

OCTOBER 2, 2023 SPECIAL TOWN MEETING

Commonwealth of Massachusetts Hampden, ss.

To Ms. Kim Batista, Town Clerk, in the Town of Ludlow, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet at the **LUDLOW HIGH SCHOOL** at 500 Chapin Street in said Town, on **MONDAY, OCTOBER 2, 2023, at 7:30PM** to act on the following articles in the warrant.

ARTICLE 1: APPROPRIATE FUNDS FOR UNPAID BILLS FROM PREVIOUS FISCAL YEARS

To see if the Town will vote to raise and appropriate and/or transfer a sum of money for **unpaid bills and/or over-expended accounts of previous fiscal years**.

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen. A nine/tenths vote is required.

Article 1 Explanation: Unpaid bills prior years: Chapter 44, Section 64 of the Massachusetts General Laws allows towns which have unpaid or over expended bills as presented at the time for the warrant posting. There could be further bills added prior to the Town meeting. We will provide an update, if needed, at Town Meeting.

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|                    |                                               |                                             |
|--------------------|-----------------------------------------------|---------------------------------------------|
| \$3,500.00         | Town Hall<br>Compass Restoration Svc          | Remove asbestos ceiling tiles               |
| \$1,500.00         | Town Hall<br>Compass Restoration Svc          | Remove asbestos pipe fitting insulation     |
| \$798.61           | Ludlow Police Dept.<br>J.L. Massa Collision   | LPD Vehicle Repairs                         |
| \$206.49           | Ludlow Police Dept.<br>New England Trauma Svc | LPD Vehicle Bio Hazard Remediation          |
| \$2,581.97         | Ludlow Police Dept.<br>Austin Blair           | Officer Reimbursement for Academy Equipment |
| \$4,250.00         | Otis Elevator<br>Ludlow Boys & Girls Club     | Quarterly Inspection                        |
| \$1,027.72         | Eversource<br>LPD                             | June Invoice                                |
| <b>\$13,864.79</b> | <b>TOTAL</b>                                  |                                             |

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### **ARTICLE 2: APPROPRIATE FUNDS FOR GRANT CASH MATCH**

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To see if the Town will vote to raise and appropriate a sum of money to meet the required 10% match of a Federal *Assistance to Firefighters Grant* needed to replace the supply and attack firefighting hose that has reached its useable lifespan at the Ludlow Fire Department.

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

*Article 2 Explanation: The Ludlow Fire Department has received a FEMA Assistance to Firefighters Grant in the amount of \$98,620.00 to replace the twenty-eight-year-old source capture diesel exhaust system at the Ludlow Fire Department. This system is used to capture and safely discharge the vehicle exhaust made from vehicles as they enter and exit the building. This system prevents the carcinogen laden vapors from entering the areas where the fire department staff live and work. Our current system is failing and has been costly to maintain. This article would provide the required 10% matching funds for the grant award to complete this project totaling \$8,965.45. The remaining \$89,654.55 will be paid by the Federal government. This project will greatly increase the safety of the firefighters, office staff, and residents who use the Public Safety Complex.*

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### **ARTICLE 3:     AUTHORIZE FIVE-YEAR CONTRACT FOR POLICE TASERS**

To see if the Town will vote to authorize the Board of Selectmen to enter into a five (5) year contract, commencing November 1, 2023 with a qualified vendor for the lease of tasers for the police department.

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

*Article 3 Explanation: The Police Department's chosen taser vendor (Axon) only offers five-year contracts because the tasers come with a five-year warranty, which includes support for training and maintenance for the length of the contract.*

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### **ARTICLE 4:     EXPAND DISTRICT IMPROVEMENT FINANCING BOUNDARY**

To see if the Town will vote to amend the "State Street / Ludlow Mills Improvement District" to extend its geographic boundaries in several directions. This expansion involves adding properties situated to the west, adjacent to and along Route 21. Additionally, the expansion will encompass parcels located to the northwest along Hubbard Street. Moving northward, the expansion will include parcels situated along and south of East Street, extending as far east as the intersection of East Street and Stevens Street. This expansion plan also involves the incorporation of properties that fall within the existing Improvement District.

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

*Article 4 Explanation: Acceptance of this article identifies the amended and expanded geographical location of the State Street / Ludlow Mills Improvement District. See Attachment A.*

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### **ARTICLE 5:     DISTRICT IMPROVEMENT FINANCING AMENDMENT**

To see if the Town will vote to amend a District Improvement Financing (DIF) program authorized under Massachusetts General Law Chapter 40Q known as the State Street / Ludlow Mills DIF Program. The State Street / Ludlow Mills DIF

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Program will encompass the revised boundaries of the State Street / Ludlow Mills Improvement District, as approved in Article #5, as part of a public-private collaborative process to promote redevelopment in the Ludlow Mills section of Ludlow, MA.

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

*Article 5 Explanation: A District Improvement Financing (DIF) program enables the Town to allocate future incremental property tax revenues from the established district within the program to pay for public infrastructure improvements. Improvements within this defined district would include roadway and streetscape improvements, potential land acquisition and development costs for public use, and other proposed public improvements and investments. Financing of the improvements would be made through the issuance of debt with the repayment of such debt made from incremental property tax revenues realized from the developed properties within the district.*

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### **ARTICLE 6: VOTE TO ESTABLISH OPIOID SETTLEMENT STABILIZATION FUND**

To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Massachusetts Abatement Terms", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of money equal to that previously received by the Town from opioid litigation settlements resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund.

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen. A two-thirds vote is required.

*Article 6 Explanation: Like many other municipalities, Ludlow expects to receive annual funds as part of an opioid settlement agreement. There is currently limited guidance with respect to the appropriation and expenditure of opioid settlement funds. The proposed warrant article allows for the creation of a special purpose stabilization fund into which would be transferred a sum equal to that received from settlement funds and into which would be deposited future settlement funds.*

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### **ARTICLE 7: MMWEC SOLAR PILOT**

To see if the Town will vote, pursuant to G.L. c. 59, sec. 38H, to authorize the Board of Selectmen to negotiate and enter into a Payment In Lieu of Taxes (PILOT) agreement with the owner, currently known as MMWEC (MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRICAL COMPANY) of the solar photovoltaic energy generating facility located at 327 Moody Street (Map 4 Parcel 2) Ludlow, Massachusetts. Upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town and to authorize the Board of Selectmen to take all actions necessary or appropriate to administer and implement such agreement; including but not limited to passing any vote or taking any other action relative thereto. Submitted by the Board of Selectmen.

