grant a variance, you applied for a variance, we have to go through the criteria which is mandated by the State Law so we're mandated to, by the State Law to go through the requirements. So there's 3 required findings for granting a variance and the first one, and you have to meet all of them, the first one relates to soil, shape and topography, owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located. The key requirement of the variance law is the determination that there is something wrong or unusual about the parcel's soil, shape or topography. The Board must also find that the peculiarity is unique to the zoning district where the parcel is located. The peculiarity must not be found in the district as a whole. The condition need not affect all properties in the district in order to be regarded as a condition generally affecting the district as a whole. So do we, is there any issues with the soil, shape, or topography that would prevent us from granting this variance here?

Mr. Wlodyka: I think the shape of the lot itself is, would affect the topography of it, all the rest of the lots in the area they are pretty well squared off but this one being on the end of the cul-de-sac is unique in itself.

Mr. Lopes: so the shape of the lot?

Mr. Wlodyka: yes.

Mr. Lopes: any comments on that from the Board?

Mr. Aubin: I would agree with the Mr. Wlodyka, that the land shape is kind of very unique to that area, at the end of the cul-de-sac and the abutters land is really large that it's kind of cutting into her property a little bit so yes I would agree that the shape of the lot is definitely unique to the area.

Mr. Lopes: okay. So number two, the second finding is hardship and a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship financial or otherwise. Hardship must be caused by the unique soil, shape, or topography conditions. Personal hardships do not justify the grant of a variance. Hardships that arise because of the acts of an applicant do not justify the grant of a

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variance, in other words, self-inflicted hardships, economic or competitive hardships are not sufficient due to their inability to be linked to the unique condition of the land. So on hardship, anybody have any comments on this particular property? I don't know if it, just looking at it, I mean, the location of the house in relation to where they want to put the garage there's not enough room on the side of the house to add a garage, I'm not sure if that would fall into that hardship.

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Mr. Aubin: or even moving it to the front to the side then you would be cutting into the setbacks.

Mr. Lopes: again Alan.

Mr. Aubin: I said even if you moved the garage to the front of the house, kind of offset it, moving into the front

Mr. Lopes: you can't, yeah but moving into the front of the house then you're creating a non-conformity there.

Mr. Aubin: correct.

Mr. Wlodyka: I agree with that. You really wouldn't be able to put it anywhere else on the lot there.

Mr. Lopes: due to the shape of the lot.

Mr. Wlodyka: because of the shape of the lot which we discussed in the topography portion of the variance.

Mr. Lopes: okay. Nicole, good? So the third finding would be for public good. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw. So I mean this one is fairly simple, I mean, any comments?

Mr. Wlodyka: I would agree public good, you were saying, is that the public good?

Mr. Lopes: yeah public good.

Mr. Wlodyka: I would agree, it would not be a detriment to the neighborhood.

Ms. Hodgman: it would only improve it for the area, make it more usable.

Mr. Lopes: it definitely does not detract from the neighborhood, I mean, the house is behind, the garage is behind the house not on the side or in the front.

Mr. Aubin: I would agree and then there's no abutters to the side where the garage is going to be, and I don't think that's really buildable there and as Ms. Shea said that there's going to be solar panels there so I don't, and the shed's behind the house and it's on the end of the cul-de-sac so I don't think it's a detriment to the area.

Mr. Lopes: Kathleen, the property behind the house that's wooded as well right?

Ms. Shea: correct.

Mr. Lopes: okay. Any more questions or comments? Before we go on, would Ann we have the mailers for this one as well, just to clean that up right now, we have the, from the abutters and the check for the Turley Publications and all that so we're all set there?

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Ms. Converse: yes

Ms. Parker: is there discussion after the motions?

Mr. Lopes: we can do a motion for discussion.

Ms. Parker: no I mean you motion, second, discussion or motion second vote?

Ms. Converse: they've done it both ways, they've done the motion and discussed it then a second or they've done a motion and a second.

