

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

PRESENT: Manny Lopes, Alan Aubin, Mike Parker, Joe Wlodyka, Elaine Hodgman

Meeting began at 6:02pm in Selectmen's Conference Room, Town Hall

Public Hearing ---

Hopkinton LNG Corporation D/B/A Eversource Energy- 6:00pm

ML: We have a continued application by Hopkin Hopkinton, LNG Corporation, doing business as Eversource. The parties here. Yes. Please come forward just yourself, your name please.

TB: Yes, Tighe & Bond

ML: So the subject of the hearing is Special permit regarding Section 3.0 0.04 of the town of Ludlow zoning bylaws, which specifies fence height, no taller than 6.5 feet. The proposed fence height is eight feet with one foot of barbed wire at the top to match the height of the existing facility fence. It says we request a special permit mainly for the safety as the additional height provides greater security to the facility. Can you explain to us the situation?

TB: So essentially, they're doing some workout at the plant. This is for an electrical, electrical yard that's adjacent to the main entrance. And they basically want to fence the electrical yard in. It's got some transformers, a switch gear, it's all electrical equipment. Stuff that you don't want anybody, you know, members of the public anywhere near the town. Provision says six and a half feet for the maximum height of the fence. Eversource is requesting that we're allowed to do eight foot and one foot of barbed wire on top. That'll not only match the existing facility fence, but it offers a, you know, greater level of security against people that want to climb it or trespassing or anything like that.

ML: Okay. So, there is existing fence there that is eight foot. There is with Barbed wire on top. With Barbed wire on top.

TB: Yep. And I wanna say these fence heights are based on Department of Public Utilities standards. It's not necessarily an Eversource thing. I think it has to do with a federal code to be honest with you

ML: Alright. And we have the mailers that, I'm sorry, did you check them?

AA: We did that. Elaine has already checked

ML: We need to collect a check or anything for advertising. Yes, Eversource.

ML: So, a check for \$128.93

TB: \$128.93 that's what we have. Yep, Thank you. Payable to Turley Publications. Perfect.

ML: So, do you wanna explain the location and so forth>

TB: Absolutely. So, like I said, the location is, it's adjacent to the existing facility entrance. So, I guess I'll go with the overall sheet that might, the facility entrance is, I'm pointing on this set, but you go to that first overall sheet, I think that'll tell the tail. I'm sorry, you were almost there. A couple more sheets. That's an Overall view of the facility. You can see it's founded by Massachusetts Turnpike to the north. Hopkinton, LNG I think owns all the abutting properties that are close to it. But there are a few abutters down Ravenwood Drive, and then to the south it's just the Chicopee River. The facility entrance is basically at the confluence of that Ravenwood drive and that other access road. And if you go to the next sheet, you can see this is the gravel lay down area. Yep. Right there. It's just north of the, the existing entrance. And like I said earlier, it's, it's essentially electrical equipment, switch gears, transformers, stuff like that. And the fencing would be just in that one area directly around those transformers.

ML: So, all the fencing is contained within the facility. It's, it's not even on the property boundaries?

RECEIVED
TOWN ENGINEERING OFFICE
2024 JUN -7 10:39
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

RECEIVED
TOWN CLERK'S OFFICE

2024 JUN -7 A 10:39

TOWN OF LUDLOW

TB: No, it's well in the facility.

ML: Well into the facility, yes.

TB: Yep.

JW: Are there any residences in the Nearby area there

TB: I don't think there are. So, the closest abutters, I'm gonna go back a sheet, are at the end of Ravenwood Drive. So, A&D Properties, which is 80 Ravenwood, and then Springfield Gas Light Company, which is 0 Ravenwood. But I mean, we're talking hundreds, hundreds of feet to the west of the, the existing facility.

MP: Can the public even get into this area where this Electrical equipment is?

TB: They could get to it, but not into it. So, you could, if you wanted to, you could drive your car down there. You, when you got to the entrance, you'd probably get stopped by security, but you could theoretically drive to it on Ravenwood. On Ravenwood. Well, not on Ravenwood. If you went to the end of Ravenwood where a facility was, I have a feeling somebody would,

EH: I drove to the end of Ravenwood and It was just a Pull off where the fence was and That was it. And that was it.

MP: Yeah. Yeah. It sounded like people would drive, get down there and have any reason to be there. Unless you're, Unless you're going to the gas plant.

TB: Correct. Yeah. Oh, I shouldn't say that. There are some people I saw fishing the other day further down the access road, but still not really close to the facility itself.

AA: Now you said there's an existing fence and this is just an addition. So, is there a new construction the reason for adding the additional fence?

TB: Exactly. Yeah. Eversource wants to put in better electrical equipment. So, this, all of this work is part of, if you recall Columbia Gas years ago, there was the, the gas stuff in, in Lawrence. Part of the agreement that Eversource had with the state was that they were gonna take over these aging facilities and then invest millions of dollars into upgrading them. This is one of those upgrades. This is actually the first of many at the facility. And this one's actually pretty critical. They were saying there are certain pieces of equipment that when they turn on in these facilities, people on the other side of town, their lights will flicker that are on the same circuit or whatever. So, it's a pretty big deal to upgrade this electrical equipment. And the fence is just ancillary to that work

AA: I would imagine there's a bit of voltage going through there

TB: Oh yeah. This is through the Equipment. Yeah, I think he said it was the Friendly's. He'll turn a pump on and Eversource source says that the lights dim with the Friendly's nearby

ML: As a detail of, of the fence on C 5 0 2 if anybody wants to look at it.

AA: So, Mr. Chairman, if I may, I'm just reading off of the code of federal regulations. I'm not even going to the subsection. It's section J subsection two. I don't know what where I'm at here, but oh, sub part K, it just says let closure for electrical installations. Electrical installations in a vault room, closet or area surrounded by a wall of screen or fence access, which is controlled by a locker key or other equivalent means are considered to be accessible to qualify persons only. Gimme the second part. A wall screen fence less than eight feet in height is not considered adequate to prevent access unless it has other features that have provided a degree of isolation.

ML: So, they rec recommended

AA: At least no eight feet is not, I mean, they're going nine with the barbed wire

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: So, eight feet is not, is not, so that's the recommendation.

AA: Yeah. If I, if I get the right section here. And that is who This is the code of federal regulations.

TB: Yeah. And I believe that's what the board of utilities and forces,

AA: so, Right I, yeah, I mean it's talking about, it's talking this is really the electrical code section. This is just the general requirements, sorry, subsection 19, 26 0.403 general requirements.

ML: Do you have any dimensions on that? I see that here, but I don't see, it doesn't have dimensions on it. It's a, it kind of a rectangular on C 1 0 1 proposed electric yard, C 1 0 2, 1 0 3. So, it's on 1 0 3. Chain link fence chain. Link fence with a, we have Double swing gate doesn't really, you, you, you need to measure it off with the scale. I don't, which I don't have. One inch is 20, 20 feet. Looks like about a 40 by 60, maybe

TB: 45 by 35. Actually, we have our contractor 45 by 35 45 by 35 is what he's telling me.

MP: Oh yeahthat scales to that 45 By 35,

AA: the existing fence is eight feet with a foot of barbed wire as well.

TB: I believe so, yeah. Okay.

ML: Any abutters here that have any questions or anybody in the audience have any questions on this? Comments? No. Okay. Any other board members have any, has construction started over there?