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Article 7 Explanation: The MMWEC/Master Sergeant Aleander Cotton Memorial Solar Project is a 7 megawatt (MW) solar project built on the MMWEC campus in Ludlow. This facility will generate more than 13,800 megawatt hours (MWh) per year, which is enough to power over 1,500 homes. Approving this article would allow the Board of Selectmen to negotiate a PILOT agreement with MMWEC for this project, which is the largest single solar field in Massachusetts.

### **ARTICLE 8: CAPITAL TRANSFERS**

To see if the Town will vote to Transfer \$ 210,933.82, or any other sum or sums of money, from the following unspent capital appropriations, which will thereby exhaust all the available funds from the original appropriation, for the purposes of funding to make improvements, and to purchase fixtures and equipment, for the Town Hall, or act in any other manner relating thereto.

| Town Meeting Date |  | Transfer From:                               | GL Account      | Funding Source: | Appropriation | Remaining Balance | Transfer Out |
|-------------------|--|----------------------------------------------|-----------------|-----------------|---------------|-------------------|--------------|
| May 12, 2008      |  | ATM Article 9 – Master Plan                  | 00280109-530000 | Free Cash       | \$125,000.00  | \$8,620.00        | \$8,620.00   |
| May 8, 2017       |  | ATM Article 14 – Senior Center Consultant    | 0021021-520000  | Free Cash       | \$20,000.00   | \$19,613.82       | \$19,613.82  |
| May 8, 2017       |  | ATM Article 16 – Ludlow Radio Communications | 0021022-520000  | Free Cash       | \$40,000.00   | \$7,750.00        | \$7,750.00   |
| May 10, 2021      |  | ATM Article 22 – COVID Excess Spending       | 0021060-580000  | Free Cash       | \$150,000.00  | \$150,000.00      | \$150,000.00 |
| June 22, 2020     |  | STM Article 13 – Dark Fiber                  | 0021043-580000  | Free Cash       | \$40,000.00   | \$9,950.00        | \$9,950.00   |
| June 22, 2020     |  | STM Article 15 – Classification Study        | 0021044-520000  | Free Cash       | \$15,000.00   | \$21,000.00       | \$15,000.00  |

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

Article 8 Explanation: These funds were previously authorized by Town Meeting but remain unspent. The town intends to use these funds toward the upcoming Town Hall renovations scheduled for the summer of 2024. Those renovations include a new roof, energy-efficiency improvements, abatement, and replacement of asbestos ceiling tiles, replacing carpeting, and other improvements.

**ARTICLE 9:     PINEY LANE RIGHT OF WAY**

To see if the Town will vote to accept as a public way the layout and/or revised layout of the way known as Piney Lane as a public way as laid out by the Board of Selectmen, and to authorize the Board of Selectmen to acquire, on such terms and conditions as it shall deem appropriate, excluding any compensation or damages, by gift, purchase or eminent domain, such interests in land within said layout and abutting lands, including those drainage and utility easements as may be necessary, sufficient to use said way for all purposes for which public ways are used in the Town of Ludlow, or take any other action relative thereto.

*Article 9 Explanation: The Town of Ludlow, in conjunction with the Massachusetts Department of Transportation, is poised to improve and upgrade the Piney Lane Bridge. Toward that end, Town Meeting must vote to accept a revised layout of the public way and authorize the Board of Selectmen to acquire interests in abutting lands, such as easements, for the construction of bridge improvements. There is no anticipated costs to the town for accepting the revised layout.*

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**ARTICLE 10:     FY24 BUDGET AMENDMENT**

To see if the Town will vote to raise and appropriate and/or otherwise provide such sums of money as may be necessary for Town purposes and charges during Fiscal Year 2024 beginning July 1, 2023.

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

*Article 10 Explanation: At the May 2023 Annual Town Meeting, Article 18 contained a discrepancy in the amounts of the FY24 budget. The two amounts were \$80,868,618 and \$80,876,409. There was a \$7,791 allocation that was included in the breakdown of expenditure funds that did not get factored into the total; so the Article 18 motion requested authorization for a total FY24 budget in the amount of \$80,868,618 instead of \$80,876,409, which is the correct amount. Upon checking with the Department of Revenue on how to proceed considering this discrepancy, they advised that the decision is a local decision, but that best practice is to request that Town Meeting authorize this amendment. Last year's Article 18 motion is recreated below, in relevant part, for reference:*

Article 18: I move that the Town vote to appropriate the total sum of **\$80,868,618** for Town Purposes and charges during the Fiscal Year ending June 30, 2024, and that said sum include the following salaries for elected officials:

| <b><u>Position</u></b>       | <b><u>Number</u></b> | <b><u>Annual Salary</u></b> |
|------------------------------|----------------------|-----------------------------|
| Moderator                    | 1                    | \$ 582                      |
| Chairman, Board of Selectmen | 1                    | 5,341                       |
| Members, Board of Selectman  | 4                    | 4,192                       |
| Chairman, Board of Assessors | 1                    | 5,423                       |
| Members, Board of Assessors  | 2                    | 4,256                       |
| Town Clerk                   | 1                    | 82,884                      |
| Chairman, Board of Health    | 1                    | 3,300                       |

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|                            |   |       |
|----------------------------|---|-------|
| Members, Board of Health   | 2 | 3,300 |
| Chairman, School Committee | 1 | 3,000 |
| Members, School Committee  | 4 | 2,500 |
| Chairman, Planning Board   | 1 | 3,822 |
| Members, Planning Board    | 4 | 3,186 |

and, further, that the Total appropriations be allocated to the various Town Departments in accordance with numbers 1 through 42 of the provided Budget Listing entitled “Town of Ludlow FY24 Town Budget – Article”, and using the column headed “FY 2024 Recommended Budget”,

and, further, that the sum of **\$899,308** be applied from “Fiscal Year 2024 Golf Course Revenues” to fund the Westover Municipal Golf Course Budget item 39; the sum of **\$1,937,122** be applied from “Fiscal Year 2024 Sewer Fund Revenues” to fund the Sanitary Sewer Budget item 40; the sum of **\$10,000** be applied from “Retained Earnings” to fund the budget for the closing of the Landfill on line 41, the sum of **\$305,906** be applied from “Receipts Reserved for Appropriation” to fund the Cable Budget item 42; and the balance of \$ **77,724,073 is to be raised and appropriated.**

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### **ARTICLE 11:     ZONING BYLAW AMENDMENT—VISIBILITY AT INTERSECTIONS**

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: by removing 3.0.2 Existing Uses Not Affected and 3.0.3 Obstruction at Street Intersection and replacing it with 3.0.3 Visibility at Street Intersections and Driveways Street Entries and adding Figure 1 Diagram.

