

## OCTOBER 7, 2024 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 7, 2024, at 7:30PM** to act on the following articles in the warrant.

2024 SEP 20 A 9:14

### **ARTICLE 1: APPROPRIATE FUNDS FOR UNPAID BILLS FROM PREVIOUS FISCAL YEARS OF LUDLOW**

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. See Attachment A.1.

\$1,293.66	Senior Center Royal Steam	Install last five condensate pumps for HVAC
\$8,638.76	Senior Center Royal Steam	Repairs & maintenance for the HVAC System
\$2,130.00	Town of Ludlow CMD Technology	Microsoft 365 licenses
\$1,442.00	250 <sup>th</sup> Celebration Chuck's Signs	Signs & banners for parade & block party
\$225.50	250 <sup>th</sup> Celebration Chuck's Signs	Yard signs for 250 <sup>th</sup> events
\$163.50	Animal Control Town of Wilbraham	Shared Dog Expenses—National Grid
\$1,031.87	Animal Control Town of Wilbraham	Shared Dog Expenses—Rene L. Cote Replaced leaking water heater
<b>\$14,925.39</b>	<b>TOTAL</b>	

### **ARTICLE 2: ARTICLE IX AMENDMENTS**

To see if the Town will vote to amend Chapter IX of the Town Bylaws by changing the chapter title, making the following changes to Sections 1-7, with additions shown underlined and in bold and deletions shown by strikeout, and by adding a new Section 8:

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### CHAPTER IX: REGULATING THE LICENSING, CONTROL AND KEEPING OF DOGS ANIMALS

**SECTION 1:** The provisions of Ch. 140 of the Massachusetts General Laws shall govern the regulation of ~~dogs~~ animals in the Town of Ludlow unless otherwise stated in these Bylaws and authorized by the acceptance of Ch. 308 of the Acts of 1985.

**SECTION 2:** Notwithstanding the provisions of Ch. 140, Sections 137 and 173 of the General Laws and any other provision of law to the contrary, the registration, numeral listing, description and licensing of ~~dogs~~ animals, if kept in the Town of Ludlow, shall be conducted by the Town Clerk.

**SECTION 3:** Notwithstanding the provisions of Ch. 140, Sections 139 and 173 of the General Laws or any other provision of law to the contrary, the annual fees to be charged by the Town of Ludlow for the issuance of licenses for ~~dogs~~ animals shall be established by the Board of Selectmen.

**SECTION 4:** Notwithstanding the provisions of Ch. 140, Sections 147 and 173 of the General Laws or any other provision of law to the contrary, all money received for licenses or from the sale of dog animal licenses by the Town of Ludlow, or recovered as fines or penalties by said Town under the provisions of said Ch. 140 relating to ~~dogs and animals~~ shall be paid into the Town Treasury and shall not thereafter be paid over to Hampden County.

#### **SECTION 5: Restraint and control of animals.**

Any person owning, keeping or being responsible for a dog and/or cat shall not allow nor permit said dog and/or cat to run at large on any of the streets or public places in the Town or upon any private property, unless the owner or lawful occupant of such property grants permission therefore. No dog shall be allowed or permitted in any public place or street within the city unless it is effectively restrained and controlled by a leash not to exceed a length of six feet, that is sufficient to hold the dog and/or cat, or unless it is within and confined to a motor vehicle.

~~Dog Leash Law—No person owning or keeping a dog in the Town shall permit such dog to be at large in the Town, elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of a dog in the Town which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length. In any prosecution hereunder the presence of such dog at large upon premises other than premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had. Any dog found to be at large in violation of this section shall be caught and confined by the dog officer, who shall notify forthwith the licensed owner or keeper of such dog. Return of the dog to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section; provided, however, that if within the twelve months next preceding this offense the owner or keeper has not been convicted for violation of this section or a dog owned or kept by him has not been taken into custody for violation of this section the officer may waive prosecution. The park department may designate times and places on public park property where dogs may be exercised or trained off leash while under the control and supervision of their masters.~~

#### **SECTION 6:**

...

10) Three verified complaints of continued barking by the Police Department or ~~Dog~~ **Animal Control** Officer.

...

