

# COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

To Ms. Laurie Gibbons, Town Clerk of the Town of Ludlow in said County:

## GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote on Town affairs to meet at the **EXIT 7 THEATER**, Chestnut Street, Ludlow, Massachusetts on **MONDAY, OCTOBER 3, 2011** at 7:30 p.m. for the purpose of acting on the following articles in the warrant.

**ARTICLE 1:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for **UNPAID BILLS AND/OR OVEREXPENDED ACCOUNTS OF PREVIOUS YEARS**; Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 2:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the position of LATOS II Part Time, under the Health Department and to add the sum of Twelve thousand one hundred sixty one dollars (\$12,161) to the Fiscal Year 2012 Health Department Budget, Personal Services; pass any vote or take any action relative thereto. Submitted by the Citizens of Ludlow and the Ludlow Board of Health (by petition)

**ARTICLE 3:** To see if the Town will vote to abandon a sewer easement located on land now or formerly owned by Ludlow Industrial Realities, Inc., as described in Book 1647, Page 435, recorded at the Hampden County Registry of Deeds, and as shown on a plan entitled, Subdivision of Land Court Plan 32795A, Lot 1 into Lot 18 and Lot 19, prepared by Durkee, White, Town and Chapdelaine Engineers and Surveyors, dated August 3, 2000. The easement is noted on the plan as "Approximated location of sewer easement (Book 1647, Page 435)" and runs south from State Street to the Chicopee River; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 4:** To see if the Town will vote to raise and appropriate and/or transfer from the stabilization fund a sum of money not to exceed \$75,000. (seventy-five thousand dollars) for the purposes of repairing the ceiling in the School Business Office located at 63 Chestnut Street; pass any vote or take any action relative thereto. Submitted by the School Committee.

**ARTICLE 5:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES**, by removing **NURSING and CONVALESCENT HOMES** and replacing it with **ADULT CARE FACILITIES**, under **LAND USE CLASSIFICATION/GOVERNMENT, INSTITUTIONAL, & PUBLIC SERVICE** requiring **Site Plan Approval (SPA) and Special Permit (SPPB)** for zoning districts **Residence A, and Residence B, Business A & Business B, Agriculture, and Agriculture Moderate Density Overlay. Site Plan Approval** from the **Administrative Review Committee (ASPA)** is required in **Mill Redevelopment District (MRD)**, and to amend Table 1 to reflect this change, as follows:

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
<b>GOVERNMENT, INSTITUTIONAL, &amp; PUBLIC SERVICE</b>												
*Adult Care Facilities		N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	N	N	N	ASPA

\* These uses are prohibited in the Aircraft Flight Overlay District. (Added 10/7/96)

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 6:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section X DEFINITIONS**, by adding the following definitions:

**ADULT CARE FACILITIES:** Any of the various types of development designed to provide some form of assisted living to elderly adults, the disabled, or chronically ill. This includes Adult Day Care Facilities, Assisted Living Residences, Congregate Living Facilities, Continuing Care Retirement Communities, Custodial Care Facilities, Elderly Housing, Group Care Facilities, Hospices, Independent Living Facilities, Long-term Care Facilities, Nursing Homes, Convalescent Homes and similar developments, as well as medical offices and other ancillary facilities appropriate to the principal use. These terms may be used interchangeably for the purpose of this bylaw

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 7:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section 3.2 Prohibited Uses. District-Specific Prohibited Uses, by adding to 3.2.4 (a.)Agricultural District, “unless it is an Adult Care Facility.” and adding a.1.** Adult Care Facilities are allowed to be constructed in the Agricultural District provided that such a facility can connect to town sewer, town water, and gas services. Waivers of this requirement will only be considered, by the Planning Board, after appropriate departments including, but not limited to the DPW, Fire Department, Building Commissioner, and the Board of Health have been given a minimum of 14 days

to review and comment on the waiver request. New addition and paragraph to read as follows:

3.2.4 **Agricultural District**

- a. Dwellings of two or more units are prohibited, unless it is an Adult Care Facility.