#### **3.0.2 Existing Uses Not Affected**

~~This bylaw shall not apply to existing buildings or structures, nor to the existence of any building or structure or of land to the extent of that use at the time of the adoption of this bylaw.~~

~~3.0.3 Obstruction at Street Intersections Within that portion of any lot at a street intersection which lies between the street line joining parts on each street line, 25 feet from the intersection of such street lines, no fence, wall, temporary sign, hedge, shrubbery or other obstruction to vision in excess of three (3) feet in height above the adjacent level shall be permitted. See Diagram #3. (Amended STM 10/4/21)~~

#### **3.0.2 [Reserved]**

#### **3.0.3 Visibility at Street Intersections and Driveways Street Entries**

a. In all zoning districts, no fence, structure, or planting shall be erected or maintained that is higher than 3 feet above grade, within a clear sight triangle formed by connecting two points measured 25 feet from the intersection of the edge of the street pavement. See Figure 1 below.

b. In all zoning districts, no fence, structure, or planting shall be erected or maintained that is higher than 3 feet above grade, within a clear sight triangle formed by connecting two points measured along a driveway and the intersecting street. The point along the driveway shall be located 10 feet from the edge of the street pavement, measured along the driveway. The point along the street shall be located 25 feet from the edge of the driveway pavement or covering measured along the street. See Figure 1 below.

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EXCEPTION: Mailboxes higher than 3 feet may be located at the ends of driveways, provided that the mailbox and supporting structure is no larger than 10 inches in width along the front facing edge and 20 inches in length along the side facing edge.

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 11 Explanation: The existing sections 3.0.2 conflicts with Massachusetts General Law Chapter 40A Section 7, regarding non-conforming uses. The non-conforming use must have been in existence for an uncontested period of 10 years before it can be deemed as pre-existing non-conforming. M.G.L. chapter 40A section 6 will protect any currently existing structures or conditions that may be different from any new bylaw changes being made.*

*This article would also remove and replace Section 3.0.3 with new language and diagram to clarify street intersection and driveway visibility and to accommodate mailbox locations. This is a basic safety issue especially for driveways in congested areas. The old language did not address the ends of driveways which has caused dangerous conditions. When driveways are obstructed by neighboring shrubs, fences or overly large mailboxes, a dangerous condition is created for vehicles attempting to pull out of their driveway into traffic. The spirit and details of the old bylaw have been preserved with regard to street intersections and corner lots. The diagram in line with the text offers additional clarity.*

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### **ARTICLE 12: ZONING BYLAW AMENDMENT—FENCES**

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: by removing Section 3.0.4 Fences in its entirety and replacing it with new section to read:

#### **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. (Amended 10/05/20 STM)~~

~~Fences located on land zoned Industrial A 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. (Added 10/3/11 & Amended STM 10/4/21)~~

#### **a.——Shrubs Used for Screening/Fencing (added 10/6/03)**

~~Shrubs used for screening/fencing shall not exceed three (3') feet in height across the front yard setback portion of any lot. No restriction on height on the remainder of the lot perimeter. Shrubs do not require a building permit.~~

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~~All fences and shrubbery must comply with Section 3.0.3 Obstruction at Street Intersections, and Section 4.0.8 Corner Lots.~~

~~b. Jersey Barriers are prohibited from being used as fences to divide property lines in all zoning districts. (Added 5/9/11)~~

~~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.~~

### 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.

All fences, excluding shrubs /shrubbery, must be at least six (6) inches from any lot line and must be erected so that the less appealing or post side faces inward. All chain link or cyclone fences shall be installed with the barbed edge face down. (Amended 10/05/20 STM)

Jersey Barriers are prohibited from being used as fences to divide property lines in all zoning districts. (Added 5/9/11)

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 12 Explanation: The first section remains unchanged from the original language. By removing the section on Shrubs in subsection (a) and adding a few exclusions to the main paragraph, the entire meaning of the bylaw is clarified. This promotes understanding and allows for effective enforcement without changing the intended meaning of the bylaw.*

*The existing language “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.” conflicts with the setback requirements of the rest of the fence bylaw as stated in the first sentence. This made enforcing the old bylaw challenging if not impossible. The visibility intended by “one quarter solid” is not necessary if the rest of the fence bylaw is observed. It also restricts stone walls which are popular and if under 4 feet, pose no threat to public safety.*

*There is no need to mention the appeals process as it is clearly defined in all notices of violations as well as in the Enforcement Section of the Bylaw 8.1. It is redundant.*

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## **ARTICLE 13: ZONING BYLAW AMENDMENT—DIMENSIONAL REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION IV: DIMENSIONAL AND DENSITY REGULATIONS: 4.0 GENERAL DIMENSIONAL REQUIREMENTS: by adding \* For further clarification see Definitions Section X and adding in corresponding diagrams to 4.0.1, 4.0.1.1, 4.0.7, 4.0.7.1 and 4.0.8.