Ms. Parker: alright, I guess I just have a couple of comments and I don't want to sway anybody either way because my biggest point is that I don't think this is a bad project at all and this certainly is not geared or pointed toward the applicant in any way, shape, or form, I see exactly why you want to do this but I'm gonna say that I don't believe that a variance was the proper avenue to go to get this variance, I mean to get this project approved, in my opinion, as the Zoning Board of Appeals and we've gone over this every single meeting almost I think, we have a special permit avenue for them to be approved because I'm gonna cite case law because that's what I have on me and this is going to be number one, no one has the legal right to a variance and the size and area of the lot are not enough to obtain a variance so just because her house is situated, or the applicant's house I'm sorry, is situated near the lot line it literally says that it does not qualify by the shape of the land as grounds for the grant of a variance so just because the lot line is there that does not meet number one. Number two, the literal enforcement of the bylaw will involve substantial hardship financial or otherwise, now it's not the personal hardship, in this we're, what we are doing right now is 50% of the square footage of all unattached accessory structures, she is going over that and it is not meeting the definition of what a variance would allow just because she wants to put a garage there and it's gonna be 300 and something square feet over what she applied for. Again to the applicant, please this is not toward you, I think this is a perfectly fine project I just think that you were misguided. Number three, substantial harm or derogation from the ordinance purpose so the purpose I believe of this bylaw is to make sure that you don't put giant structures where your home is, your primary residence is smaller than you want to have a huge garage, huge shed, huge everything that is the primary reason I think for this bylaw and going over that because you want to put a garage there, again doesn't meet it. To my opinion, a variance was not the way that this should have been presented. That is my comment.

Mr. Lopes: okay, noted. Anybody have any comments on that?

Mr. Aubin: yeah I do, because I don't want to set precedence too, you know, approving variances is definitely hard to prove and you hate to set a precedence. For something like this where somebody can come in and say I need a variance because I want this where a special permit is much easier. I know Nicole is not trying to sway votes, I have a hard time with variances as well. Just throwing it out there I worry about the precedence. Does this fall under a special permit? The 50%.....

Ms. Parker: a special permit from the ZBA, yeah that does not, a finding that it would not be substantially more detrimental to the neighborhood.

Mr. Aubin: correct.

Mr. Lopes: you could have applied with a special permit instead of a variance, you know, you have a choice to apply one way or the other.

Ms. Shea: can I say something?

Mr. Lopes: yes you may. This is Kathleen?

Ms. Shea: yeah, this is Kathleen, so when I got the documentation saying that I wasn't, well when I was told by the contractor that I wasn't able to do this and I read and I don't have it in front of me but when I read the difference between asking for a variance and asking for a special permit, what made sense to me was to ask for the variance, that's why I did it. If I was supposed to ask for something else I would have absolutely went the other direction but the verbiage that I read at the time that's why I went for the variance. I don't, you know I've lived in this town all my life, I grew up in this town, I've never, you know, really done anything like this, I purchased a house, I've been there for, you know, 20 years and I just want to do the right thing, you know, I'm getting older, I know this is nobody's problem but mine but, you know, I'd like a garage to put my car in, I'd like a little extra room to put the extra stuff in and I'm just a little bit frustrated with the fact that now somebody is saying that is has, that it should be something different? I don't understand I guess is what I'm saying because I really didn't understand the difference between why she's saying that it should be a variance, a special permit as opposed to a variance.

Ms. Parker: Mr. Chairman can I respond?

Mr. Lopes: Nicole, yes.

Ms. Parker: Kathleen, I completely agree and I, again this is not

Mr. Lopes: hold on, can you hear her okay Kathleen?

Ms. Shea: I can.

Ms. Parker: this isn't toward you, as a resident you should be better informed and you should be better guided when you come in for the application. I just and like I prefaced with I didn't want to sway anybody either way but nobody, again, I cite case law, I have it in front of me that, you know, no one has the legal right to a variance, it's very difficult to get, there are only a few that really are legal to get and I just have to have this in the record that I believe that you should have been better informed on what you should have applied for and not just, I understand a resident if you don't work in a municipality, you don't work, you know, in local government you wouldn't necessarily know that and you should have been better informed.

Mr. Lopes: Ann stepped out she went to get the documents that

Ms. Parker: Ann stepped out to get a document that you were referring to.

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Mr. Lopes: so if you could bear with us just for a moment. Again, to what Nicole is saying, we have to abide by State Law in our findings and decisions, you know, it's very clear you know, so that's why she's bringing that up.

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Ms. Shea: now would this matter if I told you that I was planning on putting an addition on to the back of the house as well I mean to make the house a little bigger, we're looking for something and I can't afford it now and of course with COVID everything doubled so I was planning to put like a breeze, not a breezeway I'm sorry, now I'm all flustered, I apologize

2021 FEB 11 P 3 20
TOWN OF LUDLOW

Mr. Lopes: that's okay.