**SECTION 7:** Formal complaints; hearings; action by Board of Selectmen; criminal complaint. The Dog Officer or any resident may file a written complaint and request an adjudicatory hearing with the Board of Selectmen if aggrieved by any unresolved complaint of nuisance behavior, which cannot be otherwise resolved by the action of the ~~Dog~~ **Animal Control** Officer acting alone. All parties shall be served with written notice at least ten days prior to the scheduled hearing. In the case of an emergency, determined by the chairman of the Board of Selectmen, the hearing may be held as soon as one hour after the notice is delivered. The complainant shall testify. The dog owner or keeper may testify. Any party may be represented by private legal counsel. The Board of Selectmen may call such other witness to present evidence or testimony which the Chairman shall determine to be relevant. The Board may order any of the following resolutions:

...

e) construction of a new, or inspection of an existing fenced, concrete floor, mesh wire covered enclosure for the dog on the property of the owner or keeper, deemed suitable, safe and secure by the ~~Dog~~ **Animal Control** Officer;

...

The board may also order the ~~Dog~~ **Animal Control** Officer to issue additional citations based on the facts and findings of the hearing, in accordance with MGL Chapter 140, Section 157. The dog owner or keeper may appeal the orders of the Board of Selectmen to the District Court in accordance with MGL Chapter 140, Section 157. An appeal will not stay the execution of an order to restrain said dog during the time of the appeal proceedings, except in the case that said dog is ordered to be euthanized. The Board of Selectmen may enforce these bylaws by filing a criminal complaint in the District Court if a dog owner fails to comply with a citation or with any orders issued pursuant to a

#### **SECTION 8: Removal of waste from property**

**No person owning or having the care, custody or control of any dog or cat shall permit such dog or cat to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, wetland, in or upon any public property or in or upon the property of persons other than the owner or persons having the care, custody or control of such dog or cat, unless said person picks up any such waste and disposes of same in a sanitary manner. Fines will be issued in accordance with Section 6 of this Chapter.**

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

**Article 28 Explanation:** Chapter IX of the Town Bylaws was originally adopted in 1985 with a limited scope related to licensing, leashing, and regulation of dogs. The proposed expansion and update of Chapter IX includes changing references to "dog officer" to "animal control officer" to properly reflect the officer's title and job responsibilities ; authority for the town to regulate all animals (except farm animals), which reflects the realities of the animal control officer's responsibilities; clarifying and strengthening the requirement on restraints while in public, and creates fines and fees for failure to pick up animal waste on public or private property.

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### **ARTICLE 3:     **AUTHORIZE 10-YEAR CONTRACT FOR TRASH & RECYCLING HAULING SERVICES****

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for up to 10 years, commencing July 1, 2025 with a qualified vendor to provide trash and recycling pickup and hauling services.

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

*Article 3 Explanation:* The town's current trash and recycling hauling contract expires on June 30, 2025. Since annual cost increases for these services continue to outpace the town's ability to pay for them, being able to enter a longer contract will allow the town to negotiate more cost-effective terms.

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### **ARTICLE 4:     **AUTHORIZE 10-YEAR CONTRACT FOR TRASH & RECYCLING DISPOSAL SERVICES****

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for up to 10 years, commencing July 1, 2025 with a qualified vendor to provide trash and recycling disposal services.

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

*Article 4 Explanation:* The town's current trash and recycling disposal contract expires on June 30, 2025. Since annual cost increases for these services continue to outpace the town's ability to pay for them, being able to enter a longer contract will allow the town to negotiate more cost-effective terms.

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### **ARTICLE 5:     **HARRIS BROOK ELEMENTARY SCHOOL POWER PURCHASE AGREEMENT****

To see if the Town will vote to authorize the Board of Selectmen, upon terms and conditions as the Board deems in the best interest of the Town, to enter into a 20-year solar Power Purchase Agreement ("PPA") and Lease on or before October 31, 2024 for a rooftop solar photovoltaic system installation, maintenance, and operation on a portion of the premises known as the Harris Brook Elementary School, 209 Fuller Street.

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

*Article 5 Explanation:* The School Committee recently voted to conditionally accept the terms of a 20-year agreement where Solect Energy would install and maintain a solar array on the Harris Brook Elementary School roof. The Board of Selectmen has also endorsed the agreement, and, with this article, both are asking Town Meeting to authorize the Board of Selectmen to formally enter into the agreement. This PPA and the resulting energy savings will save the town nearly \$1,000,000 over the course of the agreement. See Attachment A.5.