1. Adult Care Facilities are allowed to be constructed in the Agricultural District provided that such a facility can connect to town sewer, town water, and gas services. Waivers of this requirement will only be considered, by the Planning Board, after appropriate departments including, but not limited to the DPW, Fire Department, Building Commissioner, and the Board of Health have been given a minimum of 14 days to review and comment on the waiver request.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 8:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section 3.2 Prohibited Uses. District-Specific Prohibited Uses, 3.2.7 Aircraft Flight Overlay District** by removing “Nursing Homes” and replacing it with “Adult Care Facilities.” New section to read.

3.2.7 **Aircraft Flight Overlay District (Rev. 4/11/94)**

The following uses are prohibited in the Aircraft Flight Overlay District:

- |                         |  |
|-------------------------|--|
| - Adult Care Facilities | *Schools                                 |
| -Hospitals              | *Day Care Centers                        |
| -Auditoriums            | *Houses of Worship                       |
| -Concert Halls          | *(Added 4/11/94 – See House Bill #4755)) |

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 9:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS: 3.0 GENERAL REGULATIONS: 3.0.4 Fences**, by removing the current paragraph and replacing it with the following new paragraph:

#### 3.0.4 **Fences**

Fences shall not exceed four (4) feet in height across the front yard setback portion of any lot perimeter; shall comply with the provisions of Section 3.0.3 of the Zoning Bylaws; and shall not exceed six and one-half (6 ½) feet in height on the remainder of the lot perimeter. No fence more than one-quarter solid shall be erected across the front line, and closer to the street than the setback requirements of the primary building. All fences must be at least six (6) inches from any lot line and must be erected so that the less appealing or post side shall face inward, and chain link or cyclone fences shall have the barbs face down. A fence height greater than six and one-half (6 ½) feet may be permitted if authorized by the Board of Appeals after a Public Hearing. Shrubs and/or shrubbery shall not constitute the meaning of a fence for the purpose of this provision. All fences four (4) feet and higher require a building permit.

Fences located on land zoned Industrial A, B, and C shall not exceed 6½ feet in height across the front yard setback portion of the lot; and no fence more than one-quarter solid shall be erected across the front line and closer to the street than the setback requirements of the primary building. Shall comply with the provisions of Section 3.0.3 of the Zoning Bylaw.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 10:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION III: General Use Regulations. Section 3.0 General Regulations, Section 3.3 Accessory Use Regulation, 3.3.1 General Accessory Regulations, b. Accessory Buildings (4).** by deleting the current paragraph and inserting a new paragraph in its place. New paragraph to read as follows:

(4.) The total area for all unattached accessory structures in all residential (RA-1, RA, RB) and agricultural (A, AMD) districts is limited in size not to exceed fifty percent (50%) of the square footage for the principal structure. Square footage calculations for principal and accessory structures will include all levels, excluding basements. Accessory structures used for active farming are exempt.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 11:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS: Section 6.5 SIGN REGULATIONS. 6.5.2 Definitions** by **deleting** the **Sign** definition.

**Sign:** any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation use as, or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye by means including intermittent or repeated motion or illumination.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 12:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS. 6.4 PARKING REQUIREMENTS. 6.4.2 Parking Guidelines**, by **adding** the following parking guidelines.

**Municipal Recreational Park:** parking spaces are as needed and are to be determined by the Planning Board, with input from relevant Boards, including but not limited to, the Recreation Commission, Board of Public Works, and the Safety Committee.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 13:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS. 6.0 HORSE AND/OR PONIES** by **adding** to 6.0.2 . “Acreage for this purpose excludes all area used for any residential and accessory structures not intended for the purpose of the stable.” **New paragraph to read as:** 6.0.2 The minimum acreage required for a private stable shall be one acre of suitable land per horse or pony. Acreage for this purpose excludes all area used for any residential and accessory structures not intended for the purpose of the stable.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 14:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES**, by adding **INDOOR COMMERCIAL AMUSEMENT**, under **LAND USE CLASSIFICATION/GENERAL USES**, requiring **Site Plan Approval (SPA) and Special Permit (SPPB)** for zoning districts **Business A & Business B, Agriculture, Agriculture Moderate Density (AMD), Industrial A and Industrial C. Site Plan Approval** from the **Administrative Review Committee (ASPA)** is required in the **Mill Redevelopment District (MRD)**, and to amend Table 1 to reflect this change, as follows:

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
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GENERAL USES												
Indoor Commercial Amusement		N	N	N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	ASPA

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 15:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES**, by adding **OUTDOOR COMMERCIAL AMUSEMENT**, under **LAND USE CLASSIFICATION/GENERAL USES**, requiring **Site Plan Approval (SPA) and Special Permit (SPPB)** for zoning districts **Business A & Business B, Agriculture, Agriculture Moderate Density (AMD), Industrial A and Industrial C**, and to amend **Table 1 to reflect this change, as follows:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
GENERAL USES												
Outdoor Commercial Amusement		N	N	N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	N

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 16:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by changing from **Agriculture** to **Residential A**, a parcel of land owned by John S. Bogel, located at 26 Nora Lane (Assessors Map # 10, Parcel 182) and described as follows:

The land in Ludlow, Hampden County, Massachusetts, being known and designated as Lot #121 (one hundred twenty-one) as shown on the hereinafter mentioned plan. All of said boundaries are determined by the Court to be located as shown on a plan drawn by Durkee, White, Town & Chapdelaine, Edward N. Chapdelaine, Surveyor numbered 32817-F filed with Certificate of Title No. 25631 as modified and approved by the Court. The land hereby registered is subject to the easement set forth in a grant from Broyslaw Szarland, et ux to the Western Massachusetts Electric Company, dated July 21, 1960, duly recorded in Book 2756, Page 349. So much of the land hereby registered as is included within the limits of the Ditches shown on said plan is subject to such rights as may exist. Said land is subject to an easement as set forth in a grant by Roland Lavoie Construction Company, Inc. to Western Massachusetts Electric Company and New England Telephone and Telegraph Company, dated October 27, 1958, duly recorded in Book 2639, Page

474. Said land is subject to the flow of a natural water course running through the same and shown on said plans as a Brook. There is appurtenant to said land the right to use the whole of Napoleon Avenue as set forth in two grants made to said Roland Lavoie Construction Company, Inc. one by Walter J. Rozenbajgier, Administrator of the Estate of Helen Propko, dated December 13, 1957, duly recorded in Book 2595, Page 544, and the other Elizabeth C. Munger, dated December 17, 1957, duly recorded in Book 2595, Page 545, in common with all other persons lawfully entitled thereto. SUBJECT to an Agreement to Roland Lavoie Construction Co., Inc. noted as Document No. 25325 on Certificate of Title No. 22625. SUBJECT to Easement to the Town of Ludlow noted as Document No. 48794 on Certificate of Title No. 22625. SUBJECT to a taking to the Town of Ludlow noted as Document No. 64194 on Certificate of Title No. 22625. SUBJECT to an easement to New England Telephone and Telegraph Company, et al noted as Document No. 97432 on Certificate of Title No. 22625. Subject to all mortgages and encumbrances of record. BEING the same premises as conveyed to the Grantor herein by deed of Catherine A. H. Bogel dated March 10, 2003 and recorded March 11, 2003 in Hampden County Registry of Deeds Land Court Section as Document No. 149,098 of Certificate of Title No. 30959. No title exam was performed in connection with the preparation of this deed.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 17:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by changing from **Agriculture** to **Residential A**, a parcel of land owned by David B. and Ann L. Irvine located at Tower Road (Assessors Map # 31, Parcel 7) and described as follows:

A parcel of land in Ludlow, Hampden County, Massachusetts being known and designated as Lot #3 as shown on a plan of lots recorded in Hampden County Registry of Deeds, Book of Plans 71, page 112. Said lot being more particularly bounded and described as follows: Southerly by Tower Road one hundred nine and 40/100 (109.40) feet, Westerly by Lot #4 on said plan, two hundred forty-four and 59/100 (244.59) feet, Northerly by land now or formerly of Joseph Cadwell one hundred and 18/100 (100.18) feet and Easterly by Lot #2 on said plan two hundred twenty-three and 79/100 (223.79) feet. Being part of the premises conveyed to Arthur L. Miller and me, husband and wife as tenants by the entirety, by deed of Edgar L. Gillette dated December 7, 1950 and recorded in Hampden County Registry of Deeds, Book 2092, Page 420; see also deed from The Esper Realty Corporation dated August 19, 1933 and recorded as aforesaid in Book 1526, Page 29, and deed from Charles M. Jacobs, Trustee, dated August 19, 1933, and recorded as aforesaid in Book 1526, Page 30. See also Land Court Confirmation Decree recorded in said Registry in Book 2685, Page 275; the said Arthur L. Miller died May 24, 1962 in said Ludlow. Said premises are conveyed subject to the following restrictions: 1. No horses, cattle, hogs, pigeons, or other animals, except dogs and cats as household pets, shall be kept or maintained on the granted premises. 2. No