Ms. Shea: I'm kind of upset at the moment and I'm not thinking clearly, an addition of, basically a 12 x 12 room on my, on the back of my house.

Mr. Lopes: right, well you'd have to go through the permitting process again.

Ms. Shea: right but my point is like that's the plan that I have so it's going to make my house a little bigger, I mean, I feel like I'm being punished because I have a small house. I'm really frustrated I'm sorry.

Mr. Lopes: yeah well the bylaws are written in a way where if you're increasing it by more than 50% then you have to go through this process.

Ms. Parker: Kathleen were you advised, did you speak with anybody in Town Hall, any of the employees regarding, you know, the application process and what you should do?

Ms. Shea: the only one that I spoke to was Ann and she said you need to either apply for this or this, that's what she told me and I read a special permit and I read about the variance and it made sense that I would ask for the variance in what I read, as far as the definition of a variance.

Mr. Lopes: so we have in front of us a document that was given to you and it says Town of Ludlow Information on Special Permit and Variance Applications, you received that.

Ms. Shea: yes

Mr. Lopes: and that's the document that you looked at and again it says Special Permits and Variances are governed by the subject to Massachusetts General Laws C. 40A a variance is required when the action desired violates dimensional requirements, required provisions of the Ludlow Zoning Bylaws including setback, side yard, frontage or lot size requirements. Dimensional requirements are set out in the Zoning Bylaws. A Special Permit is required for those cases where a particular use is permitted but only after certain conditions are met. Permit uses are also set out by the Zoning Bylaws. So the Zoning Board of Appeals, the ZBA, is the authority that holds public hearings and decides whether to grant or deny a variance, the ZBA is also the hearing authority for Special Permit matters involving non-conforming uses and buildings as set out by the Zoning Bylaws. The Planning Board is the hearing for Special Permits, so that's the paper you received.

Ms. Shea: okay right so I interpreted that to mean.....

Ms. Parker: well I think she's been misinformed and I would almost give her this variance just because clearly our attorneys are misguiding people and it's unfortunate or she would have to withdraw without prejudice and apply for a special permit and be waived of all the fees of something.

Mr. Lopes: hold on, so this came from our Town Counsel to you to give out to applicants?

Ms. Converse: yes.

Ms. Parker: this will be going out to every, I'm sending this out tomorrow to everybody.

Mr. Lopes: to everybody?

Ms. Parker: to you

Mr. Lopes: yeah that's fine. I'm sorry Kathleen, we cut you off, did you want to say something, go ahead. I know you're frustrated but go ahead.

Ms. Shea: right

Mr. Lopes: and for, let me say, for good reason but you go ahead.

Ms. Shea: the way I understand that for a Special Permit, from what you just read, it seems to me for the use of the building, that's what I understood from that and that's I went over that with my husband and we both kind of assumed that it meant the use of the building, we're using it as a garage so we don't need a special permit because we're gonna use it as what it is which is a garage. Do you see what I'm saying?

Mr. Lopes: yes.

Ms. Parker: so it's, Special Permit matters involving non-conforming uses and buildings so, your buildings, I mean where it meets the, where it's the bylaw of the 50% is the, where the special permit would be granted. Off the cuff I think this is not very informative at all and it certainly doesn't tell you the degree of what you have to meet to get a variance granted.

Mr. Lopes: it should have the conditions on here that you need to meet.

Ms. Converse: the application has it.

Mr. Lopes: it's in the application packet, okay.

Mr. Wlodyka: Mr. Chairman?

Ms. Converse: it's not there because they keep that part of it but it is in the packet that they get.

Ms. Parker: I still don't blame the applicant.

Mr. Lopes: Joe Wlodyka

Mr. Wlodyka: Kathleen, my name is Joe Wlodyka, is part of the package that you got, did you get a stapled together or otherwise tied together explanation of what's required for a variance and it lists the 3 requirements, the 3 findings that need to be met. Did you get anything

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Ms. Shea: Andy?

2021 FEB 11 P 3: 20

Andy: yeah hi this is Andy, I'm her husband, we did get a, the letter you were talking about that states, you know, special permit criteria and variance criteria and the rest is left to interpretation by the person who gets it.

Mr. Wlodyka: okay so did you get, it's about a 5 page

Mr. Lopes: it's not gonna be that particular one, I think Ann went to get that so that you have, so you know what they received. Bear with us just for a couple of minutes here.