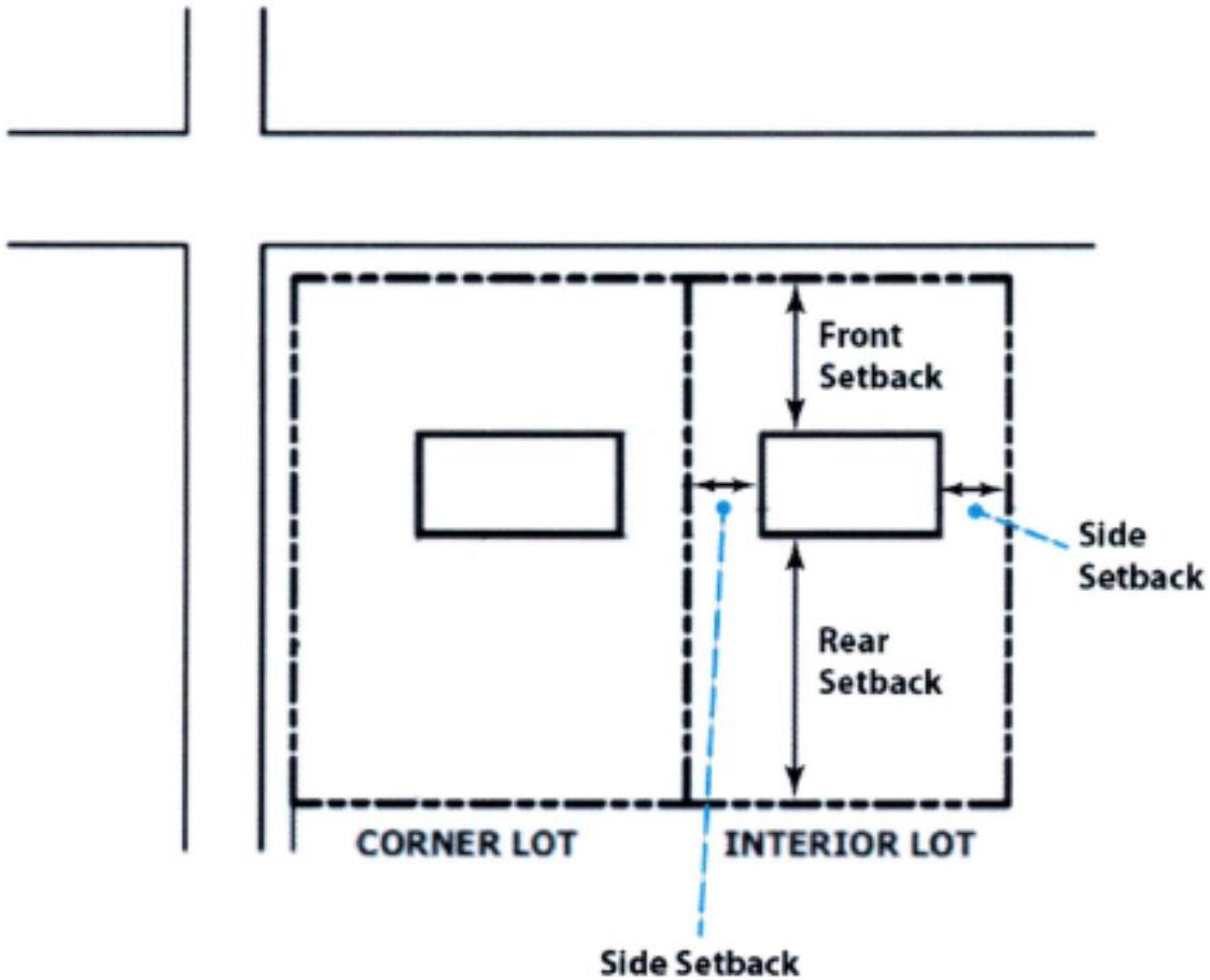
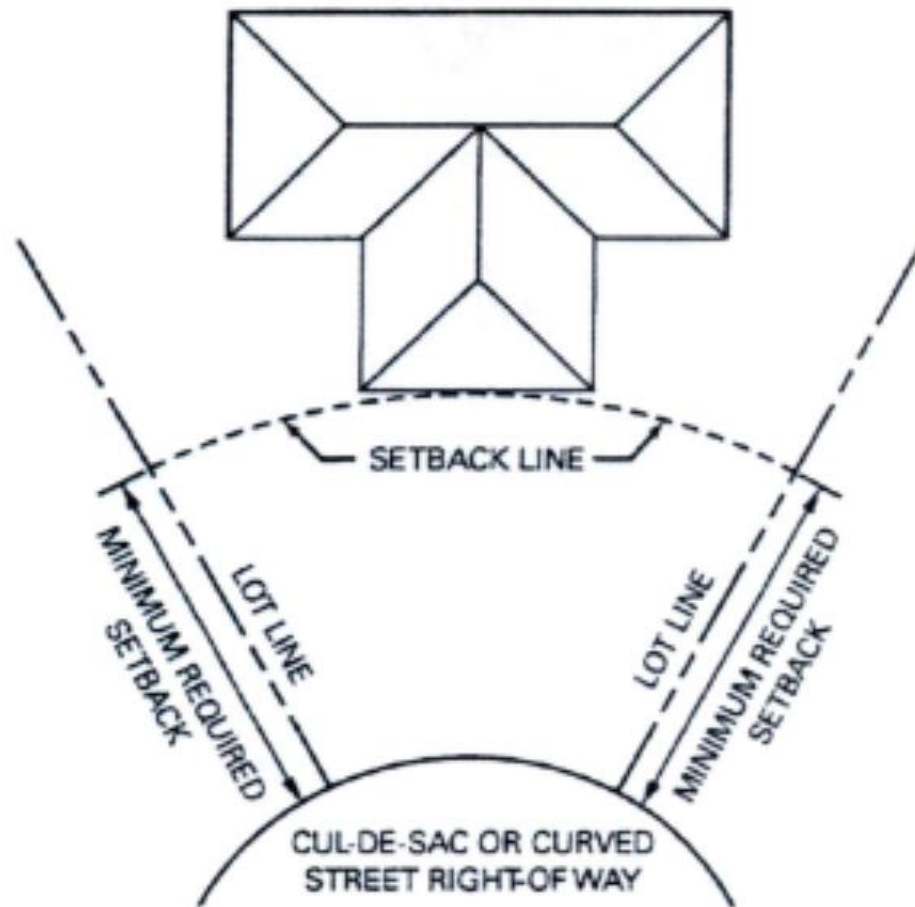


Diagram 4.0.1



**Diagram 4.0.1.1**

4.0.7 **Front Yards:** With the exception of subdivisions, buildings or structures need to be located only as far back from the street as the average of the FRONT YARD depths of the buildings or structures nearest on either side and within the same block and district, or within five hundred (500) feet, whichever is the lesser distance.