trade or business shall be carried on or maintained on the granted premises. 3. No old building shall be moved onto said premises and no building shall be occupied as a dwelling until it is completely constructed according to the approved plans and specifications. 4. No buildings, other than a private single dwelling house arranged for occupancy of not more than one family, shall be erected or maintained on said premises, except that a private garage, playhouse and other accessory buildings to be used in connection with said dwelling house may also be erected thereon. The location of all fences, walls, hedges, shrub or tree plantings, and the location of all Buildings and structures and the building plans for the same must be approved in writing by Florence A. Miller, or her heirs or assigns before the erection thereof. 5. The said grantor Florence A. Miller, her heirs or assigns reserve the right to amend these restrictions from time to time and reserve the right to waive compliance with these restrictions in any particular instance. Subject to Sewer rights to Town of Ludlow under instrument dated May 18, 1921, and recorded as aforesaid in Book 1101, Page 17, and Rights to Turner Falls Power and Electric Company under instrument dated November 16, 1928 and recorded as aforesaid in Book 1421, Page 478, if affecting locus. Subject to taxes assessed for the year 1964.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 18:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by changing from **Agriculture** to **Industrial A**, a parcel of land owned by Jasca Group, LLC c/o John Bettencourt, located at West and Brooks Street (Assessors Map # 7, Parcels 18, 19, 21, & 24 and Map # 8 Parcel 11) and described as follows:

**The land in Ludlow, Hampden County, Massachusetts and described as;**

**PARCEL 1:** Beginning in the southerly line of a lane about fifteen (15) feet from the lot of land now or formerly of one Dostal, and thence running **SOUTH** about fourteen (14) rods to the road leading from Ludlow city to Ludlow Center: thence **EAST** on said road about two hundred (200) rods to a stake and stones; thence **NORTH** about seventy-five (75) rods to the corner of the lot of land now or formerly of one Carver; thence **WEST** about sixty-five (65) rods to the easterly side of the lot of land conveyed by Rutherford H. Ferry to John Fuller by deed dated August 29, 1910, recorded in said County of Hampden Registry of Deeds, thence **SOUTH** along the easterly line of said last mentioned lot eighteen (18) rods to the southeasterly corner thereof; and thence **WEST** about seventy-five (75) rods to the place of beginning. Containing thirty-nine and one-half (39½) acres, more or less.

**PARCEL 2:** Beginning at a stake and stones five and one-half (5½) rods **SOUTH** of the Granby line in the **SOUTH** side of the road leading from land now or formerly of Henry Carver to Ludlow; thence **EAST** twenty-two (22) degrees **SOUTH** fourteen (14) rods to a stake and stones; thence **NORTH** three (3) degrees **EAST** eighteen (18) rods to a stake and stones on Granby Line; thence **EAST** three (3) degrees **NORTH** about one hundred and thirty-eight (138) rods to a stake and stones situated on the line between the inward and outward corners; thence **SOUTH** three



(3) degrees east about sixty (60) rods to J.W. Kendall's former land; thence WESTERLY by land of the late said Kendall about one hundred and fifty (150) rods to the road leading from Ludlow to Granby; thence NORTHERLY by said road to the first mentioned bound; containing sixty-three (63) acres, more or less.