Mr. Wlodyka: yeah just bear with me here a minute. I'm just trying to

Mr. Lopes: I know we changed the application recently I think and the criteria, you know, that we're talking about is on there I think.

Mr. Wlodyka: the criteria is this, this is what we have to go by.

Mr. Lopes: thank you Ann.

(Ms. Converse handed Mr. Wlodyka the application packet that is given to applicants.)

Andy: alright yeah we did receive a bunch of papers there were stapled together

Mr. Lopes: as part of the application

Andy: the Instruction Information Checklist and gives us everything we needed to do.

Mr. Lopes: okay

Andy: which we did.

Mr. Wlodyka: okay.

Andy: then again, you know, it's kind of which way do you go, I mean is it a special permit according to what you're reading, no, is it a variance, yeah that's what we went with because that's how it read out to us when we went over it.

Mr. Wlodyka: okay. So the package I was talking about is covered in the application.

Mr. Lopes: what page of the application is that?

Mr. Wlodyka: it's the second page there.

Mr. Lopes: on page 2 of the application Joe is looking at I guess it has, mentions the 3 criteria that you have to meet for a variance. Did you see that on there?

Ms. Shea: could you read that to me please?

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Mr. Wlodyka: it's page 2 of the application, explanations and it says variance criteria. It starts off, there's a sub c of coming from the first page on the top

2021 FEB 11 P 3:20
TOWN OF LUDLOW

Andy: no it just, second page says this form needs to be filled out with the Town Clerk and then it goes into procedures for the action of the Board of Appeals on the application for a variance and then some like PowerPoint slides after that.

Mr. Lopes: is that these PowerPoint slides that you have?

Mr. Wlodyka: could possibly be, I don't know, I can't see what he has. Okay there's, the first page on this document has the Town seal, Town of Ludlow Zoning Board of Appeals with the address, it has a heading of Appeals Process and then it goes down and gives you the fees, the notice of the hearing, the public hearing, the decision and then it goes on to spell out the Special Permit criteria and the variance criteria. Do you have that document?

Andy: no I have something else that says Instruction and Information Checklist that has everything you just said but it doesn't have a Town seal on it.

Mr. Wlodyka: okay, but then the last page is the, the second to the last page, third to the last page, no let's start from the front, the third page is that document that we had been given, this information on special permit and variance applications.

Andy: no my third page is procedure for the action by the Board of Appeals on the application for a variance or Section 6 finding.

Mr. Lopes: is this the new application that Joe has?

Ms. Converse: yes it is.

Mr. Lopes: because we had changed it. Is he looking at an older one?

Mr. Wlodyka: so Ann, when they're given their package they're given this application

Ms. Converse: yup

Mr. Wlodyka: and they're given this directive for lack of a better word and their all just one, is there any other documents that are given with these?

Ms. Converse: they're all emailed now so

Mr. Wlodyka: they're all emailed

Ms. Converse: they can't come in the building so everything's been emailed.

Ms. Hodgman: so the packet has been emailed?

Ms. Converse: I emailed all of that yes.

Mr. Wlodyka: okay

Mr. Lopes: so any other

Mr. Aubin: yes Mr. Chairman, I would, I suggest that you go through the options where if, you know, the variance is denied, what I think it's 2 years, they have to, I think it's 2 years right, they can't come back for 2 years

Ms. Parker: not unless they withdraw without prejudice then they can come back right away.

Mr. Aubin: right if they withdraw and then the option could be to submit as a special permit and come back before the Board

Mr. Lopes: right, okay

Mr. Aubin: quick question for the Shea's, Kathleen Shea, are you working with a builder, you said you're working with a builder as well, did you, sometimes the builders aren't right either so trust me, that the builders aren't always right but did you try to seek advice from the builders, when you're dealing with the zoning laws it's kind of tricky

Mr. Lopes: I think we have the builder on the line too don't we?

Ms. Converse: I don't think so.

Mr. Lopes: no her and her husband? I thought the builder was on there too no?

Mr. Hodgman: it might have been the one before.

Mr. Lopes: the one before, okay. So with that said, let's, let me just go through this before we move any further here because so give you some options, some reality I guess. If we continue with a motion and a vote and you're denied you cannot come back for 2 years, you know, for this application for the variance. Well can they apply for a special permit?