TB: Yeah, it has.

ML: Anybody Working on a motion?

AA: I am. It was Joe working on it. Yep. Me too.

ML: Oh, both of 'em competing. That's okay. A couple minutes. See who does it first. Competing motions. Competing motion. I hope

AA: About my notes.

JW: I make a motion for discuss discussion to approve the special permit for the application of Hopkinton, LNG corporation, DBA Eversource Energy for the property located at 76 Ravenwood Drive. Assessor's map 29 parcel 41 to erect a fence of a height of eight feet with one-foot barbed wire above as per diagrams provided.

ML: We have a motion for discussion. We have a second,

AA: second,

ML: second. You wanna, is that the whole motion?

JW: That's, that's what I have so far.

ML: Okay. For discussion,

AA: I would, I would add, I'd like to add, when I put here Federal. Federal,

ML: sorry, before you add That. All in favor of the All in Favor.

AA: Oh, sorry. Yes.

ML: All in favor of, of the discussion. Motion for discussion.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:39

TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

BOARD: Aye. Aye. Aye. Aye. Aye

ML: Passes five zero. Thank you for that. Go ahead

AA: I would just add that the code of federal regulations sites, I gotta find it again. Fences for electric electrical facilities can be no less than eight feet.

ML: As stated by,

AA: Stated by, it's stated by code of federal regulations.

JW: So, fences for electrical

AA: Electric facilities can be no less than eight feet.

JW: Is there any, any numbers, paragraphs?

AA: Yeah, I can give it to you here. Lemme see if I get it right. Title ready, Joe? It's a long one.

JW: Okay.

AA: Title, title 29. Subtitle B chapter. I'll give you the Roman numerals. It's, it's 17, but it's X-V-I-I Yep. Part 1926. Sub part K, section J .2.

JW: That it?

AA: Yep.

JW: Okay.

MP: Sounds like a federal regulation.

EH: It does. You're right

JW: Any further discussion?

ML: No further discussion. You wanna make the Full motion?

AA: Oh, can we have one more? Sorry. It's not, I think it's just for the record. The, the exist, there is an existing structure there that has a similar fence configuration of eight feet with a one-foot barbed wire, which they're matching.

JW: So, this is what I have here. The existing fence on a neighboring parcel is currently eight feet tall with one foot barbed wire at the top.

AA: Well, it's the existing parcel that they're Right is they're, actually doing some renovations. Right. So, they, there's an existing, there's an existing part of the property, correct me if I'm wrong, existing part of the property that already has an eight-foot fence with a one-foot barbed wire on A neighboring part of the parcel. An existing part of the, part of , the, the land parcel has an existing eight foot fence with a one foot barbed wire. And this would just be an extension. And this would be this, this new request is an extension due to improvements, site improvements

ML: And new equipment actually.

AA: Yeah. Site improvements, new equipment.

JW: Okay. So, then the existing fence on neighboring part of the parcel is currently eight feet tall with one foot barb wire at the top. This will be an extension of the existing fence due to expansion of facilities. Is that good?

AA: Good. Yeah.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:30
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: Sounds good. Close now. Same spirit. Okay. Close the discussion. So, we need a new motion.

JW: Motion to close the discussion portion.

ML: Yep.

MP: Second.

ML: All in favor?

BOARD: Aye. Aye.

JW: Motion Passes. Motion to

ML: Approve or disapprove

JW: Approve for discuss, make a motion to approve the special permit for the location of Hopkinton, LNG -DBA Eversource Energy for the property. Located at 76 Ravenwood Drive. Assessor's map 29 parcel 41 to erect fence of a height of eight feet with one-foot barbed wire above as per diagrams provided, federal regulation fences for electrical facilities can be no less than eight feet. Title 29, subtitle B chapter XVII. Part 1 9 2 6. Subpart K, section J.2. The existing fence on the neighboring part of the parcel is currently eight feet tall with one-foot barbed wire at the top. This will be an extension of existing fence due to an expansion of the facilities.

ML: Is that it? So, This is a motion to approve.

A Second.

ML: Have a second. All in favor?

BOARD: Aye. Aye.

ML: I vote. Aye as well. Motion passes. Five zero.

TB: Great. Thank you very much.

Yep. It was Federal regulations that make it nice.

AA: I'd just like adding that stuff in there just in case the cover our, cover our pitukas.

ML: Need a motion to Well we don't need a motion so you just

AA: Yeah.

ML: Yep. Close the public hearing for Hopkinson. LNG corporation, DBA energy, Eversource Energy for the property. Excuse me. For the property located at 76 Ravenwood Drive Ludlow mass. We close the public hearing at 6:23.

AA: This is Ravenwood is done.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -1 A 10: 39
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

Anlo Realty Corporation-Joan Foster-6:20pm

ML: So, we will open a new hearing. We have another scheduled hearing. It was set for 6:20. It's now 6:23. And a continuation of Anlo Realty Corp Joan Foster for the property located at 0 Swan Avenue Ludlow Mass. Assessors Map 16A parcel 8 & 7. The zoning is Residential A. Good evening

JM: Good evening. My name is John Mesick. I'm here from R Levesque associates on behalf of our client, the Anlo Realty Corporation. And Joan Foster, I won't belabor the point is, this is not our first discussion of this site, but following the prior meeting, which we continued a couple of weeks ago, the board had requested that we furnish renderings of the proposed construction on each lot. Following that meeting, I have revised plot plans for each of the lot shown on Swan Avenue lots A and B have copies for the board to review. There's I think at least one for everyone. Mr. Breta was kind enough to furnish us with some home plans of, these are homes that he's built on other sites in the area. Each one of these, the footprints shown on the plot plants before you, there should also be on the back page of them elevations, architectural renderings of the proposed construction. On, would all be single family homes as as zoning up little Too big?

Audience: Yes Ma'am.

ML: Are these the Right?

AA: They do look like the same thing. Okay, thank you. One's bigger actually.

ML: I'm sorry, go Ahead.

JM: Okay. I didn't want to step on anybody's toes again. They, they're all the plans have been revised to show both the footprint and architectural renderings of the, the houses that are typical of the construction that is proposed. All of the houses shown on there are two, you know, single-family, two story homes, you know, approximately. They, they're, you know, in harmony with the neighborhood there, there aren't, you know, 5,000 square foot mansions or, or you know, 600 square foot hovels being proposed. This is typical construction was Trying to satisfy the request of the board to show, you know, renderings of what the proposed construction would look like.

ML: Okay. Well, I'm just waiting on an email. I understand the last, the last time that you were here, that I was here, the, the two meetings ago for you. We had discussed some situations that I wanted to go to our town council Right. For get an opinion

JM: Well aware

ML: From town council and kind of has to do with the fact that the lots were redrawn, re reconfigured and rerecorded. So, my concern was that by doing that you removed the preexisting conformity to the lots because typically we have approved yes we have approved building on preexisting non-conforming lots and you know, as, as a fact in, in town and also state law allows it. So, we've been following, you know, with state law,

MP: you want him to Have a copy?

JM: I would request one please.

ML: Yes.

JM: Be so kind. Thank you.