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### **ARTICLE 6:     **WHITNEY PARK IMPROVEMENTS BOND AUTHORIZATION & PARC GRANT ALLOCATION****

To see if the Town will vote to (a) raise and appropriate and/or transfer from available funds and/or borrow the sum of money up to \$5,000,000 and to meet that appropriation, to authorize the Treasurer/Collector, with approval of the Board of Selectmen, per M.G.L. Chapter 44, section 7 and/or any enabling authority, to borrow said sum for the purpose of planning, designing, improving, and renovating Whitney Park, (which is dedicated to active recreational purposes under M.G.L. Chapter 45, Section 3), including, without limitation all costs incidental or related thereto including professional and legal services; provided, however, that no funds shall be expended until the Town of Ludlow has received a grant commitment or allocation for a portion of such costs under so-

called PARC Grant Program (301 CMR 5.00) and/or under any federal and/or other state program for the foregoing project; and further, to (b) authorize the Board of Selectmen and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under federal and/or other state program in any way connected with the scope of this Article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the said project on behalf of the Town of Ludlow.

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

**Article 6 Explanation:** The Facility has a single gated entrance driveway off Howard Street that terminates in a cul-de-sac adjacent to the Recreation Department building. The Park includes athletic fields on the north half of the property, tennis courts to the southeast, and playground equipment on the southwest portion of the parcel. The existing playground equipment is old and appears to still function, but it doesn't meet current ADA or safety standards and should be replaced. The tennis courts are in poor condition and will be demolished as part of this project. All the work included in this proposal will take place in the south half of the site - the athletic facilities to the north of the recreation building will remain undisturbed and are not included in this scope. Improvements or construction of a new recreation building are proposed for Phase 2 of this project.

Phase 1 includes the following:

- Demolition of the existing tennis courts and the reconstruction/relocation of potentially two new tennis courts and potentially two pickleball courts
- A new parking lot off the existing entrance driveway with 45 spaces
- Lighting, signage & security upgrades
- ADA-compliant playground equipment w/ low-impact fall zones
- New layout of playground equipment that is more conspicuous, continuous, and safe
- 4 pickleball courts and 1 basketball court
- 1 multi-use court
- A picnic area
- Watering stations
- Sidewalks, walkways, pedestrian circulation, and connectivity, including a walking path around the entire park
- Plantings and landscape features
- A new pavilion or other shade structure which can be utilized for the summer camp program

See Attachment A.6.

## **ARTICLE 7: ZONING BYLAW AMENDMENT – WINERY, MICRO-WINERY & NANO-WINERY**

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, LAND USE CLASSIFICATION/BUSINESS USES by adding Site Plan Approval from the Administrative Review Committee (ASPA) to WINERY, MICRO-WINERY & NANO-WINERY in the Mill Redevelopment District (MRD) and to amend Table 1 to reflect this change, as follows:

**Current Section:**

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LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
BUSINESS											
Winery, Micro-Winery & Nano-Winery		N	N	N	N	N	SPA	SPA/ SPPB	N	N	N

**New Section to read:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
BUSINESS											
Winery, Micro-Winery & Nano-Winery		N	N	N	N	N	SPA	SPA/ SPPB	N	N	ASPA

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

Article 7 Explanation: This article will allow the use of winery, micro-winery, and nano-winery in the Mill Redevelopment District (MRD).

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**ARTICLE 8: ZONING BYLAW AMENDMENT – ADMINISTRATIVE REVIEW COMMITTEE QUORUM**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by removing and replacing in its entirety, SECTION IV DIMENSIONAL AND DENSITY REGULATIONS 4.4 MILL REDEVELOPMENT DISTRICT (MRD) Bylaw 4.4.10 Site Plan Approval Process b. by changing six members to five members.

**Current Section:**

- b. A quorum for a meeting of the Administrative Review Committee shall be six members and approval of a site plan shall require the affirmative vote of a majority of those present.

**New Section to read:**

- b. A quorum for a meeting of the Administrative Review Committee shall be five members and approval of a site plan shall require the affirmative vote of a majority of those present.

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

Article 8 Explanation: The Public Works membership on the Administrative Review Committee was reduced to one member, the quorum for a nine-member committee would be five members.