Ms. Parker: she's got to withdraw though, she can't

Mr. Lopes: well if they withdraw but that applies to a special permit too if it's denied they can't come back for 2 years. If you chose to withdraw without prejudice and we will not take a vote then you would, you could reapply for the special permit but you'd have to go through the re-application and publication and all that to apply for a special permit. So I just want to put that out to you so that, to give you something to think about before we move forward. Again, I'm not sure how we're gonna vote or how, what the motions are gonna be here.

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2021 FEB 11 P 3:21
TOWN OF LUDLOW

Mr. Aubin: yeah and the just another option is we could just throw it out there for the applicants is that we could continue, I'm just saying if they need time to make their decision they can continue the hearing correct?

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Mr. Lopes: we can continue the hearing if you'd like

2021 FEB 11 P 3: 21

Mr. Aubin: I'm just throwing all the options out there.

TOWN OF LUDLOW

Mr. Lopes: yup the third option we can continue the hearing until another date if you wanted some time to, you know, look into the matter.

Ms. Hodgman: and think about what to do.

Mr. Lopes: yeah, think about what you want to do. So you also mentioned that you're thinking of putting another addition on the back of the house you might want to consider doing it all together, just my

Ms. Hodgman: if the garage is attached, it wouldn't have to be built

Mr. Lopes: no they can't, they're not gonna attach the garage they don't have enough room. So just throwing it out there, I know it's more, you know, a financial decision as well to do, you know, to do the whole thing but just food for thought.

Ms. Shea: I guess I still don't understand why I need a special permit, could you please explain to me why I need a special permit because I just want to put up a garage on my land, I'm just really really not understanding any of this. The guy next to me can put up freakin 20 acres worth of solar panels but that's okay but I can't put a garage up in my backyard. I'm just, I just don't understand.

Mr. Lopes: well because of the, our Bylaws on 3.3.b.4 requires that, you know, you're putting up a structure that is more than 50% of your residence so, you know, according to the Bylaws you had to come before us for a special permit or a variance and applying for a variance the State laws require us to go through, have to meet the 3 criteria that I had mentioned earlier to you. Let me just go back to them, meeting the soil, shape, & topography, you know, the hardship and the

Ms. Shea: the hardship is that I can't attach it to my house because I don't own the land that's next to my driveway, I mean, I don't understand it. I don't understand what you're saying.

Mr. Lopes: well even if you could put it next to your house it would still be more than 50% and we would still be going through this.

Ms. Shea: no we wouldn't because it would be attached to my house and it wouldn't matter.

Ms. Parker: there is a way to get around it and that is to, you know, give some, you know, I'm trying to think of the word, but to all the criteria you can, I'm sure there's a way to get around it. But not, like you had said, when you guys were going through it, the shape of the lot doesn't allow her to put it somewhere else etc., etc. But that is not my opinion, that is only one opinion.

Mr. Lopes: well we could take a vote on any of the findings if you like.

Ms. Shea: but then if I lose I can't

Mr. Lopes: can we do that, go through each one of the findings,

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Ms. Converse: no you can't vote on each one.

2021 FEB 11 P 3:21

Mr. Lopes: no, as a Board to get a unanimous, no, okay. Thought maybe we could.

TOWN OF LUDLOW

Ms. Converse: you can discuss it like you did but you have to vote

Mr. Lopes: we're discussing them yeah, you want to go through them again?

Ms. Hodgman: I'd like to go through them again for my clarity.

Mr. Lopes: for everybody's clarity? What do you have there? Okay, so for everybody's clarity let's go through the 3 findings that by State Law, Massachusetts State Law we have to abide by and you, the applicant, has to meet all 3 criteria in order for the Zoning Board of Appeals to approve a variance. Are you understanding me, what I'm saying?

Ms. Shea: yes.

Mr. Lopes: so the first and you can, you should have been given that with the application, on page 2 of the application packet, it describes the 3 findings that are required for a variance. And the number 1 is the, has to meet the soil, shape, and topography so the lot has to meet, you know, certain soil, shape, and topographies so a key requirement of the variance law is the determination that there is something wrong or unusual about the parcel's soil, shape, or topography that would prevent you from doing something else. So we discussed that

Ms. Shea: that was already determined because somebody said that that was, they agreed that that was right.

Mr. Lopes: correct

Ms. Shea: that there was a problem with the topography.

Mr. Lopes: right and that's why I'm going through this one more time so that everybody's on the same page and everybody's understanding of what, you know, we're looking at and what they may be agreeing to or not agreeing to.

Ms. Shea: okay.