ML: No problem. I try to email it to you. It apparently it didn't go through

JM: I first I'm seeing Right.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:39
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: So, my, my apologies on that. So, I'll kind of read it quickly here and he addresses it to me and he says, this is from Brian Winter of our Town counsel at MT MTC lawyers, I think. Yep. And they say we, we've had a chance to review the material you provided us and to review the records at the registry of deeds. We've confirmed that the lots for swan and the lots for ley are under common ownership and they have been reconfigured on the ANR plans. The prior configuration is reflected in the plans referenced and the respective deeds attached in light of the above. And as I mentioned before, I think there are two issues here. One lapsing of prior preexisting nonconforming lot status and two merger preexisting non-conforming lots is an axiomatic that a new noncompliant lot cannot also be preexisting non-conforming lot, although there are, there is a very narrow line of cases that suggest that simply adding a little land to non-conforming lot to render it less non-conforming will not void protection. Generally, however, new nonconformities are not entitled to grandfather protection under the zoning act. You want another copy?

JM: Oh That's, I read it. That's fine. Yeah. Thank You.

ML: I lost my spot

AA: here. Like right there. Absent,

ML: Absent, absent of variance, a reconfiguration of non-conforming properties will result in realization of the zoning violation of the new owner. And it references police versus zoning board of appeals of Tisbury . 795 (2017) (the division of the land into three lots created new nonconformities as to lot size, frontage, and front yard setback, among others). The statutory "grandfather" provision contained in G.L. c. 40A, § 6 provides protection from increases in lot area and frontage requirements only to nonconforming lots. Once the new nonconformities/violations are created, the previously enjoyed nonconforming status cannot be resurrected. A person owning adjoining record lots may not artificially divide (or reconfigure) them so as to restore old record boundaries or create new ones to obtain a grandfather nonconforming exemption...' " Asack v. Board of Appeals of Westwood, 47 Mass.App.Ct. 733 (1999). Merger: The statutory "grandfather" provision contained in G.L. c. 40A, § 6 provides protection from increases in lot area and frontage requirements only to nonconforming lots that are not held in common ownership with any adjoining land. "Adjacent lots in common ownership will normally be treated as a single lot for zoning purposes so as to minimize nonconformities." Preston v. Board of Appeals of Hull, 51 Mass.App.Ct. 236, 238 (2001). Even where vacant lots were in separate ownership at the time of a zoning change that rendered them nonconforming, they nonetheless merge when they subsequently come into common ownership. Carabetta v. Board of Appeals of Truro, 73 Mass.App.Ct. 266, 268-269 (2008)

So in summary, it therefore appears there are two issues here. First, the reconfiguration of the previous existing lot lines create creating new lots and voided any grandfather rights that the original lots enjoyed. Second, the lots instantly merged when they came under common ownership. Assuming the merged lots are otherwise compliant, there may be one buildable lot as a result. Again, assuming the merge lots are compliant. If however, the merge lots are still noncompliant, they wouldn't enjoy preexisting nonconforming status. They would simply be a single non-compliant lot. So do you, do you have any questions on

JM: I understand it.

ML: Comments. So, it is in my opinion and it's in, I'm not speaking for the full board as I don't, I speak for myself and all the board members can speak for themselves and, you know, have a chance to, to get a chance to talk to. Is that I'm in, in agreement with that. They are no longer a preexisting status. They, because you rerecorded them or you redivided them and rerecorded them. So they are new lots that were created this year. And are

JM: It was last year

ML: Or last year. Undeniably my apologies. Thank you.

JM: Undeniably so,

RECEIVED
TOWN OF LUDLOW
2024 JUN -7
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: yes. I I don't have the dates in front of me when they were recorded

JM: To witness.

ML: So they are new lots that are non-conforming and therefore wouldn't fall under the status of preexisting for buildable lot.

JM: I understand. I would, I would just point out that the we and, and as recently as 18 months ago, we came before the, and I I, again, I don't mean to belabor the point, but this is not the general generally an ANR plan is not prepared. And then we come before your board, generally we come before your board and then prepare an ANR plan listing the relief. Granted we were given instructions to approach it this way and I I'm not blaming anyone in particular and certainly not this board, but we were instructed to take this approach and we end up in, in this situation. So

ML: I certainly wish that you had come before us first, but it is what it is.

JM: That's, whereas we're not here to point fingers we're, we're here to try and resolve this. And, and I think I,

AA: we've Heard other applicants too before us, like I said, we can't provide advice, we can only do what we feel is right and we have to go by the state laws.

AA: But we're saying we always, if an applicants before us to say seek counsel. I'm not saying you didn't, and I understand you went down, but when you're not sure it's seeking counsel sometimes the best. And I just, this, this whole non-conforming law issue is somewhat confusing.

JM: It, it, this clock was started again when this was endorsed and recorded. I, I can't argue that that's undeniable.

ML: So, any board members wanna speak Joe?

JW: Yeah. One, one thing about this, if, if we went ahead to approve this, I think we'd be setting a dangerous precedent for someone in the future to come along and just willy nilly wanted, you know, conjoin lots and, and make something that wouldn't be as straightforward as what you're trying to do here. There, there might be other underlying things. And if we went ahead, if in my opinion if I went ahead to approve this lot, then I would be setting a precedent in my mind that I I couldn't go back on and being with what we have here from the attorneys, that would be my, that would be my stance on this. That, you know, we, we would have to go by what we have in front of us here.

AA: I was, yeah. And just kind of dovetailing that, I mean it's based on the letter from town council. I mean there's at least three separate lawsuits pertaining to similar type of situations that have been overturned. So we'd be going against state.

JM: You you, you're rejecting the advice of your counsel, which was And that as well.

ML: Yes. I understand that. I, you know, there's, because of the configuration of the subdivision there, it's an old subdivision. There's really no way to make it conforming. There's no land to be had to add to it to make them conform. That I understand. And I think all the board members understand that as well.

JM: Would the board entertain a motion to withdraw without prejudice?

ML: We Certainly consider that.

JM: I would certainly request

ML: Is that a request be request?

RECEIVED
TOWN CLERK'S OFFICE
TOWN OF LUDLOW
2024 JUN -7 A 10:39

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

JM: That is request for withdrawal without prejudice In agreements. This is, that's fine. Client concur.

AA: This is for Swan Avenue we're talking About,

JM: it's just Swan Avenue.

AA: Gotta go through this Again.

JM: I realize that. I think we've all, we burned all that.

ML: That's you want,

JM: it'll be quicker.

ML: You Wanna take a moment to talk to him?

JM: It's, it's a denial or a withdrawal.

AA: We Can go out the hallway And talk to it.

JM: Yeah, that's, I I

ML: Well if, if, if we, if we go ahead and vote on it and we deny it and you know, if it's denied, then you can't come back before the board for two years,

MP: Two Years

ML: To on, on a new request. You, you could, you know, take it to the Mass Massachusetts zoning appeals board and try to overturn our decision. Of course. So you

MP: That's a choice. Or you could just withdraw.

JM: We can, I I would request the withdraw withdrawal.

Audience: (Carl Perella): I would Want to get copies of the minutes of this meeting.

BOARD: Oh Absolutely. They're always available.

Audience: (Carl Perella) Bring It to the Boston attorneys to sort through where they're gonna go with this. Because this was truly a direction from this office back here, how we were gonna approach this to get this done. And we were given wrong information from the building. Inspector,

ML: inspector,

Audience (CP): another department.It was previously here.