**PARCEL 3:** Beginning on the easterly side of the highway leading from Hiram Davenport's premises to Ludlow City, so-called on the EAST line of one Dostal, and running NORTHERLY on land of said Dostal and land of Ellen M. Carver to other land now or formerly of Rutherford H. Ferry; thence EASTERLY on other land now or formerly of Rutherford H. Ferry to other land now or formerly of said Carver; thence SOUTHERLY on land now or formerly of said Carver to other land now or formerly of Rutherford H. Ferry; and thence WESTERLY on the land now or formerly of Rutherford H. Ferry to the place of beginning, containing eight (8) acres, more or less. Parcels 1, 2, and 3 being the first, second and fourth tract respectively in Deed of Rutherford H. Ferry to Camille L. Nadeau, dated February 14, 1913 and recorded in Hampden County Registry of Deeds, Book 863, Page 325 and are subject to the agreement between William P. Clark and Henry I. Carver relative to flowing certain of the above described land dated November 26, 1869 and recorded in the Hampden County Registry of Deeds, Book 260, Page 543, so far as it may now be in force.

**PARCEL 4:** Beginning at the northeast corner of Rutherford H. Ferry's land, and running westerly on land of said Ferry, to other land of said Ferry, thence northerly on land of said Ferry and land of Ellen M. Carver, to a stone wall on land of said Ferry; thence easterly and northerly on said Ferry's land, to land formerly of one Porter; thence easterly on land of said Porter, and one Prenaitis, to land of George Gates; thence southerly of land of H.I. Carver; thence running westerly to other land of H. I. Carver formerly owned by one Preston; thence northerly on land of H.I. Carver, to a pile of stones; thence westerly, about 25 rods on said H.I. Carver's land to a pile of stones; thence southerly to the place of beginning, containing about 28 acres.

**PARCEL 5:** Beginning on the easterly side of the highway leading from Hiram Davenport's to Ludlow City, so-called, at land of said Ferry, and running easterly on a line of said Ferry, the line being an old fence, to other land of said Ferry, thence northerly on land of said Ferry and land of Ellen M. Carver to a piece of old stone wall; thence westerly on land of Ellen M. Carver to land of Dostal; thence southerly on land of said Dostal, to the southeast corner of said Dostal's land; thence westerly on land of said Dostal, to said highway; thence southerly, on said highway, about 1 rod to land of said Ferry, the place of beginning containing twelve acres more or less.

**PARCEL 6:** Beginning on highway at southeast corner of pasture land of R.H. Ferry; thence running northerly on land of said Ferry and land formerly owned by James Kendall, to a pile of stones; thence easterly on land of said Kendall, about 25 rods to a pile of stones; thence southerly on land of said Kendall, to land of Henry R.

Carver; thence easterly on land of said Kendall, to the southwest corner of George Gates farm; thence southerly in a continuation of said Gates, west line, on land of said Carver, to highway; thence westerly, on highway, to place of beginning containing about 16 acres more or less. Parcels 4, 5, and 6 being Parcels 1, 2, and 3 respectively in deed of Hadley Falls Trust Company to Camille L. Nadeau dated December 26, 1933 and recorded in Hampden County Registry of Deeds, Book 1528, Page 439.

**PARCEL 7:** Beginning in the highway landing from Ludlow City to Ludlow Center; thence running easterly about twelve and a half rods (12½) on land now or formerly of Anna Dostal; thence northerly on Camille L. Nadeau's land about (15) rods to other land of Camille L. Nadeau; thence westerly on said Camille L. Nadeau's land to highway; thence southerly on the highway to the place of beginning. Containing one acre more or less.

**PARCEL 8:** Beginning on the easterly side of highway leading from Ludlow City to Ludlow Center and bound marking the division line between the Towns of Granby and Ludlow; thence running easterly along said division line to land of said Camille L. Nadeau; thence southerly and southwesterly along said Nadeau's land to said highway; thence northerly along said highway to place of beginning. Parcels 7 and 8 being Tracts 1 and 2 respectively in deed of Elmer H. Carver to Camille L. Nadeau dated May 13, 1940, recorded in Hampden County Registry of Deeds. SUBJECT to easements and restrictions of record, if any, as the same may be in force and effect.