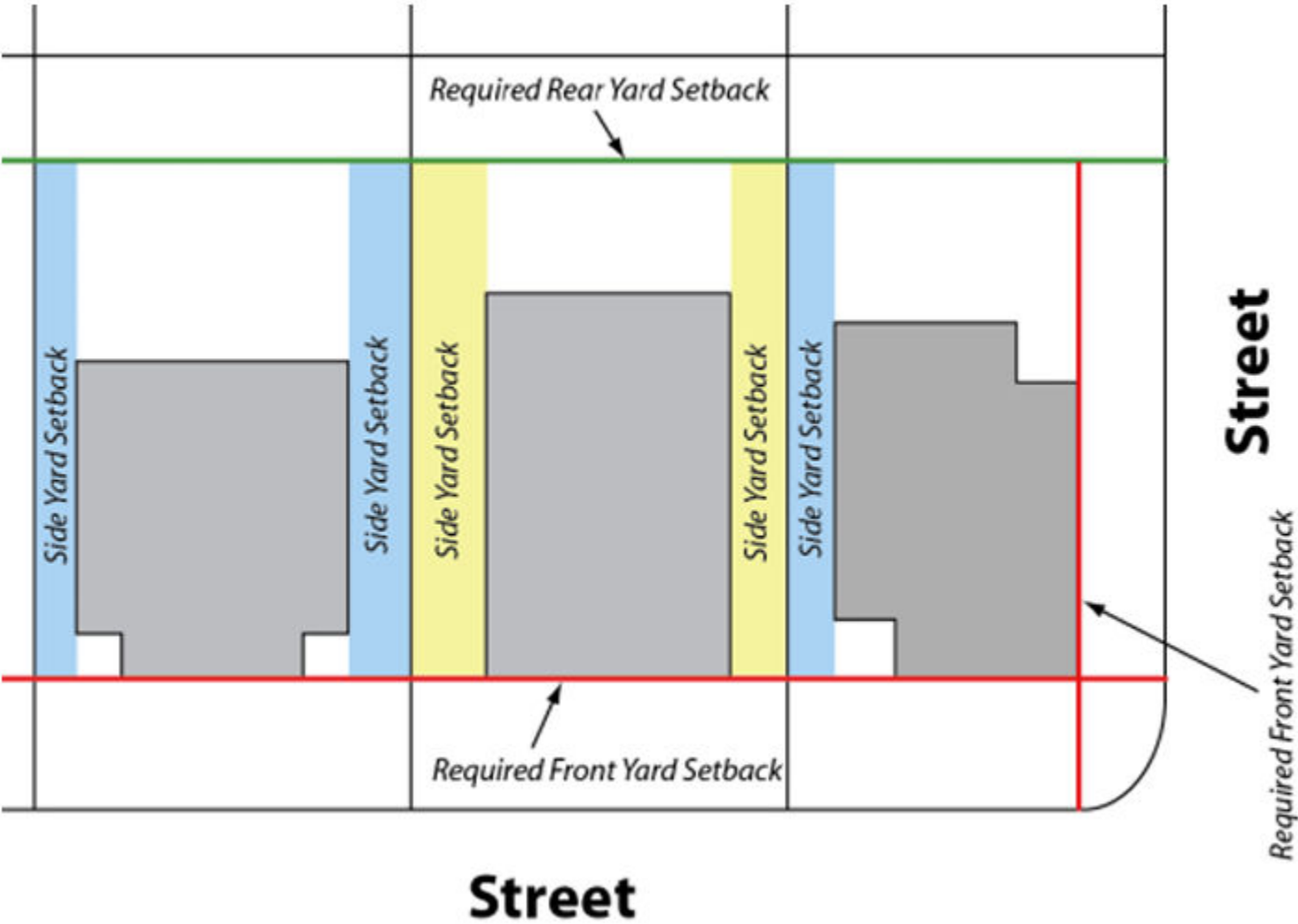
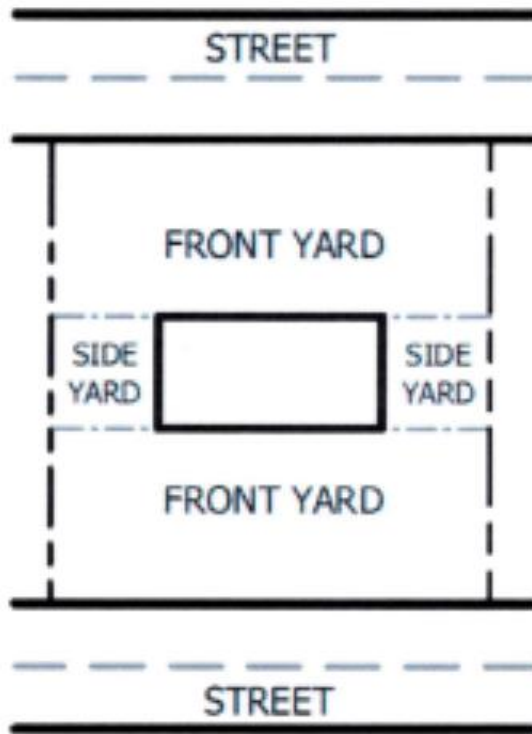
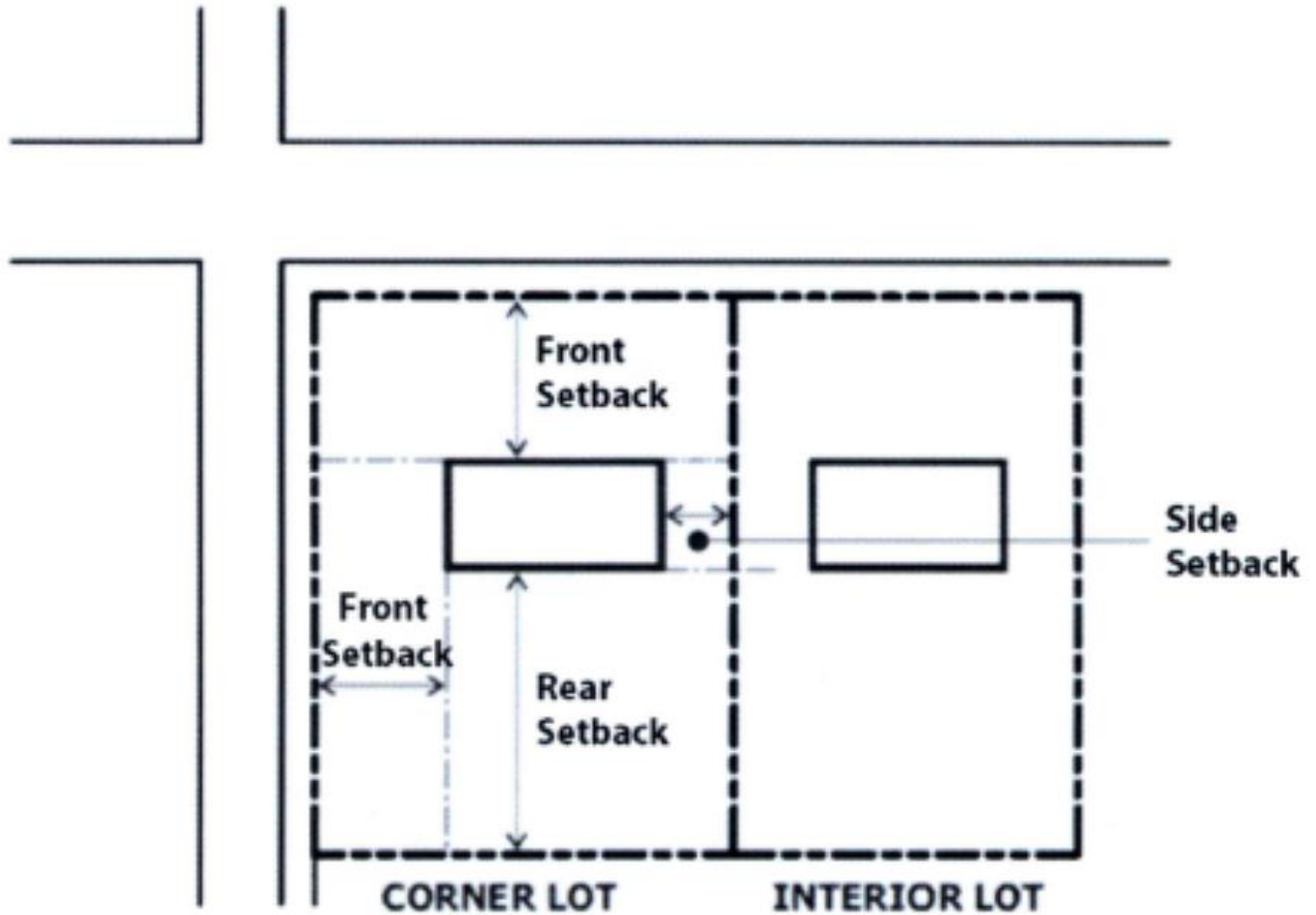