ML: I understand.

Audience (CP): So that's, you know, whatever is gonna happen is gonna happen. But you guys have to do what you have to do to protect yourselves. 'cause this is obviously an issue.

AA: We have a different lens too than the other depart say we have a different lens. I mean, we're considered judges and we have to look at the laws. So we are just, we have a different lens.

ML: Yeah. Okay. So, and again, I also shared the, the, the email from our town council. So you have exactly what I have.

Audience (CP): Yeah, I didn't have it. I'll, I'll get a copy of it. Provide you if you have one actual

ML: Yeah, I do.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:39
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

JW: Becomes public director. So anything we have

ML: so we, we have a Yes.

Audience (CP): Thank you so much. I Have Yep. You can as many as you want planned.

MP: There's extras

EH: You never know there might be two people.

ML: Yep. So we have a request, we have a motion,

JW: a make a motion that We accept the withdrawal without prejudice.

MP: I'll second by the letter,

JW: I mean by the applicant.

ML: We have a second.

MP: I second.

ML: All in favor?

BOARD: Aye. Aye.

ML: Five zero motion accepted and passed.

MP: Sorry, but all the,

ML: hold on, Hold on a second. I need to close the public hearing for Swan Avenue Anlo application of Anlo Realty Corporation for 0 Swan Avenue. It is at 6:41 PM So close that one.

Anlo Realty Corporation-Joan Foster-6:40pm

ML: We, we were, we need to open the public hearing for the 0 Loopy Avenue Ludlow Mass on the application of ANLO Realty Corporation, Joan Foster. And we opened that one at 6:41 PM

JM: Again, my name is John Mesick. I'm here from R Levesque Associates on behalf of ANLO Realty Corporation. Joan Foster representative. And given the comments received in the discussion for the prior hearing, I I would like to request a withdrawal without prejudice for the street, excuse me, application.

ML: So noted. Can, can we have a motion on that?

JW: Make a motion to accept the Applicant's request for a withdrawal without prejudice?

MP: Second.

ML: Second. We, we have a second. All in favor?

BOARD: Aye Aye.

ML: Motion passes five zero. I thank the board. Thank you. My apologies.

Yeah. The best of luck on your decisions.

JM: Thank you. We'll likely be back at some point.

MP: It's okay.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN - 7 A 10:40
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: Look forward to seeing you. Good luck. I need, we'll close the public hearing for ANLO realty corporate, corporate Joan Foster for the property located zero Loopley Avenue at 6:42 PM

Agostino J Calheno- 6:40pm

ML: Okay, so it is now 6 43. We have another public hearing scheduled 40. It was scheduled for 6:40. It is now 6 43. We'll open the public hearing. For.. On the application of Augustino J Calheno for the property located at 0 Rood Street, Ludlow Mass. Mr. Calheno here.

AC: Hi.

ML: 0 Rood Street Ludlow, mass assessors map 17 parcel 66A. The zoning is Agricultural. The subject of the hearing is for construction of a single-family dwelling, 2000 square feet plus or minus consisting of a three bedroom, two and a half bath, two and a half baths, and a two-car garage on 30,000 square foot. Residential building. Lot as referenced from the town of Ludlow. Table of dimensions regulations table two within the agricultural zoning district section four dimensional regulations 4.0 0.4, lots of less than required width or area. Welcome. Do you have the mailers in hand?

AC: Have 'em already

AA: Elaine's going through 'em.

ML: Okay, let me see if you owe us a check.

AC: They're 12 sent out and can receive back, but they half for the count.

ML: Did you give her a check gift for \$116 and 58? Does she have it already?

AC: Yeah, when I submitted the application for the special permit. Yep

ML: Okay. I see it here. A copy of it. Yeah.

AC: Yep.

ML: Okay. So, advertisement is paid for and reviewing the Abutters lists. Alright, You want to just let us tell, tell us what you

AC: Sure. It's

ML: A little history and what you're trying to do. I guess even though I,

AC: what I'm trying to do is construct a single-family house on lot one, which is 30,000 square feet. By way of background, that lot one was subdivided back in 1973 into two exact same parcels, both 30,000 both conforming. I constructed a house on the other one. Okay. I lived there for 35 years. I acquired lot one in 1992, 34 years ago. And at that time, it was still a conforming lot. I've always paid real, real estate taxes on it as a building lot. And when I sold the abutting lot, I moved to the back. So, I've lived, I've lived on two abutting properties for 50 years. So now what I'm doing is downsizing from Spring Meadow building a smaller house on lot one, everything is conforming except the area square footage. And what happened, I think it was 2001 or 2002, they changed the zoning there to Agricultural, so they went from 30,000 square feet to 40. But if you look at,

ML: Can I ask, did you request the, the change, did you request the change in, in, in, in zoning was

AC: No. The, the town, I Think, I think the reason they did, they, they rezoned that area was because maybe a thousand yards away. There was a new subdivision constructed. Okay. And at that time, instead of making those 30,000, they

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

required 40,000. But this property abuts a subdivision that was all 30,000 square feet. And the houses to either side are open 30 or has to be open 30,000 and less square foot. The configuration that I have meets all, I'm, I'm doing 2000 square feet meets the setback, the side lot, all the requirements except the square footage. Square Footage.

JW: Okay. And you were owner at that time that they changed the square footage requirement? Yes.

AC: Yeah. I've been an owner since 1992 of that property. And the one next to it since 1973.

JW: And prior to that it was Residential A

AC: This Residential A.

AA: Is there any way we can get a record of that? Can we confirm if that's what actually Happened? Yeah.

JW: It's my understanding that as a landowner you have to request the change.

ML: No, not necessarily. The, the town can rezone certain areas. If

AC: This is, this is what I have, this is the, to make table, to make shows,

ML: to make It compliant with the neighborhood, with the areas and so forth. So they, and they have done that. Or if there's a town plan that they, they they, they do have to advertise it and it go, you know, run it through town, town meeting the town meeting to, to get it passed. But you know, it would probably something that would maybe put forth by the planning board, you know, for

AC: Yeah. And I, I, I've discussed it with, with the planning director. I've discussed it also with, with the building department

ML: Did they tell you when they made the Zone change?

AC: I think it was in 2003. Here's a table and on that table. And that was at, at the time that they built the subdivision on Applewood apple. Okay. And on that table it changed it to two to 40,000 square feet on the second page there. Agricultural. Yeah, that's What it currently is.

ML: You up by Applewood?

AC: Yep. Almost directly across from Applewood.

ML: I didn't bring my glass.

BOARD: Let's see if I have some.

ML: I didn't use to need these. You have a Magnifier on my phone. I might Need it.

JW: Yeah. There's no date on here though.

AC: Yeah. Oh, there's a date on the front. See on the very top.

JW: Oh yeah. Okay.

AC: 2003. 2003. And I think that's the time when they did the subdivision on Applewood. Okay. So I think it's consistent with that

AC: I mean, I have another option that I would prefer not to do, but I can, and that is the lot that I own on Spring Meadow. Yeah. Don't, I can, I can carve out a piece that's 30 by 350 feet, but then you end up with a pork chop configuration, which

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

AA: We'll just try to get to the, make sure we're doing the right thing here. And just, I think you said, so you own both lots at one time or you still do, right?

AC: No, I, so I own lot two.

AA: Yep.

AC: 73 to 2009.