Mr. Lopes: and, you know, have further comments on it. So Joe Wlodyka, I think it was you,

Mr. Wlodyka: yes

Mr. Lopes: brought up the

Mr. Wlodyka: yeah unique shape of the lot and the location on the cul-de-sac, I feel that it meets the criteria for finding number 1.

Mr. Lopes: Alan, you have any comments on that?

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Mr. Aubin: no I would agree with that. Based on prior variance, I would agree with that.

2021 FEB 11 P 3:21

Mr. Lopes: I'm waiting for Nicole to come back. We waited for you.

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Ms. Parker: oh you didn't have to wait for me.

Mr. Lopes: no well I wanted to because you brought it up so, you know, we didn't want to, Joe brought up the unique shape at the end of the cul-de-sac, he feels that it meets the number 1 finding for soil, shape, and topography for this particular case.

Ms. Parker: okay.

Mr. Lopes: so the second one is hardship and again, hardship must be caused by the unique soil, shape, or topography of the lot condition. Personal hardships do not justify a grant of a variance. Hardships that arise because of acts of an applicant do not justify the grant of a variance and also economic or competitive hardships are not sufficient due to their inability to be linked to the unique condition of the land. Again these are State Laws and written and there's gray areas and they can be interpreted and misinterpreted by, you know, so everybody has different interpretations so, you know,

Ms. Hodgman: we already decided the topography is a hardship.

Mr. Lopes: right, this is Elaine Hodgman, go ahead.

Ms. Hodgman: I'm sorry, if the topography is already a hardship then that satisfies number 2 also. It can satisfy number 2.

Mr. Lopes: because it is related to the soil, shape, and topography.

Mr. Wlodyka: yeah the hardship is created by

Ms. Hodgman: the topography

Mr. Wlodyka: the shape of the lot.

Ms. Hodgman: the shape.

Mr. Lopes: yup

Mr. Wlodyka: being at the end of a cul-de-sac.

Mr. Lopes: okay. Any comments, anybody?

Ms. Hodgman: and number 3 is what again?

Mr. Lopes: before we move on, anybody have anymore comments there? On the hardship? Alan you're okay?

Ms. Shea: I just want to know, okay, so then because of the unique shape of the lot that is also positive criteria?

Mr. Lopes: that is kind of what is being said, yes.

Ms. Shea: okay.

Mr. Lopes: and the third finding is for public good and it's kind of the easiest of the 3 findings, desirable relief may be granted without substantial detriment to the public good and without nullifying nor substantially derogating from the intent or purpose of the ordinance or bylaw.

Ms. Hodgman: it only adds to the structure and it improves across the board.

Mr. Wlodyka: yeah, it's not detrimental to the neighborhood, it's not gonna detract from the neighborhood.

Mr. Lopes: so the effect of a variance, let me just read this, the effect of a variance on the intent and purpose of the bylaw must be determined by appraising the effect on the entire neighborhood affected. So I don't see that there is a negative effect or detrimental effect on the neighborhood here and, you know, the way they've designed where they're putting the structure in the rear of the house, that's my opinion.

Ms. Hodgman: I agree.

Mr. Lopes: so given those, do you have any other comments, would you like us to proceed?

Ms. Shea: so it meets all 3 criteria?

Ms. Hodgman: yes, I think so. Mr. Chairman?

Mr. Lopes: yes.

Ms. Hodgman: I'd like to make a motion that we approve the variance.

Mr. Lopes: we have a motion from Elaine Hodgman to approve the variance

Mr. Wlodyka: for discussion?

Mr. Lopes: for discussion?

Ms. Hodgman: I think we've discussed enough and I'd like to move on to the vote.

Mr. Wlodyka: we have no second.

Mr. Lopes: do we have a second?

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2021 FEB 11 P 3:21
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Mr. Aubin: second for discussion or second for the vote?

Mr. Lopes: well she made a motion and it was not for discussion, if you want to make a second for discussion we can, you can do that.

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Mr. Aubin: second for discussion.

2021 FEB 11 P 3: 21

Mr. Lopes: alright, so who has something to say? You have something to add to it?

TOWN OF LUDLOW

Mr. Wlodyka: Alan you got something?