Diagram 4.0.7



**Diagram 4.0.7.1**

4.0.8 **Corner Lots:** In any Residence District, Agriculture, or Agriculture Moderate Density District, the buildings or structures on LOTS having FRONTAGE on two streets may only be located as near to the street lines as the minimum FRONT YARD depths required on each street, except that the buildable width of such lot need not be reduced to less than twenty-six (26) feet. No accessory building on a corner LOT need be placed further from the street line than the FRONT YARD depth provisions for the district.



**Diagram 4.0.8**

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 13 Explanation: Adding Diagrams to Section IV with a reference to SECTION X Definitions will add clarification to this section making it more user friendly. The Diagrams are currently located at the back of the Zoning Bylaw which is cumbersome. Adding diagrams in line with the text that they refer to allow the reader to understand the language more easily without hunting for the visual example. The current diagrams are also either overly simplistic or too detailed.*

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**ARTICLE 14: ZONING BYLAW AMENDMENT—ADMIN REVIEW COMMITTEE MEMBERSHIP**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION IV: DIMENSIONAL AND DENSITY REGULATIONS: 4.4 MILL REDEVELOPMENT DISTRICT (MRD) Bylaw 4.4.10 Site Plan Approval Process, by removing from a.1. “and one member” and “of the Board of Public Works” to read as follows:

**4.4.10 Site Plan Approval Process**

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- a. Following the issuance of a Special Permit for a MRD Comprehensive Plan but prior to issuance of a building permit for each project in the Mill Redevelopment District that consists of the construction of a new structure, the project proponent shall receive site plan approval/disapproval from the Administrative Review Committee. The Administrative Review Committee shall have as its voting members the following:

1. The Director of Public Works, ~~and one member~~ or designee of the ~~Board of Public Works~~
2. Building Commissioner, or designee
3. Town Planner, or designee
4. Two members or designees of the Planning Board
5. Fire Chief, or designee
6. Police Chief or designee
7. One member or designee of the Conservation Commission
8. One member or designee of the Historical Commission. (Added 10/5/15)

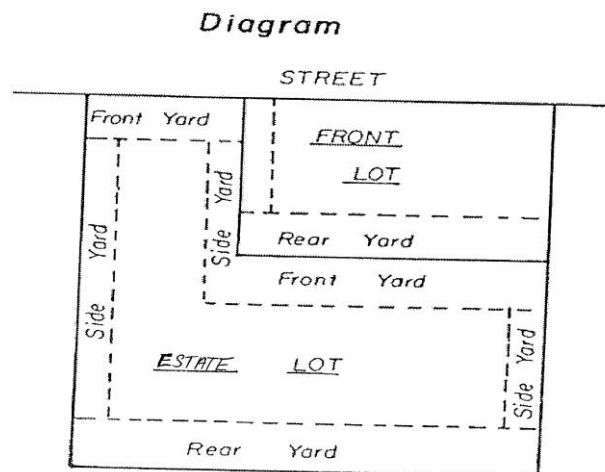
Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

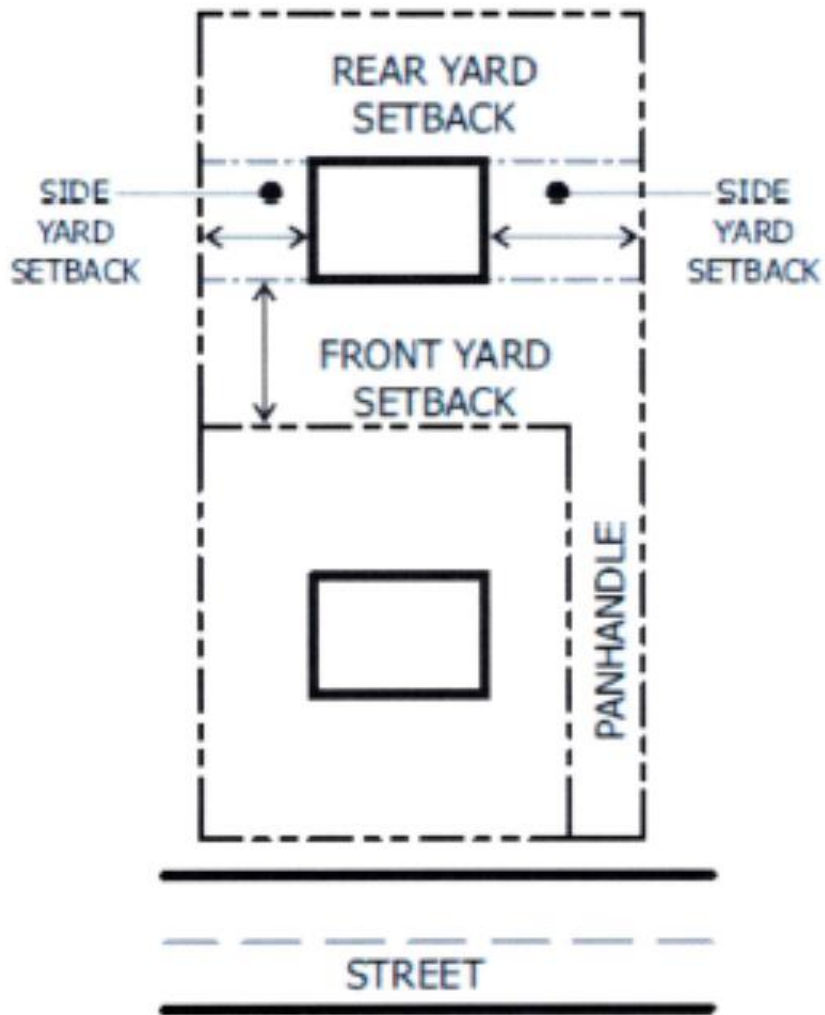
Article 14 Explanation: The Board of Public Works has been dissolved, and the DPW Director or their designee are appropriate officials to serve on the Administrative Review Committee.