**PARCEL 9:** WESTERLY by the highway leading from Ludlow City to the onetime Jencksville about one hundred twenty (120) rods; NORTHERLY by another highway; EASTERLY by land now or formerly of one Lyon and one Tilley, about one hundred twenty (120) rods; and SOUTHERLY by lands now or formerly of said Tilley and the heirs of J.P. Hubbard. Containing forty-nine (49) acres, more or less. EXCEPTING from the above premises the conveyance made to Philip J. Ouellette, Jr. et ux by deed recorded in Hampden County Registry of Deeds in Book 2060, Page 574; the conveyance made to Herman H. Seiker et ux by deed recorded in said Registry in Book 2131, Page 267; the conveyance made to Alphonse Beauregard et ux by deed recorded in said Registry in Book 2131, Page 268; the conveyance made to Philip J. Ouellette, Jr., by deed recorded in said Registry in Book 2132, Page 305; the conveyance made to Alphonse Beauregard et ux by deed recorded in said Registry in Book 2136, Page 438; the conveyance made to Dewey A. Elkas by deed recorded in said Registry in Book 2136, Page 439; the conveyance made to Herman H. Seiker et ux by deed recorded in said Registry in Book 2137, Page 224; the conveyance made to James R. McGuire et ux, by deed recorded in said Registry in Book 2137, Page 225; the conveyance made to Kenneth F. McGuire by deed recorded in said Registry in Book 2137, Page 226; the conveyance made to Melvin H. Grimshaw et ux by deed recorded in said Registry in Book 2172, Page 247; the conveyance made to Earle W. Ingalle et ux by deed recorded in said Registry in Book 2212, Page 598; the conveyance made to Albert A. Renaud et ux, by deed

recorded in said Registry in Book 2232, Page 491; the conveyance made to Herman H. Seiker et ux by deed recorded in said Registry in Book 2235, Page 518; the conveyance made to Alphonse Beauregard et ux by deed recorded in said Registry in Book 2235, Page 519; the conveyance made to William A. Rougeau by deed recorded in said Registry in Book 2262, Page 435; the conveyance made to New England Water Supplies, Inc. by deed recorded in said Registry in Book 2334, Page 434; and correction deed to Kenneth F. McGuire recorded in said Registry in Book 3082, Page 79. SUBJECT to flowage rights on locus as set forth in a deed from William P. Clark to Henry T. Carver, dated November 26, 1869, recorded in Book 260, Page 543, if they affect the above premises. SUBJECT to easements and restrictions of record, if any, as they same may be in force and effect.

**PARCEL 10:** A parcel of land located on the easterly side of Fuller Road, so called, bounded westerly by said road about 367 feet; northerly by land now or formerly of Robert G. and Hannah M. Hogg about 20 feet; easterly by land now or formerly of Frank A. and Lena Gerace about 358 feet; and southwesterly by land of an owner unknown about 78 feet; containing about 0.17 acres, meaning and intending to convey the land taken as Parcel No. 15 shown on a plan signed by E. J. McCarthy, Chief Engineer, entitled: "Commonwealth of Massachusetts Plan of Road in the Town of Ludlow, Hampden County Laid out as a State highway by the Department of Public Works April 9, 1957 Scale: 40 feet to the inch (Layout 4551). Said parcel comprises a portion of the State highway location which was abandoned on September 17, 1957 (Layout 4605). Said land is no longer needed for State highway purposes. This deed is intended to take effect as a sealed instrument. SUBJECT to easement and restrictions of record, if any, as the same may be in force and effect. BEING the same premises conveyed to the Grantor herein by deed of Lena Gerace dated January 25, 1999 and recorded in the Hampden County Registry of Deeds, Book 10678, Page 163.

Pass any vote take any other action relative thereto. Submitted by the Planning Board.

**ARTICLE 19:** To see if the Town will vote to acquire by purchase or otherwise, the fee simple interest, and to raise and appropriate a sum of money therefor, and accept the following described extension to Daisy Lane as a Public Way together with the additional parcel described below to be used as a storm water detention basin as shown on the subdivision plan approved by the Planning Board:

#### **Daisy Lane Extension**

**A certain parcel of land located in Ludlow, Hampden County, Massachusetts, bounded and described as follows:**

**Beginning at a concrete bound set on the easterly line of Daisy Lane, said concrete bound being northerly an arc distance of one hundred thirty six and 53/100 (136.53) feet from a concrete bound found at the point of curvature of the intersection of the easterly line of Daisy Lane and the northerly line of Focosi Lane; thence**