Mr. Aubin: yeah I just, it's just, I just got to say my peace, once again I'm, you know, as we go through the, each one of the variance points I'm good with it. This one's like on a fence, it's a gray area as far as I'm concerned but I believe, you know, where it is, I'm having a hard time with it but I don't, it's hard because I don't want to set precedence where everybody wants to build a big garage and, I'm not saying it's a big garage but location but I think, not too many cul-de-sacs, I mean this is a small lot at the end of a cul-de-sac so I'm just throwing it out there, I just don't want to set a precedence and I'm on the fence as to whether it does or not.

Mr. Lopes: okay.

Mr. Aubin: as Nicole said, I'm putting it on the record.

Mr. Lopes: yup, thank you. I here ya. Anybody else have any comments? Anybody from the public want to make any comments? Dolly you look like you want to say something.

Ms. Cincone shakes her head no.

Mr. Lopes: no, okay. Any other comments? You want to take a vote?

Mr. Aubin: could I just, sorry Mr. Chairman, one more comment

Mr. Lopes: go ahead.

Mr. Aubin: in looking at Google Maps the house right next door, I'm not sure what number Reynolds it is, I mean they have a two-car garage that is right there so it's definitely not a detriment to the neighborhood, I mean, it's

Ms. Hodgman: it would actually fit in with the neighborhood.

Mr. Aubin: it will fit into the surroundings.

Mr. Lopes: I feel it's definitely not a detriment to the neighborhood, you know, where they're locating it in the rear yard, there's no neighbors back there and it's not an eyesore. Any more comments? Should we take a roll-call vote?

Mr. Wlodyka: I think we need to lay out a couple of things with the motion before the vote, as far as

Mr. Lopes: Joe says he thinks we should lay out a couple more things with the motion instead of just a motion to approve?

Mr. Wlodyka: so yeah,

Mr. Lopes: you want to read what you want to add?

Mr. Wlodyka: let me read what I want to add here, this would have been my motion, it would be to approve the request for a variance at 208 Reynolds Street for a 320 square foot variance to erect a 24x30-foot garage with a 5-foot side set and a 29.3-foot back set not to exceed the height of the existing house which is approximately 18 feet.

Mr. Lopes: Elaine are you with okay with that adjustment?

Ms. Hodgman: I think that's wonderful. I'd be okay with it.

Mr. Lopes: we can add that to your motion?

Ms. Hodgman: thank you, yes.

Mr. Lopes: do we have a second on that one? Any second?

Mr. Aubin: I second.

Roll-call vote: Ms. Parker, abstain; Ms. Hodgman, yay; Mr. Aubin, yes; Mr. Wlodyka, yes; Mr. Lopes, yes. Vote 4-0 with 1 abstention.

Mr. Lopes: Motion has passed. Kathleen you're all set, it's been approved. So Ann will send you notification through email or whatever process that she's doing now.

Ms. Shea: great, thank you so much.

Mr. Lopes: and it's good for 1 year, you have to start the project within a year.

Public hearing for 208 Reynolds Street closed at 8:29 pm.

Ms. Parker stated that she would like Old Business and/or New Business be added to the agendas so the Board can discuss other issues at meetings.

She also stated that variances are not legal to grant and that it is easier to grant Special Permits so most applications that come in should be for Special Permits. She stated she would volunteer her cell phone number for anyone looking for a ZBA application that maybe wants to talk to someone about it. She doesn't feel that the employees should not be informing applicants of what to apply for, a variance or special permit. She will tell them.

Mr. Lopes stated that the problem with any of the Board members giving that advice is that once they come before the Board if they get voted down, the Board member will be to blame for giving them that advice.

Ms. Parker stated that at the municipality she works for, they do give this advice, and they meet with applicants before applications are submitted and tell them what they should do.

Several Board members disagreed with her on this topic.

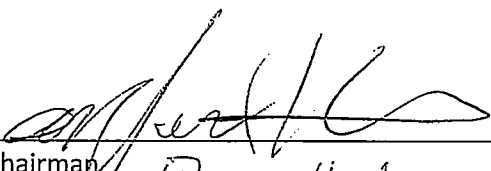
Mr. Lopes stated that the Building Commissioner is not advising applicants on what they should be applying for. Town Counsel has advised the employees of the Building Department not to advise applicants on what to apply for.

Ms. Parker stated that we are here to help the residents of Ludlow. Several Board members agree with this statement, but don't feel they should be advising applicants on what to apply for because they will be approving or disapproving the applications.

Mr. Wlodyka made a motion, seconded by Ms. Parker to adjourn at 8:50 pm.

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

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Chairman Paul Hodgman

Board of Appeals