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**ARTICLE 9: ZONING BYLAW AMENDMENT – BATTERY ENERGY STORAGE SYSTEMS (BESS) BYLAW**

To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS:** by adding **6.13 BATTERY ENERGY STORAGE SYSTEMS (BESS)**. New section to read:

**6.13 BATTERY ENERGY STORAGE SYSTEMS (BESS)**

**A. Purpose**

The purpose of this bylaw is to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification and removal of energy storage systems that address public safety, protection of the Town and private drinking water supply, minimize impacts on scenic, natural and historic resources of the Town of Ludlow, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of Battery Energy Storage Systems.

**B. Definitions**

**ANSI:** American National Standards Institute

**BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM (BESS):** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A Battery Energy Storage System is classified as a Tier 1, Tier 2, Tier3 or Tier 4 BESS as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and, whose purpose is to store energy from residential solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to a 250 KWh or less and, whose purpose is to store energy from commercial solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
- C. Tire 3 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater 250KWh but less or equal to 10 MWh.

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- D. Tier 4 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater than 10 MWh. The facility must comply with the State's most current electrical code (527 CMR. 12.00) and the State's most current Fire Code (527 CMR 1.00).

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**COMMISSIONING:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain a battery energy storage system, provided the following:
  - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

### C. Applicability

#### 1. Building-integrated Battery Energy Storage Systems

- a.) Battery Energy Storage Systems that are building-integrated, whether a residential or commercial building, energy storage systems shall not be erected, constructed, installed, or modified as provided in this section without first obtaining a building permit from the Building Commissioner and a permit from the Fire Department.
- b.) Building-integrated energy storage systems may be coupled with rooftop solar or behind the meter applications for peak shaving
- c.) Building-integrated battery energy storage systems may be located in any zoning district of the Town of Ludlow.

#### 2. Co-located Battery Energy Storage Systems

- a) Battery Energy Storage Facilities are encouraged to co-locate with solar photovoltaic installations, energy, power generation stations, and electrical sub-stations.
- b) Battery Energy Storage Systems associated with on-site power generation shall be permitted in the same districts as Large-Scale Solar Arrays by Special Permit and Site Plan Review.
- c) If co-located with a solar photovoltaic installation, the BESS shall not exceed the necessary capacity and size generated by the output of the co-located solar photovoltaic installation.



3. Battery Energy Storage systems not associated with on-site solar generation shall only be permitted in Agriculture (A), Agriculture Moderate Density (AMD), Industrial A, and Industrial C and shall require a Special Permit and Site Plan Review from the Planning Board. Battery Energy Storage Systems not associated with on-site solar generation are prohibited in the Ludlow Water Supply Protection District.
  - i. The nameplate capacity of an Energy Storage system shall not exceed the total kw of renewal energy being produced on the 3-phase distribution line that the energy storage system will be interconnected to.
  - ii. Modifications to, retrofits or replacements of an existing batter energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this bylaw.

#### **D. General Requirements**

1. In accordance with Section C above, all Tier 2, Tier 3, & Tier 4 battery energy storage systems shall require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this bylaw.
2. The construction, operation, and decommissioning of all battery storage energy storage systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.
3. All permits required by state codes, including but not limited to building permit, an electrical permit, and a fire department permit shall be required for installation of all battery energy storage systems.
4. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.
5. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

#### **E. Application Materials**

- 1) In addition to requirements of Section 7.0 Special Permits and Section 7.1 Site Plan Approval the application for a Special Permit under this Section 6.13 shall include the following:
  - a) A site plan prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, that shows the following:
  - b) An existing condition plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees – mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site:
    - 1) Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
    - 2) Trees with a DBH of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
    - 3) Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;
    - 4) Property lines of adjacent parcels within 300 feet.