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### **ARTICLE 15: ZONING BYLAW AMENDMENT—SETBACK DIAGRAM REPLACEMENT**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION VI: SPECIAL LAND USE REGULATIONS 6.12 SINGLE-FAMILY DWELLINGS ON ESTATE LOTS 11. Estate Lot Example: Replace existing diagram with new diagram.





**Diagram 6.12**

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 15 Explanation: Adding new Diagram to Estate Lot Bylaw, to replace the existing Diagram for clarification.*

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#### **ARTICLE 16: ZONING BYLAW AMENDMENT—SITE PLAN APPROVAL PROCESS**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION VII: 7.1 SITE PLAN APPROVAL: 7.1.3 Exemptions from Site Plan Approval c. by replacing “use” with “occupancy” and adding language to include a sign-off from the Building Commissioner for code compliance.

##### **7.1.3 Exemption from Site Plan Approval**

Site plan approval shall not be required for:

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- a. The construction or enlargement of any single-family dwelling; or
- b. any building used exclusively for agriculture, horticulture, or floriculture.
- c. No site plan approval shall be required in those instances where a lawful ~~use~~ occupancy change is proposed, and no physical changes (other than signs) will occur to the site or building exterior, and where no new or additional requirements of the Zoning Bylaw must be met for the proposed ~~use~~ occupancy. In the above case (c. only) the Planning Board will only require a "Change of Occupancy" application with the application fee in force at the time. (Added 10/7/96) The application will require a sign-off from the Building Commissioner to ensure that the change will comply with the Massachusetts State Building Code.

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 16 Explanation: By affording the Building Commissioner an opportunity to review the application for code compliance, the applicant will avoid confusion later when applying for a building permit. Changing the occupancy of a building can trigger expensive code changes that prospective business owners must be made aware of prior to an investment in a particular property.*

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### **ARTICLE 17: ZONING BYLAW AMENDMENT—REFERENCE CHANGES**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION VIII: ADMINISTRATION:

8.1 Enforcement and 8.2 Conditions of Construction by changing "Building Inspector" to "Building Commissioner" and "Building Official" and adding new language pertaining to surveys.

#### **8.1 ENFORCEMENT**

8.1.1 This bylaw and any amendments thereto, shall be enforced by the Building ~~Inspector~~ Commissioner or their designee, hereafter referred to as the Building Official. ~~He~~ The Building Official shall issue no permit for the erection or alteration of any building or part thereof, plans and specifications and intended use ~~of which that~~ are not in ~~all respects in~~ conformity with the provisions of this bylaw. With each application for a permit to build or alter, there shall be filed a plan showing the lot and the location of a building thereon.

8.1.2 No building shall be occupied until a Certificate of Occupancy has been issued by the Building ~~Inspector~~ Commissioner where required.

8.1.3 The Building ~~Inspector~~ Official shall issue a cease-and-desist order on any work in progress or on the use of the premises, either of which are in violation of the provisions of this bylaw.

#### **8.2 CONDITIONS OF CONSTRUCTION**

8.2.1 To accomplish the purposes set forth in Section I of this bylaw as well as the specific goals of this paragraph, no building permit for the construction of new dwellings shall be issued until a ~~plot plan showing that all property corners are bounded or pinned, existing and proposed grading, proposed building location, and all utilities certified by a person or persons registered under the General Laws of the Commonwealth of Massachusetts to practice architecture, engineering and/or land surveying~~



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legal survey, conducted by a registered design professional licensed in the State of Massachusetts, has been submitted to the Building Official as part of the application. ~~for said building permit and approved in writing by him.~~ The survey must include all property corners bounded or pinned, existing and proposed grading, as well as all accessory structures and utilities. The survey must be stamped and signed by the surveyor.

8.2.2 In the case of additions to existing structures or the construction of accessory buildings, a ~~plot plan will not be required unless, in the opinion of the Inspector of Buildings, there may be a conflict in property line locations.~~ survey may be required at the discretion of the Building Official if there is a question or conflict in property line locations. The survey must include all property corners bounded or pinned, existing and proposed accessory structures and utilities including septic locations. The survey must be stamped and signed by the surveyor. In all other cases, an informal plot plan showing the locations of all structures on the lot and property setbacks may be required at the discretion of the Building Official.

If a Plot Plan is required, the plot plan shall be prepared by a Registered Professional Engineer and/or a Registered Land Surveyor and submitted to the Building Official as part of the application for a building permit.

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 17 Explanation: In addition to correcting inappropriate language, these changes allow the Building Official to exercise appropriate discretion regarding the need for a legal survey or a more informal plot plan sketch. Each Building permit must be considered on a case-by-case basis.*

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### **ARTICLE 18: ZONING BYLAW AMENDMENT—REPLACING DIAGRAMS**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by deleting Diagram 1, Diagram 2, Diagram 3, Diagram 4, and Diagram 5 and removing from Table of Contents: BACK OF BOOK: DIAGRAMS.

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 18 Explanation: New diagrams are being added to the Zoning Bylaw and will replace the existing diagrams in the back of the Zoning Bylaw. New Diagrams will be located in Section VI.*

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### **ARTICLE 19: ZONING BYLAW AMENDMENT—TEMPORARY MORATORIUM ON BATTERY STORAGE**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by inserting Temporary Moratorium on Large-Scale Solar Battery Storage and Large-Scale Battery Storage to Section XI:

#### **11.1 .1 PURPOSE:**

The regulation of large-scale battery storage facilities raises complex legal, planning, and public safety issues, and the Town needs time to study and consider their regulation and address these issues.

The Town intends to adopt a temporary zoning moratorium on the use of land and structures in the Town for large-scale battery storage and large-scale solar battery storage facilities to allow the Town to address the effects of such structures and uses in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives. During the moratorium, the Town will undertake a planning process to evaluate

the impacts of large-scale battery storage facilities on the health, safety, and welfare of Town residents and to consider appropriate amendments to its Zoning Bylaws to address said impacts, in accordance with state and federal law.

Battery storage utilized for small solar projects (and have a capacity that is complimentary to a solar array that produces no more than 100kW of electricity) are exempt from this moratorium.

**11.2.1 DEFINITION:**

A large-scale solar battery storage facility shall mean a facility, including all structures and components used in connections therewith, used to store energy produced by a solar system or systems having a total rated nameplate capacity of greater than 100kW, whether such facility may be accessory to other use, including a solar system, or is a separate land use.

