



Town of Ludlow

Office of the Planning Board

ludlow.ma.us/planning

488 Chapin St., Ludlow, MA 01056

Phone: (413) 583-5600 ext. 7

Information Sheet

Zone Change

What is the purpose of a Zone Change?

Generally, a Zone change occurs for one of two reasons: to remove non-conforming use status by changing the zoning to match the use already on the site, or to prepare for a new use yet to come.

What is “spot-zoning” and how does it apply to me?

“Spot-zoning” occurs when a zone change is approved which is “a singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, all for the economic benefit of the owner of that lot.” [Lanner v. Bd. of Appeal of Tewksbury, 348 Mass. 220, 229 (1964) (quoting Marblehead v. Rosenthal, 316 Mass. 124, 126 (1944))]. It is perfectly acceptable for a zoning amendment to benefit a landowner, provided that the zoning also advances a public purpose. [Board of Appeals of Hanover v. Housing Appeals Comm., 363 Mass. 339, 361–62 (1973)] This type of zoning practice is not allowable. Generally, a zone change is more likely to be considered spot-zoning if it is on a parcel of less than five acres and the new zoning is not contiguous to any adjacent property. If your proposal is considered “spot-zoning” it **cannot** be approved.

What do I have to submit and where?

Although the Planning Board will handle much of this process, **your application must be submitted to the Board of Selectmen**. Your complete submission must include:

1. a complete application (available from the Planning Board);
2. a copy of the deed for the property;
3. a certificate signed by an attorney that the legal description has been researched and is correct;
4. the application fee in force at the time of filing;
5. a list of abutters (acquired from the Assessors' office);
6. a copy of the property record card (from the Assessors' office);
7. three copies of the Assessors' Map on which the property is located (available from the DPW) with the property to be changed **OUTLINED IN RED**.

What happens after I turn in my application?

1. The Board of Selectmen will refer the matter to the Planning Board within 14 days of receipt of the application.
2. The Planning Board will schedule a public hearing within 65 days of receipt of the petition from the Board of Selectmen. **You will responsible for advertising costs for the hearing.**
3. The Planning Board will make a report to Town Meeting.
4. After receipt of the report, or if 21 days pass without a report, the Town Meeting shall vote on the request. Town Meeting must act on the request within six months of the Planning Board hearing. Approval of a Zone Change requires a two-thirds vote at Town Meeting.
5. If no Town Meeting is held within six months of the hearing, the Planning Board must hold another public hearing.

This information sheet is meant to apply to the vast majority of applications. It is not meant to be an exhaustive explanation of the Planning process of the Town. The definitive source for all information regarding Massachusetts General Laws as well as the Bylaws and Subdivision Rules and Regulations of the Town of Ludlow, are the documents themselves and no part of this document may alter or supersede them.



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Master Application

Date submitted to Planning Board: ____ / ____ / ____

Location of Property: (address) _____, Assessors' Map ____, Parcel ____

Zoning of Property: _____

Is this property in the East Street Revitalization Overlay District? YES / NO

Is this property in the Aircraft Overlay? YES / NO

Name of Business (if any): _____

Type Of Application (Check All That Apply):

* denotes supplemental application sheet required

Site Plan Control:

- ☐ Change of Occupancy
- ☐ Site Sketch
- ☐ Site Plan Approval

Subdivision Control:

- ☐ ANR *3
- ☐ Preliminary Subdivision Plan *3
- ☐ Definitive Subdivision Plan *3
- ☐ Waiver of Frontage *4

Special Permitting:

- ☐ Special Permit
- ☐ Home Occupation *1
- ☐ Home Professional Office
- ☐ Accessory Apartment *2
- ☐ Comprehensive Plan (MRD)

Other:

- ☐ Zone Change *5

Please note that incomplete submittals are subject to denial without any further review and any fee paid will be considered forfeit. Completeness is the responsibility of the applicant. Please check all forms and plans for completeness prior to submission. Signing this application indicates your understanding of this policy.

Contact Information:

Applicant:

Name: _____
Address: _____
Phone: _____
Fax: _____
E-Mail: _____
Signature: _____

I have read the above statement and have personally verified both the completeness of this entire application and all supporting documents.

Contact Person (if different):

Name: _____
Address: _____
Phone: _____
Fax: _____
E-Mail: _____
Signature: _____

Property Owner (if different):

Name: _____
Address: _____
Phone: _____
Fax: _____
E-Mail: _____
Signature: _____

Building Owner (if different):

Name: _____
Address: _____
Phone: _____
Fax: _____
E-Mail: _____
Signature: _____

Detailed Description of Proposal: _____

All applications require a completed certificate of ownership / authority.

Publication cost for any public hearings required is the responsibility of the applicant.

All applications requiring a public hearing with newspaper publication and notification of abutters (all special permits, site plans and sketches, zone changes, waivers of frontage, and definitive subdivision plans, unless waived) must be received and reviewed for completeness by the Planning Board or its agent by the fourth Thursday prior to a hearing date.

Applications NOT requiring a public hearing (all changes of occupancy, ANRs, preliminary subdivision plans) must be received and reviewed for completeness by the Planning Board or its agent at least 10 days prior to a meeting date.

Persons wishing to discuss issues with the Planning Board outside the application process must submit a letter of explanation at least seven (7) days in advance of a meeting date.

The Planning Board or its agent shall determine the actual completeness of an application and reserves the right to schedule applications based on the Planning Board's workload within the obligations of the Ludlow Zoning Bylaw, Subdivision Rules and Regulations, and MGL Chapter 40A (State Zoning Act.)

For Office Use Only:

Application #: _____
Special Permit #: _____
Date Received: _____

Fee Amount Received: _____ Fee Doubled: _____
Supporting Documents? YES / NO
Verified By: _____



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Application Supplement 5 – Zone Change

Deed of Property recorded _____ Registry, Book _____, Page _____

Current Zoning: _____

Requested Zoning: _____

Is the land classified as Chapter 61, 61A, or 61B land? YES / NO

Which classification: _____

Reason for request: _____

Note: Although the Planning Board will handle much of the Zone Change process, **your application must be submitted to the Board of Selectmen.**

For Office Use Only:

For individual owner:	For corporation/LLC:
<div> <div></div> <div>Signature</div> </div>	<div> <div></div> <div>Name of Entity</div> <div>By: <div></div></div> <div>Signature</div> <div>Title: <div></div></div> </div>