AA: Okay.

AC: I acquired lot one in 1992.

AA: 1992. Okay. Right.

AC: And then when I sold that in 2009, I moved directly behind it.

BOARD: Okay. Is That this I Was partially listed. I was Doing some research.

AC: That's that one exactly

ML: on The other map, the colored map. So you, it, so you're at the end of that cul-de-sac.

AC: Yes.

ML: Which is what's the Spring meadow spread?

AC: Spring Meadow.

ML: Yep. And, and which shows as lot 111 I think On that map.

AC: Yeah, it's one 11.

MP: So that's Where you are now.

ML: That's where you are now?

AC: That's where I live now behind It.

ML: And that has, that's 1.71 acres there.

AC: Yeah. The problem is that you end up with a sliver.

ML: Yeah.

AC: You end up taking a sliver here along one you would about 1, 2, 3, 4. Yeah, you can do six.

ML: You can do that as long as you're not making any lot, any non-conformity.

Yeah, But I know that that, that, that was always discouraged back from my days and development and dealing with boards and stuff like that. They discouraged pork chop lots. 'cause then you want run into an issue of liability, you know, the trees on there, the maintenance and all that stuff. It just doesn't make any sense. I mean if I were building something bigger it would be different. But what I'm doing is downsizing from 4,000 square feet to two.

ML: You don't want a big house anymore.

AC: Big everything.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: Everybody's doing that. Yeah, I've done it. I've done it too.

AA: I have another question for you.

AC: Sure.

AA: So, what, what's the size of the house that used to live in on lot two?

AC: It was probably 1800 square feet split level.

AA: Okay. I couldn't bring up the property Card.

AC: Yeah. The and, and the 2000 square foot is consistent with houses that are in the area. My neighbors across the street as well as the abutters up on Pine Knoll, they may be a little bit smaller. Pine Knoll, which abuts this property. They're all 30,000 square foot lots.

BOARD: Yep.

AC: And they're all residence A

ML: So Pine Knoll, his residence A?

AC: Yeah, it, if you look on that, that first page there, you can see it. I, it runs right up.

EH: So their residence a but your agricultural that's it is now.

AC: Yeah. Again, I think it had something to do with the Applewood subdivision.

BOARD: Those are all one acre plus, right?

ML: Applewood would Applewood.

AC: Yeah. Yeah. So Applewood is here. This is Applewood there.

Okay. And then so they changed everything that was here. But you'll see a lot of the stuff they changed was 30,000 square feet or less. But they were grandfathered in because they were already there. And then if you look straight up, you have Pine Knoll, which is in the pink there. It's all residence A, which abuts the agricultural.

BOARD: Agricultural, yeah.

ML: I'm trying to get confirmation that there was a zone change is the tough part.

AA: I can't get it. I'm not gonna get up. I was just trying to see the, the lot sizes on.

AC: Yeah, that's the only thing I had was was that revision there in 2003 I didn't, I don't have anything else.

ML: Is that in here or just what Joe Has?

AC: It's not in there.

ML: Joe, can I see that?

JW: I passed it down. Did you pass it?

ML: Oh, right here.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

AC: Yep. Thank you. It would be on page two.

ML: I'd say we make a copy of that and that it was 2000, 2003. They said there's a date on it.

AC: The date is on. Yeah, on the front.

ML: Revised

AC: Revised in 2003. 2003. And I think that was, that's when they plus or minus a year from when Applewood was constructed,

ML: that's when they revised the book.

AA: It could have just changed the lot size.

AC: That's the parcel there. I've always maintained it. Yeah. That's the lot there. So whenever I mow nice and flat next door to the back, I always did that. So there's very little in the way of, of clearing and stuff that I have to do there.

AA: Do You have a rough, I mean one of the things that I like to see, I can't speak for the other board members of before we vote on something is what, like a, what the house will look like. It doesn't have to be perfect, but that's it. Right. I just wanna take

AC: Like that. And the only difference is that shows a three-car garage. It'll be two, it won't be three and it won't be coming in from the side. It'll be straight in. That's the only difference.

AA: Straight off Rood Street sounds.

AC: Yes. And I'll be set back 60 feet and then another the buffer is like 15. So, 75 feet from the street

ML: do We have a butters here?

AC: Yes.

ML: Anybody have any want, make any comments or have any questions? Sorry, I can hear they like the idea. Thank you very much.

Audience: So, More Mr. Calheno, you know, keeps up that property beautifully. Now he's only gonna improve another parcel on the street and it'd be nice to have him back on Route Street.

ML: Can I have your name and your address?

Audience: Sure. Mary Janik and I'm at 77 Rood.

ML: 77 Rood. Thank you.

Audience: Thank you.

AA: Well, the only other, my only other concern is we don't have a plot plan where the house would sit. I know.

AC: Oh, I do.

AA: Oh, you Do? Oh, okay.

AC: A rough. But yeah, I don't, well I didn't do Oh, here here's right there. Proposed

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

ML: We can base it on that.

MP: It's Gonna meet all the requirements,

AC: Everything.

AA: Yeah, yeah know I understand that, but I just

AC: Well, I didn't wanna get too far ahead.

AA: No, You, I, I fully appreciate it.

EH: One step at a time. Yep.

AC: Again, I have a backup option, but I, you know, I prefer not to use that. It, it doesn't make any sense for me. It doesn't make any sense for anybody else. You know, create a lot that's 550 feet deep and then only 30 feet wide in the back.

ML: Can add that to the record. I have made copies

AC: And there's a, there's the floor plan with a two car garage. Okay. If you want that.

AA: I do

ML: See you already have some revisions.

AC: Do you need anything else or No,

AA: Not yet anyway. Just, I, I'm confused. I just wanna, I don't, I should have this memorized and I don't

ML: And we're good with this.

EH: I'm sorry.

ML: We're good with the mailers? Yes.

EH: Yes.

ML: Okay.

AC: And on that, that a plot plan or that rough plot plan there actually left, there's more room to, if I needed it to go to either side, so

AA: No, I see that. Yeah.

AC: Yeah. So I scaled off 20 feet side lot setbacks and you know, there's still plenty of room there.

AA: Is the garage door gonna be in the front

AC: Front? Yeah. Yeah. The problem is, you know, if you put 'em on a side,

AA: no, no,

AC: you need another 40 feet.
It doesn't make any sense.

ML: So plot Plan, the plot plan and the proposed house, the layouts,

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

JW: All side retail Setbacks. Yeah. Okay. Can we get a copy of this and

AA: Well that Yeah, that's what I was gonna Ask for. Okay. Can we have this Make copies, put it in the file And Anybody, I probably only need one copy unless Yeah, just need one copy so he can have that back.

AC: You Have one of these too if you want The house.

AA: I'll just try to make a copy of that.

AC: It'll be more or less like that. It'll be one story.

AA: Is it one story?

AC: Yep.

ML: Okay. High ceiling probably. What's that? Probably a high ceiling.

AA: I don't care about the high ceiling. So

JW: Who Owns the lots? 64 and 65. Is it just to the north of your loss? This is 65 on this, this view here.

AC: Let's see. So

ML: It's towards Pine Knoll.

JW: There's another lot with another Okay.

AC: So there's two lots. Just twos one of those two lots that are in white

JW: Yeah,

AC: that's one owner. That's 88 Root Street.