A large-scale battery storage facility shall mean a facility, including all structures and components used in connection therewith, used to store energy produced by natural gas plants, petroleum fired generation, or to other non-solar electrical systems, whether such facility may be accessory to other use, or is a separate land use.

**11.3.1 TEMPORARY MORATORIUM:**

For the reasons set forth above and notwithstanding any other provisions of the Zoning Bylaw to the contrary, the town hereby adopts a temporary moratorium on the use of land or structures for large-scale solar battery storage and large-scale battery storage facilities in Town. The moratorium shall be in effect through October 31, 2025 or the date on which the Town adopts amendments to the Zoning Bylaw regulating large-scale solar battery and large-scale battery storage facilities, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to large-scale solar battery storage and large-scale battery storage facilities are needed or desirable to allow for and regulate such uses consistent with protecting the town's natural resources and furthering its planning goals.

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 19 Explanation: The moratorium period will allow the Town to undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to large-scale solar battery storage and large-scale battery storage facilities are needed or desirable to allow for and regulate such uses consistent with protecting the town's natural resources and furthering its planning goals. The moratorium shall be in effect through October 31, 2025 or the date on which the Town adopts amendments to the Zoning Bylaw regulating large-scale solar battery and large-scale battery storage facilities, whichever occurs earlier.*

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**ARTICLE 20: ZONING BYLAW AMENDMENT—REPLACING DIAGRAM REFERENCE NUMBERS**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow SECTION X: DEFINITIONS: by deleting the current Diagram numbers in the following definitions: Front Yard, Frontage, Lot Width, Rear Yard, and Side Yard and replacing with the new Diagram Section Numbers.

**FRONT YARD:** A space across the full width of the lot and extending from the front line of the building located on such lot to the front line of such lot. ~~(See Diagram 1)~~ (See Diagram 4.0.1& 4.0.1.1 & 4.0.7 & 4.0.7.1 & 4.0.8)

**FRONTAGE:** That portion of a lot fronting upon a street to be measured continuously along one street line between its side lines and their intersection parallel with the street line. The required frontage shall extend from the street line to the required setback line. Frontage shall provide both rights of access and potential vehicular access across that lot line to a potential building site. (~~See Diagram 1~~) (Amended 10/97&10/01) (See Diagram 4.0.1 & 4.0.1.1 & 4.0.7 & 4.0.7.1 & 4.0.8)

**LOT WIDTH:** The straight-line distance between lot sidelines measured parallel to and the front yard setback distance (depending on the zoning) from a straight line connecting the intersections of the road line with the lot sidelines. If the line connecting the intersections of the road line with the lot sidelines crosses the road line at any point, the lot width line shall be measured by the front setback distance (depending on the zoning) from the point within the lot on the road line which is farthest from the line connecting the intersections of the road line and lot sidelines. (~~See Diagrams #4 & #5~~) (Amended 1/25/99) (See Diagrams 4.0.1.1 & 4.0.7)

**REAR YARD:** A space across the full width of a lot and extending from the rear of the building located on such lot to the rear line of such lot. (~~See Diagram 1~~) (amended 10/1/01) (See Diagram 4.0.1 & 4.0.8)

**SIDE YARD:** A space extending from the front yard to the rear yard between a building and the adjacent side of the lot on which said building is located (~~See Diagram 1~~) (See Diagram 4.0.1 , 4.0.7, 4.0.7.1 & 4.0.8)

Pass any vote or take any action relative thereto. Submitted by the Planning Board. Two-thirds vote is required.

*Article 20 Explanation: Replacing the old diagram references numbers with the new diagram references to Section IV for efficiency and ease of use.*

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## **ARTICLE 21:    LICENSING, CONTROL AND KEEPING OF DOGS—LEASH LAW VIOLATION FINE INCREASES**

To see if the Town will vote to amend the Bylaws of the Town of Ludlow, Chapter IX, Section 5, Regulating the Licensing, Control and Keeping of Dogs, the second paragraph of which currently reads:

“A violation of this section shall be punishable by a fine of \$50.00 for the first offense, \$100.00 for the second offense and \$250.00 for a third or subsequent offense. (Amended 10/3/94) (Amended 5/10/21, A11 ATM)”

By replacing “\$50.00” with “\$100.00”; “\$100” with “\$200”; and “\$250.00” with “\$300”.

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

*Article 21 Explanation: The town has seen an increase in leash law violations. This increase in fines for those violations is intended to encourage better compliance with the law.*

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## **ARTICLE 22:    LICENSING, CONTROL AND KEEPING OF DOGS—NUISANCE DOG FINE INCREASES**

To see if the Town will vote to amend the Bylaws of the Town of Ludlow, Chapter IX, Section 6, Regulating the Licensing, Control and Keeping of Dogs, which currently reads:

“Barking/Nuisance Dogs – Under the authority of Massachusetts General Laws, Chapter 140, Section 157, the Board of Selectmen shall take action in response to written complaints “that any dog owned or harbored within the Town of Ludlow is a nuisance by reason of vicious disposition or excessive barking or other disturbance.” For the purposes of the

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section, causing a nuisance shall include but not be limited to: 1) Having a vicious disposition; 2) Engaging in excessive barking; 3) Chasing Cars; 4) Running in packs with other dogs; 5) Breaking or damaging shrubbery, crops, or gardens; 6) Breaking or damaging personal property; 7) Biting or attacking by other means a person or persons; 8) Biting or attacking by other means a pet or other animal; or 9) Entering unrestrained onto the property of persons other than the owner or keeper of the dog. 10) Three verified complaints of continued barking by the Police Department or Dog Officer. First Offense fine (1-6) \$50.00 Second Offense fine \$100.00 (Amended 5/10/21, A11, ATM)"

By deleting "(1-6)" and replacing "\$50.00" with "\$100.00"; "\$100" with "\$200"; and adding "Third or subsequent fine \$300".

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

*Article 22 Explanation: The town has seen an increase in nuisance dog complaints. This increase in fines for those violations is intended to encourage better compliance with the law.*

~~~~~  
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 before the time of holding said meeting.

A true copy,

ATTEST:

JAMES T GENNETTE _____ CHAIRMAN

DEREK G DEBARGE _____ VICE CHAIRMAN

MANUEL D SILVA _____

ANTONIO GONCALVES _____

WILLIAM ROSENBLUM _____

BOARD OF SELECTMEN, LUDLOW, MASSACHUSETTS, SEPTEMBER 15, 2023

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

Kim Batista, Town Clerk

Date