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- 5) Location, dimensions, and types of existing major structures on the property;
  - 6) Locations of the proposed battery energy storage structures, foundations, and associated equipment;
  - 7) The right-of-way of any public road that is contiguous with the property;
  - 8) Any overhead or underground utilities;
  - 9) At least one color photograph of the existing site; measuring eight(8) inches by ten (10) inches;
  - 10) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP;
  - 11) Locations of floodplains or inundation areas for moderate or high hazard dams;
  - 12) Locations of local or National Historic Districts; and
  - 13) Stormwater management and erosion and sediment control.
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- c) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed, including manufacturer and model. A final equipment specification sheet shall be submitted prior to the issuance of building permit;
  - d) One- or three-line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices;
  - e) Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners;
  - f) Contact information and signature of agents representing the project proponent, if any;
  - g) Contact information for the person(s) responsible for public inquiries throughout the life of the system;
  - h) An operations and maintenance plan for Battery Energy Storage System. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information;
  - i) Energy Storage System technical specifications, including manufacturer and model;
  - j) Electrical schematic
  - k) Documentation that shows the owner of the Energy Storage System has site control, which shall include easements and access roads;
  - l) Documentation that shows the owner of the Energy Storage System has notified the electric utility of this installation;
  - m) Emergency Operations Plan. An Emergency Operations Plan compliant with NFPA 855 is required. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police Department, Building Commissioner, Planning Department and Town Administrator's office with contact information for personnel that can be reached 24 hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
    1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock and personal injuries, and for safe start-up following cessation of emergency conditions.
    2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
      - i. This includes hazmat appliances for conducting atmospheric monitoring with a scientific officer to support.

3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
  4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
  5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when and SDS is not required.
  6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
  7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
  8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
    - i. Trainings must be provided and organized by the applicant.
- n) Proof of liability insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.
- o) A noise study, prepared by a qualified individual with experience in environmental acoustics, to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures.

#### **F. Design and Site Standards**

1. In addition to the standards for Special Permit and Site Plan Review in the Zoning Bylaw, the applicant shall adhere to the following standards and provide such information on the site plan:
  - a) Utility Lines. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.
  - b) Signage. The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
    - 1.) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

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- 2.) As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
  - 3.) Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.
- c) Lighting. Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
  - d) Setbacks. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall adhere to a fifty (50) foot setback from the front, side, and rear property lines and shall adhere to a one hundred fifty (150) foot setback from any residential buildings. BESS's shall also adhere to a one hundred (100) foot setback from water wells (both private and public) located either on-site or on abutting properties.
  - e) Fire protection. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall be located on properties serviced by the public water system or by a water supply acceptable to the Planning Board and Ludlow Fire Department.
  - f) Vegetation and Tree-Cutting. Areas within ten (10) feet on each side of a system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated groundcovers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the system and that which is otherwise prescribed by applicable bylaws and regulations.
  - g) Noise. The 1-hour average noise generated from the systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line

### G. Safety

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
  - a) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
  - b) UL 1642 (Standard for Lithium Batteries),
  - c) UL 1741 or UL 62109 (Inverters and Power Converters),
  - d) Certified under the applicable electrical, building, and fire prevention codes as required,
  - e) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
  - f) Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
  - g) Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

## H. Special Permit Criteria

1. The Planning Board may approve an application if the Board finds that the system complies with the Site Plan Approval criteria and with the conditions for granting Special Permits. Battery energy storage systems shall also satisfy the following additional criteria:
  - a) Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.
  - b) The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.
  - c) No occupancy permit shall be granted by the Building Commissioner, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated off-site improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner.
  - d) The Planning Board may, at its discretion, approve an as-built plan upon provision of a type of surety as determined by the Special Permit Granting Authority, to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.
  - e) The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

## I. Waivers

- a) The Site Plan Review Authority may waive strict compliance with any requirement of this bylaw, or the rules and regulations promulgated hereunder, where:
  1. Such action is allowed or required by federal, state and local statutes and/or regulations;
  2. Is in the public interest;
  3. Is not inconsistent with the purpose and intent of this by-law.
- b) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law and why it is believed that the waiver meets the criteria in section I. Waivers. (a.).
- c) All waiver requests shall be discussed at the public hearing for the project.
- d) If in the Site Plan Review Authority's opinion, additional time or information is required for review of a waiver request, the Site Plan Review Authority may continue the hearing to a date announced at the

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meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

### J. Decommissioning

1. As part of the applicant's submission to the Board, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. The plan shall include:
  - a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the property.
  - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
  - c) The anticipated life of the battery energy storage systems.
  - d) The estimated decommissioning costs and how said estimate was determined.
  - e) The method of ensuring that funds will be available for decommissioning and restoration.
  - f) The method by which the decommissioning cost will be kept current.
  - g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection, suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
  - h) A listing of any contingencies for removing an intact operational battery energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
2. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in an approved form for the removal of the battery energy storage system, in an amount to be determined by the Special Permit Granting Authority for the period of the life of the facility. All costs of the financial security shall be borne by the applicant. The amount shall include a mechanism for calculating increased removal costs due to inflation.
3. An inspection of the completed decommissioned area shall be reviewed by a consultant hired by the Planning Board before approving the decommissioning work in accordance with the Decommissioning Plan. The owner and/or operator shall pay for the cost of this review with such payment being provided by the owner and/or operator prior to the consultant undertaking said review, in accordance with MGL Chapter 44 Section 53G.