JW: These two Here?

AC: Yeah, The two white ones.

JW: Yeah.

AC: Yeah. Oh yeah. That's

AC: You ever signed what Jan? What's her last name?

Audience: Frank.

AC: Janice? Yeah. Okay. She, she owns that. And then this,

JW: this house is here?

AC:: Yeah., And this he owns to there. Okay. That's Paul. And then there's two other ones here

JW: Yeah. Okay. Well this is, this is your Lot here.

AC: Yes.

JW: I'm just wondering what, what these two small lots are.

AC: Oh, those little Ones. There's a house on here we give take and and that's

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN 14 10:40
TOWN OF LUDLOW
2024 JUN -7 A 10:40
TOWN OF LUDLOW
JUN 14 10:40
TOWN CLERK'S OFFICE

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

JW: her backyard? That's Just the Backyard,

AC: yes.

JW: Alright. That and make that

AC: Koski.

EH: Yes. As well.

JW: Another, just looking all this pink.

AA: That's a cul-de-sac. Well, I'm, I was Looking at it.

AC: Yes. I, yeah, I touch it there. And then, and then that's agricultural, but it's less than 30,000 square feet, Right?

JW: Right.

AA: Yeah. See at, what's that street? Spring Meadow? Yeah.

AC: And then this one is 30,000. This one's less than 30,000. This is less than 30,000.

ML: Okay. Joe, are you working on a motion?

Well, I'm, I'm thinking that I just taking notes, I'd like to ask for a continuance. Okay. I, on this, I want to find out when the zoning change occurred from Agriculture to Residential A to Agricultural and was it around the time that Applewood development went in? I I I'm just, okay. I I think that would help us understand whether, you know, you know, the preexisting situation before all that happened, if it happened as, as he states, you know, which I, I don't have any reason to disbelieve him, but it's better if we have some documentation of the dates that, that all happened, I think to, to help us make our decision.

AC: So can I ask a question?

ML: Yeah, absolutely.

MP: Yes. Yes.

AC: Okay. So assume let's assume that it happened before I acquired a lot, right?

ML: Right.

AC: So, I acquired 1992.

ML: Okay.

AC: Let, let's assume it happened in 1990. Okay. So, what, how would you deal with it in that situation?

JW: I don't want to speculate on that. I I want to see the dates before I

AC: Yeah,

ML: You, you're just looking to confirm that it actually was zoned as residence A in the past, correct? That's What you're,

JW: That's what

AC: Oh, it def it definitely was residence A before because back in 73 when this thing was approved, okay, it was resident A and it was two 30,000 square foot lots and everything in the area was resident A.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: But there's nothing on that I see. Says that's resident A though, It, it doesn't say it on that, on that pot plan, I don't think. Right?

AA: No, I looked at this and,

AC: and yeah, it doesn't say, it doesn't say it there, but, but that was the basis for the approval of Pine Knoll, which was done in 19 74, 75 post these two lots being approved.

BOARD: Right.

AC: And they're all 30,000 square feet all of Pine Knoll.

AA: No, I understand that, but it comes down to a timing and who made the request. Right. We, the county generally doesn't make requests to change something from residential A to agricultural and usually it's the opposite.

EH: Yeah, That's what Thank you. That's what I was thinking.

AC: Yeah. But again, I think that there was some motivation because of the applewood project.

ML: No, they were, they were changing because there was a lot of construction back then and a lot of on agricultural and changing a lot of things back then Then in the, eighties and

AC: Yeah. What was happening was developers were trying to cram in extra lots into a subdivision. So obviously if you have same thing, 10 acres, you can get a lot more lots at 30,000 than you can have 40,000 square feet.

ML: Correct.

AC: And I think that was the motivation to, to change the zoning in the area, to slow that down and to increase the lot size. But I know that that, I mean the

ML: to research it, where are we gonna find out that information planning Board,

EH: probably planning Board is the likely location

JW: For that plan board should have all those records.

MP: Just a question, what would the outcome be on that date as far as moving forward with the, The request?

AC: So, so you're,

ML: Well I guess I guess your, your argument I on this here or your is, is based on that it was previously zoned residence a and therefore it's grandfathered in

AC: 73 was he's looking for a grandfather and I've confirmed

JW: He wants a grandfather as a, a preexisting nonconforming lot.

AC: Yeah. And, and I confirm with, with the assessors that it's always been zoned as a residential lot and has always pay taxes as a residential lot

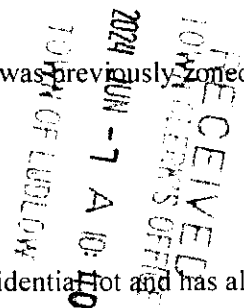
ML: As as opposed to agricultural. I'd check with assessors as well.

AA: Okay. Wait a minute. But I'm looking here on the tax card. It says residential.

ML: Yeah.

AC: it's always been assessed as a residential building lot

ML: Residence? Just residential? No, no residence. A



**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

AA: Nope. Residential. Just reside neighborhood zero nine.

AC: Yep.

AA: Residential. There you go.

JW: I mean there's, there's another way around it.

ML: So assessors have, haven't caught up with his own change

JW: Possibility, but there's, there's another way around around it too is the back end of his lot touches residence A

AC: Yeah.

JW: On Pine Knoll. So he could, he could essentially file for a zone change on his lot, which would, you'd have to go through planning board through that process and go through town.

ML: They, they just met in May Had a few. I know, I know.

JW: We'd have to go to the town meeting if It gets voted on.

AC: If it gets complicated. You have, I'm just gonna make the pork chop lot. I'm gonna add 10,000 square feet.

ML: Well, Won't really be a pork chop lot. It'll just be a big truck, A big triangular lot.

AC: No, it'll be a pork chop because

ML: No, you'll still have the frontage, the same frontage.

AC: Yeah, But it'll be 30 feet by 350 back.

ML: Yeah.

AC: Okay. That's a pork chop lot

ML: But it's not typically the pork chop plot or an estate lot also referred to as a pork chop lot is, is a lot that has

AC: Yeah.

ML: Less than a required frontage does have a frontage onto a street as, as kind of an entryway and it expands in the back where the buildable area is.

AC: But I have this meets everything except the square footage.

ML: Yep, I know,

AC: But again, it, it was subdivided and recorded back in 1973 as a conforming lot and, and in 73 I built the house next door on a identical lot. 30,000 square feet.

JW: Yeah. So let me Ask you this.

ML: With no special permits sir.

AC: Oh no.

JW: If it was a conforming lot in 73 and he bought it in 92, does that preexisting non-conformity carry forward? Does he, does he get the grandfather?

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: Well, you know, it depends. If he didn't, it depends on who requested it. Maybe, you know, if, I don't see why anybody would've re would've requested a change to agricultural, but you, I don't know. But then that's a topic of conversation.

AA: I mean part of our parameters are Based on Agricultural square footage versus residential and listed as agricultural even though the tax cost is residential. But

AC: And, and it's sandwiched in, as you said,

JW: yeah,

AC: between lots that are 26,000 square feet, 20, 30, 30, 30, 30 all the way up. Pine Knoll, those are all abutting lots with the exception of the large parcel that I own in a back on Spring Meadow.

ML: And we're also not, I'm not familiar with what the required square footage is back in 1973 were for agricultural lots, they could have been 30,000 square feet versus 40, what was it, 41,000 ish something right now.