**N05°-58'-32"E a distance of eighty seven and 01/100 (87.01) feet to a concrete bound set; thence Northwesterly and Southeasterly by a curve to the left having a radius of seventy five and 00/100 (75.00) feet an arc distance of three hundred sixty one and 77/100 (361.77) feet to a concrete bound set; thence Southeasterly by a curve to the right having a radius of fifteen and 00/100 (15.00) feet an arc distance of twenty five and 31/100 (25.31) feet to a concrete bound set; thence S86°-53'-34"E a distance of fifty and 07/100 (50.07) feet to the point of beginning.**

#### **Stormwater Parcel A**

**A certain parcel of land located in Ludlow, Hampden County, Massachusetts, bounded and described as follows:**

**Beginning at an iron pin set, said iron pin being the southwesterly corner of the parcel herein described and being S86°-53'-34"E a distance of one hundred twenty two and 23/100 (122.23) feet from a concrete bound set in the easterly line of Daisy Lane Extension at the intersection of Daisy Lane and Daisy Lane Extension; thence N26°-26'-05"E along land of Imperial Real Estate & Construction Company, Inc. a distance of one hundred fifty two and 46/100 (152.46) feet to an iron pin set; thence S86°-53'-34"E along land of Imperial Real Estate & Construction Company, Inc. a distance of one hundred sixty and 00/100 (160.00) feet to an iron pin set; thence S26°-26'-05"W along land of Imperial Real Estate & Construction Company, Inc. a distance of one hundred fifty two and 46/100 (152.46) feet to an iron pin set; thence N86°-53'-34"W along land of the Town of Ludlow and Misha Development, LLC a distance of one hundred sixty and 00/100 (160.00) feet to the point of beginning**

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 20:** To see if the Town will vote to convey the following described parcel to Daniel Pires and Lisa Pires for \$1.00 consideration, said parcel being an unpaved portion of Daisy Lane.

**A parcel of land being a part of Daisy Lane adjacent to Lot 6 as shown on a plan of land entitled "Ludlow MA Discontinuance Plan of a Portion of Daisy Lane" dated July 27, 2011 and prepared by Paul S. Smith Land Surveying and more particularly described as bounded**

**Northeasterly by Lot 6 a distance of 22.29 feet,**

**Northwesterly by Daisy Lane 1.00 feet,**

**Southwesterly by Daisy Lane 22.33 feet,**

**Southeasterly by Daisy Lane 1.00 feet. Containing 22 square feet.**

**Reserving to the Town of Ludlow an easement over this parcel for all purposes consistent with its use as a roadway or walkway**

Pass any vote or take any action relative thereto. Submitted by petition

**ARTICLE 21:** To see if the Town will vote to authorize the Board of Selectmen to accept grant funds from the Commonwealth of Massachusetts Executive Office of Housing and Economic Development, Mass Works Infrastructure Program for a parking lot project on Park Place on behalf of the Town and to enter into a contract and authorize the Department of Public Works to carry out the contract for the project; pass any vote take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 22:** To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with a solar energy company for the purposes of leasing the capped landfill located on Holyoke Street and entering into a power purchase agreement for the purchase of the electricity generated by that company, both of said agreements to be for terms of twenty years plus reasonable rights of renewal and on such additional terms as determined by the Board of Selectmen; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

And you are directed to serve this warrant by posting attested copies of the same in seven (7) public places in the Town fourteen (14) days at least before the time of holding said meeting.

**A true copy,**

**ATTEST:**

**AARON L. SAUNDERS**

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**CHAIRMAN**

**JASON J. BARROSO**

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**WILLIAM E. ROONEY**

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**ANTONIO E. DOS SANTOS**

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**JOHN P. DACRUZ**

\_\_\_\_\_

**BOARD OF SELECTMEN**

**LUDLOW, MASSACHUSETTS  
SEPTEMBER 6, 2011**

I hereby certify that I have posted the above warrant in seven (7) places in the Town of Ludlow.

\_\_\_\_\_  
**2011**

\_\_\_\_\_  
**Town Clerk**