### K. Abandonment

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Commissioner as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the Town, may, at its discretion, and utilize the decommissioning fund for the removal of a system and restore the site in accordance with the decommissioning plan.

### L. Severability

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If any provision of this By-Law is found to be invalid by a court of competent jurisdiction, the remainder of this By-Law shall not be affected but remain in full force. The invalidity of any provision of this By-Law shall not affect the validity of the remainder of the Ludlow Zoning By-Law.

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

**Article 9 Explanation:** The purpose of this bylaw is to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification and removal of energy storage systems that address public safety, protection of the Town, and private drinking water supply; minimize impacts on scenic, natural and historic resources of the Town of Ludlow; and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of Battery Energy Storage Systems.

### ARTICLE 10: ZONING BYLAW AMENDMENT – LUDLOW TABLE OF PRINCIPAL USES

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, LAND USE CLASSIFICATION/GENERAL USES by adding Battery Energy Storage System associated with Large Scale Solar Facility, Tier 1 Residential Battery Energy Storage System, Tier 2 Battery Energy Storage System, and Tier 3 and Tier 4 Battery Energy Storage System (Stand-Alone) with the associated uses to the Table of Principal Uses and to amend Table 1 to reflect these change, as follows:

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
<b>GENERAL USES</b>											
Battery Energy Storage System associated with Large Scale Solar Facility		N	N	N	N	N	SPA	SPA	SPA	SPA	N
Tier 1 Residential Battery Energy Storage System		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tier 2 Battery Energy Storage System		N	N	N	N	N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	N

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Tier 3 and Tier 4 Battery Energy Storage System (Stand-Alone)		N	N	N	N	N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	N

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

Article 10 Explanation: With the approval of the Battery Energy Storage Systems Bylaw the location of these uses needs to be established in the Table of Principal Uses.

ARTICLE 11: ZONING BYLAW AMENDMENT – LUDLOW TABLE OF PRINCIPAL USES

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 Special Permit from the Planning Board Required (SPPB) to the following uses under Land Use Classification Business A and/or Business B (Room Rental, Amusement Parks, Automated Teller Machine (ATM), Automated Vending Kiosk, Banks, Bowling Alleys, Dining Establishments, Halls, Hotels/Inns, Motels, Office Buildings, Open Air Parking, Parking Garages, Retail, Roller Rinks, Services, Warehousing, and Wholesale (other than Agriculture) and to amend Table 1 to reflect these changes, as follows:



CLASSIFICATION		OCTOBER 7, 2024 SPECIAL TOWN MEETING										
RIDAL USES												
LAND CLASSIFICATION	USE	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
Room Rental			N	SPA	SPA	SPA/ SPPB	N	SPA/ SPPB	SPA/ SPPB	N	N	N
BUSINESS USES												
Amusement Parks			Y	Y	Y	Y	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	N
Automated Teller Machine (ATM)			N	N	N	SPA/ SPPB	SPA/ SPPB	N	N	SPA	SPA	ASPA
Automated Vending Kiosk			N	N	N	SPA/ SPPB	SPA/ SPPB	N	N	SPA	SPA	ASPA
Banks			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Bowling Alleys			N	N	N	N	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Dining Establishments			N	N	N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA	SPA	ASPA
Halls			N	N	N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	SPA	SPA	ASPA
Hotels/Inns			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA



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LAND CLASSIFICATION	USE	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
Motels			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Office Buildings			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Open Air Parking			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Parking Garages			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Retail			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Roller Rinks			N	N	N	N	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Services			N	N	N	SPA/ SPPB	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Warehousing			N	N	N	N	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA
Wholesale (other than Agriculture)			N	N	N	N	SPA/ SPPB	N	SPA/ SPPB	SPA	SPA	ASPA

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

**Article 11 Explanation:** The addition of the special permit process to the Business A and Business B zoned areas, allows for greater oversight from the Planning Board. The special permit is intended to provide detailed review of certain uses and structures which may have substantial impacts upon traffic, utility systems and the character of the Town, among other things. The special permit review process is intended to ensure a harmonious relationship between proposed development and its surroundings, and ensure that proposals are consistent with the purpose and intent of this bylaw.