BOARD: 40 40. 40

AC: 40. 40,000.

ML: So, they could, that could have changed as well, you know, so, you know, I don't know, you know,

AC: So

ML: I Was still in high school, No clue.

EH: I wasn't even in high school. So there,

AC: So where are we at?

ML: I don't know. There's,

JW: anyway, I would like To make a motion that we have a continuance to a later date so that we can at least approach the planning board and the assessor's office to find out if in fact that change occurred from residence ^{to} agricultural.

ML: Okay.

AA: When

BOARD: and when. Yep. They have that record.

ML: Is anybody else apt to make any motions? Elaine? No,

EH: No.

AA: I'm, no, I'm in agreement. I, am for, I'm in an agreement with Joe. I just would rather do the right thing than the wrong thing to set a precedence.

ML: Would You be in agreement to postponing to, for future. Future. Continuous.

AA: Continuous.

AC: How though, how long?

ML: Two Weeks. A couple weeks.

AA: Two weeks. Couple weeks.

RECEIVED
TOWN CLERK'S OFFICE
TOWN OF LUDLOW
JUN -7 A 10:40

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

AC: Yeah.

ML: We have to check Our calendar and

AC: I'll tell you why I, I raised that question.

There is talk about a change in the building code somewhere early in July and it's going to make construction a lot more restrictive, a lot more expensive.

ML: Well, I'm not familiar with which what you're talking about. They've already done that.

AC: Well there, the energy code for for one thing.

ML: Yeah. Yep. They've already instituted that. Is it gonna change stricter? I don't know, but right now

AC: Well, they're definitely gonna be stricter.

ML: What's that? What's that law where you they have to test the Oh yeah,

AA: yeah, I know what you're talking about.

MP: Yeah. Put vacuum on your house and make sure it's tight.

ML: Sure. Tight. Make sure it's tight. Yeah, but they don't, yeah.

MP: Okay. Install the fan to move the air around.

AA: But that's only temporary.

Whatever.

ML: That's a separate issue. Issue issues. All houses have to go through that. It has some specific name. I don't

Audience: Blower door, blower door test.

MP: It, It has a, yeah, that's one of The,

ML: that's, that's a nickname for it I think. But there's a specific, kind of a fancy name for,

EH: What's the nickname?

Audience: Blower door.

EH: Blower door.

ML: Blower Door. Yeah. It, I believe you it a different name sounds silly, but it could, it could be. I don't know if,

AC: But anyway. Yeah. Okay. So I,

ML: so Would you be in favor continuing for a couple weeks,

AA: 29th

ML: So that the board, some members of the board could

JW: We'll Get our answers

AC: If there's anything else that you need me to get you let me know.

Board: No, Well if You can Come up. Plans are good. Yeah.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:40
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: If you Can come up with any information on, on that. I guess the question is on the zoning or you want

AA: No, I'm okay with this. How it's written here. It doesn't, it's not I'm okay with that.

JW: That's fine.

ML: Yep. Put that with the records. Okay. So two weeks.

JW: Two weeks is is 29th

EH: We, we all set for the 29th.

AA: Give me enough Time. I'll give you a date first. Plenty,

JW: Plenty of time.

JW: So 29th,

ML: That's two weeks. Yep.

AA: Let say, yeah, six

Board: Six.

ML: If we're open for that. Is there anything on the 29th is good,

EH: especially Since it says no hearings. None.

AA: Okay,

AC: So six o'clock About the room.

ML: The room.

Audience: The room. As long as it's Wednesday, it should be good.

ML: Yep. Okay.

EH: But I know you'll get back to us, right?

Audience: Yes.

ML: So if we continued it to May 29th at 6:00 PM would you be in favor of that?

AC: Yes.

ML: Okay. I

AC: if for two weeks I'll try that weeks. You know, again, I I I, I have my backup option. If I have to use it, I

AA: It might take you longer to go not,approve it, but your backup option might even take longer.

AC: Yes and no. I already have somebody that, that has most of the information on their computer.

AA:You have to record it.

AC: Surveyor.

AA: Yeah.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: Mr. Smith re sub subdivided

AC: cover all the Bases.

ML:No, that's good.

AA: We do record it. We don't have to cover our bases.

AC: Yeah, I understand. I Understand.

ML: So we need a motion.

AA: I make a motion that we continue the hearing for 0 Rood Street to May 29th at 6:00 PM

EH: I second that.

ML: Okay. We have a second from Elaine.

ML: All in favor?

BOARD: Aye.

ML: Motion passes five zero. We'll see you on the 29th.

AC: Thank You.

EH: Thank you for coming in

AA: Yeah. Is that the packet?

ML: Yep, that's the packet.

AA: See there's the copies floating around somewhere. But I just want copies.

ML: All of this is the packet Anyway.

AA: There's extra. Was there any other copies down there of the the Kelly made extra copies of them?

JW: Of the what?

ML: The letter from

AA: No, no, no. The this, the 0 Rood Street.

AA: The, that's okay. If I need it, the plot plan, I need it for the continuance. Ill pull out the plot plan.

ML: Yeah, the plot plan. That one there. Yeah.

AA: Yeah. I don't need it now.

ML: Okay. Joe, you gonna do research?

JW: Yeah, I'll do the research on that. I'll find, find out what back with some information. Find out.

ML: Okay. Thank you, Joe. Sounds sounds good. You can communicate with us by email, I guess. And if anybody wa if anybody else comes up with any information. I guess so we will close the hearing. For 0 Rood Street on the application of Augustino J Calheon, property, at 0 Rood Street at 7:20 PM

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: Any new business from anybody? You, Joe, you mentioned you brought up on an email question about the Wayfinders thing.

JW: Yeah, that,

ML: yeah. Wayfinders letter.

JW: Is that, is that something that we want to check with Paul Haverty on to see if what they're doing is in fact,

ML: what, what is your concern?

JW: My compliance is the, my concern is the compliance with the Chapter 40, chapter six.

ML: Well, what they did, I mean, they, they, circumvented or went around all of that by taking it to the Massachusetts Zoning Board of Appeals.

JW: Okay.

ML: And they approved everything that they wanted to do. Okay. So what they, what they are doing is in compliance with what the Massachusetts Zoning Board of Appeals approved, which is basically everything they wanted. You had mentioned

AA: Yeah, that was in the letter. But the other thing I Yeah, I was, I Didn't wanna overtalk you.

ML: I didn't know what you were concerned about it. Is this what they're doing or was it the name of the corporation?

JW: Well, I, it seems like it's going to a, a new entity.

AA: I have a feeling what they're doing. I have a feeling what they're doing, this is my opinion, I don't know, is they just created a separate corporation to So Wayfinders, if something happens on the property.

ML: Yes.

AA: Right. They Wayfinders does not lose their shirt.

ML: Okay. It's,

AA: they just insulated the corporation.

JW: Yeah. It's a shell company.

ML: Well, they gave it a name. Yeah. They gave the property a name, the project, a name and I don't remember what it is. Green.

Audience: Green Stead Grove.

ML: Green.

AA: Green Stead Grove, SD

EH: Green, like homestead, but Green,

JW: Green, stead Grove.

ML: And if you remember when you went, we went out, I think we did a site visit. I know we, I dunno if we, I think we dunno if we

JW: Yeah, we must, yeah. Green St. Hampton up there.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

AA: I think they had the name for that. They called it something else too.

ML: Okay. Right. So they named them all something different and then they set up their new company to run them.

JW: Alright. Okay. I see what they're doing. So

AA: I just have a feeling they're insulating.

ML: Oh yeah.

AA: They're, they're moving their property over to individual corporations.

JW: Right.

AA: So then they could run it separately and then it comes out even bookkeeping.

JW: Right, right, right.

AA: Those types bookkeeping would be easier.

JW: Yes. Okay. That was just, that was just my concern.

ML: I mean, you're free to, you know, reach out to Paul Haverty if you like.

AA: Okay. Yeah. But in the letter, I think it did say that it was approved by the

JW: Yeah, I did read that in the letter. You can, you can, you can forward it to, that was a letter from them. So

ML: we don't have to do things as a board all the time to, you know.

JW: Okay.

ML: Well I just don't, you know, to research information for yourself and so forth. You are all free to do our own research.

JW: Alright.

ML: You, you don't need, nobody on this board needs permission to do research. Okay.

AA: I'm, I'm gonna look it up now just to see. See if I can find it. Green Stead Grove. Do you know what their, you know what their address is?

JW: In is Wayfinders

AA: Care of Wayfinders Inc.

JW: Okay.

AA: So that,

JW: that's what they're doing.

AA: They're just, yeah, they're just protecting, they're insulating. Wayfinders does a whole bunch of other stuff, right?

Yes. I forgot what they do. Yep.

AA: So they, they're probably just moving, they probably have all their properties under a corporate umbrella and they treat it as a corporation and they keep all that money separate and it doesn't interfere. Right. I'm just, I'm not a lawyer, but I think about what Wayfinders looks for grants and things. And so if that's considered income that could impact their grants. So I have it in this Shell corporation and then it doesn't impact my grants.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

JW: Doesn't impact the income. Alright. Yes

AA: So it's a Wayfinders corporation. Okay. So they must do it all the time.

JW: Probably. So. Yeah.

ML: Okay. Or notice they're already going over there. They, they broke ground.

AA: Yeah, I saw that.

JW: Yeah. Okay. The barn is down.

AA: Oh, that kills me. Yeah. What is down That kills me? The barn.

EH: Oh yes. Nice. That kills me. Kills me.

ML: I would've like that barn.

AA: Me too.

ML: One other thing, my sheep would've like that barn.
And I think the, they've already dug for some foundations.

JW: Oh yeah. Okay

AA: So I'm not Sure. I know I just saw the pilot. I'm sure it's been poured Yet.

AA Yeah. Building department. Kelly Is Kelly's over there?

ML: Kelly's over there.

ML: It now goes through the Building department.

EH: All right. And probably conservation too.

ML: Yeah. I'm sure conservation has been there

JW: Multiple times.

ML: Okay.

JW: One other thing I had was wondering about how the board felt is we've had a few people come in with requests to build a house on X, Y, z, lot, size lot. And we've been ask, asking for the position of the house with the setbacks and everything. Noted. Is that something that we can put on the application that's we require?

AA: I thought we, I thought we talked about this in the past and I thought we added it. Kelly. That was before Kelly's time.

MP: Maybe even The studs 'cause a lot of times you guys want see first floor, second floor, the size, the height of the building.

AA: Yeah. Right. Because somebody could come in and with them. Oh, it's a 2000 square foot house. But it's 10 stories, but 10 square feet. I'm just being facetious. But is on the application, does it say plot plan?

Audience: I don't think it does.

MP: Yeah.

EH: We on the application,

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

AA: I know we talked about it before and I know we've had a changeover and I don't, I know we were in the process of updating the application, there was a huge change. But we should, I, I agree with Joe is a simple plot plan.

JW: Simple

AA: A plot plan showing the setbacks.

JW: Yep. Showing the setbacks and the height

MP: And Style or Yeah.

AA: Yeah. Height in style.

JW: A sketch Is fine, you Know.

AA: Yeah. Correct. Yeah.

EH: So you Set back all, all The setbacks.

AA: Setbacks and also what the house looks. We don't need, we don't need to know what size the rooms are, but what else? A rendering, a house rendering.

ML: We don't need a full scale plan.

AA: No. Right.

ML: Just need the, the outline of the house, the placement on the lot. Yeah.

AA: Yeah.what it looks like

ML: The footprint of it.

JW: It's stuff they gotta do anyway for the permit, so.

AA: Correct.

JW: You know, if we have it, it'll save us a continuance if we're looking for information.

MP: Yes. yeah.

AA: And I thought we added it. I thought we added it.

EH: Is that clear for you Kelly?

JW: I know we talked about it,

AA: We were in the middle of changing the app a few times. Yeah, I know. We, we've kind of went through this vicious cycle and did we add, which we are getting the cards. I thought we had something about the cards you added

Audience: that's On the on checklist.

AA: Yes, I mean you can add that, you could add that to the checklist too.

EH: Oh, that's A good idea.

Audience: Okay.

AA: Just add, add those things to the checklist as opposed to the application.

Audience: Okay.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

AA: Right. The plot plan and the

ML: So the plot plan with these Plan house placement, Setbacks, placement and, and a render, a rendering of The house.

JW: The Outside, yeah.

EH: AK footprint. The property on the property.

BOARD: Okay. Okay.

MP: I have a question just, I dunno if I should ask it now. Where did the last loop and swan, when did they go wrong or how did they get down the path that they ended up?

AA: We shouldn't Discuss This in open meaning in my opinion.

MP: Okay. So I just, why I'm asking.

ML: Okay. Alright.

MP: Yep. So we'll strike that comment from the press.

ML: Yeah. I mean that's a decision that they made and in their research they researched it and they made a decision to, to do what they did.

AA: And I mean, we've had other applicants that have gone the wrong way as well or didn't seek legal advice and actually always get right. Legal advice. But I think sometimes you're a little recourse.

MP: Right. So my, my only thing is if somehow we could not prevent that, but show people the right course of action to get where they want to be.

AA: That Attorney spend the money on, spend that money on an attorney

MP: Is that Yeah.

ML: We Have to be careful in advising people and do what they can't do because they can come back to bite us. So we

AA: Right.

ML: You can't get any advice. You know, they have to research and, and, and seek, seek their Own.

MP: Right.

ML: You know, their own advice.

MP: Yeah. But again, just something, yeah. Something

AA: I feel we feel bad for these realtors that sell land that's un buildable.

MP: It's not that I felt bad sense. That was good. It made sense what they were doing. I was like,

AA: yeah, yeah.

MP: It made sense. I don't know. We'll see what happens

EH: right under the table.

ML: That was made My good intentions.

MP: Yeah. Right. Good intentions. We need to somewhere.

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW

**TOWN OF LUDLOW
BOARD OF APPEALS
MINUTES OF THE MEETING OF
May 15, 2024**

ML: Okay. Any,

AA: Mr. Chairman, I make a motion that we close the ZBA hearing for May 15th.

ML: Do we have a second?

BOARD: Second.

ML: All in favor?

BOARD: Aye. Aye.

ML: Meeting is adjourned at 7:29 PM

RECEIVED
TOWN CLERK'S OFFICE
2024 JUN -7 A 10:41
TOWN OF LUDLOW