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## ARTICLE 12: AN ACT ESTABLISHING A CHARTER FOR THE TOWN OF LUDLOW

## OCTOBER 7, 2024 SPECIAL TOWN MEETING

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act creating a Charter for the Town of Ludlow, as recommended by the Town Government Study Committee in the form set forth in Attachment A.12 of this warrant; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

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

**Article 12 Explanation:** The Charter Committee ("committee") began meeting in September 2023 and was charged with researching and drafting a proposed Charter for the Town of Ludlow. With the assistance and expertise of UMASS Boston's Collins Center for Public Management, the Committee carefully considered the different forms of government available, which include Open Town Meeting, Representative Town Meeting, Mayor/Council, and Council/Manager. Important factors for members of the Committee including improved efficiency and transparency to support Ludlow residents. The Committee ultimately decided to recommend a Council/Manager form, which is summarized in more detail below.

Throughout this process, the Committee welcomed public input via email, during public comment at regular meetings, and public forums, including two primary public information/listening sessions in June and July. All the materials used by the Committee throughout this process are available on the Charter Committee page of the Ludlow website.

### ***Summary of Proposed Charter***

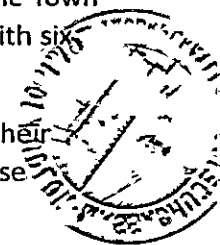
The Committee is proposing a Council/Manager form of Government. In this form, the Legislative Branch (currently Town Meeting) would be an elected Town Council, composed of seven at-large members. The Town Council would be responsible for driving town policy and major strategic direction. Additional responsibilities include budget approval and appointing a Town Manager.

The Executive Branch (currently headed by the Board of Selectmen) would be led by an appointed Town Manager. This Town Manager would be Chief Executive Officer and would be responsible for running the day-to-day operations of the Town, including overseeing the budget process and personnel decisions. Town Managers are skilled professionals with the necessary expertise and background to oversee municipal operations. To maintain maximum flexibility, the Charter proposal does not require a Town Manager to reside in Ludlow, nor does it preclude the Town Council from imposing a preference for a resident Town Manager when considering applicants for the position.

Additional aspects of the charter proposal include changing some elected positions in Town to appointed positions, including the Town Clerk, the Planning Board, the Board of Assessors, the Board of Health, the Housing Authority, and the Recreation Commission. The Library Board of Trustees and the School Committee, in addition to the Town Council, would remain elected. The School Committee would be increased from five to seven members, with six members elected by town vote and the seventh member being the President of the Town Council.

All currently elected board and committee members will continue to serve throughout the completion of their current term, at which point the positions will become appointed. The current members will remain in those positions until reappointed or another individual is appointed to the position.

Town operations, including existing personnel, will continue uninterrupted if the proposed charter is adopted.



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The Charter proposal also includes five distinct public participation mechanisms to ensure that Ludlow residents have a strong voice in their municipal government. These include open meetings of the voters, free petitions, initiative measures, voter veto and referendums, and recall of elected officials.

*Next Steps*

If approved at the Town Meeting, the Charter would then be filed with the Massachusetts Legislature as a Special Act for approval before going before the town voters as a ballot question on a town-wide election. Charter adoption will occur *only* if approved by voters at a town-wide election; if rejected, the Charter will not be adopted, and the form of government will remain unchanged.

~~~~~  
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:

DEREK G DEBARGE  CHAIRMAN

MANUEL D SILVA  VICE CHAIRMAN

WILLIAM ROSENBLUM 

ANTONIO GONCALVES 

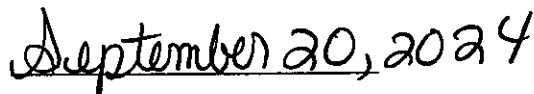
JAMES T GENNETTE 

BOARD OF SELECTMEN, LUDLOW, MASSACHUSETTS, SEPTEMBER 17, 2024

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

   
Kim Batista, Town Clerk

Date

  
September 20, 2024