



Town of Ludlow

Office of the Planning Board

ludlow.ma.us/planning
488 Chapin St., Ludlow, MA 01056

Phone: (413) 583-5624, ext. 1280 / Fax: (413) 583-5603

Information Sheet

Special Permit (7.0.4) / Home Occupation (6.2)

What is the purpose of a Special Permit / Home Occupation?

This is probably the most common Special Permit issued. This process allows certain types of home-based businesses and also ensures that the residential nature of the home will be preserved.

Does this involve any other processes?

This process requires a Site Plan as well. In connection with a Home Occupation, the Planning Board is generally likely to approve a request for waiver of the full plan and accept a Site Sketch instead. One of the easiest ways to request this waiver is to complete the relevant section of the application supplement. Although not guaranteed, this request is granted in the vast majority of cases.

Does this require a public hearing?

Yes. This is not waivable.

How long can I expect this to take?

A public hearing must be held within 65 days from the date of filing. The Planning Board must take action on the Special Permit and Site Plan or Sketch within 90 days of the last session of the hearing. These time limits allow the Board to receive input from various other boards and committees as called out in the Bylaw. (7.0.3.a) Once the Board's decision has been filed, there is a 20 day appeal period before the Special Permit can be finalized.

What is required for this Special Permit?

The full list of requirements is available in the Bylaw. (6.2 & 7.0.4) and the requirements for Site Plan or Site Sketch are available in Section 7.1.5 and 7.1.7.c respectively.

What do I have to submit and where?

You must bring two complete application forms to the Town Clerk's office to be stamped in. The Clerk's office will retain one copy. The other copy of the application must be brought to the Planning Board office along with the fee in force at the time of filing, a copy of the deed for the property, and a list of abutters (acquired from the Assessors' office) (7.0.3), along with either eight copies of the Site Sketch or ten print copies and one mylar of the Site Plan, as appropriate.

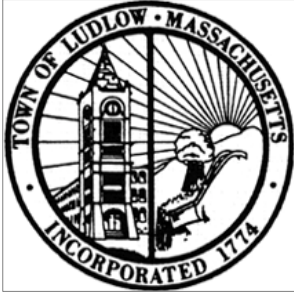
When can I get a business certificate?

You can get a business certificate from the Town Clerk's office after the Board signs your permit following the twenty day appeal period.

What else do I need to know?

Once your Special Permit is ready for pick up, you must get it recorded at the Registry of Deeds. Failure to get it recorded will result in you needing to start the process all over again. The permit will expire after one year if substantial use has not commenced without good cause. (7.0.5)

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



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Master Application

Date submitted to Planning Board: ___ / ___ / _____

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

Zoning of Property: _____

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

Is this property in the Aircraft Overlay? YES / NO

Name of Business (if any): _____

Type Of Application (Check All That Apply):

* denotes supplemental application sheet required

Site Plan Control:

- Change of Occupancy
- Site Sketch
- Site Plan Approval

Subdivision Control:

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

Special Permitting:

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

Other:

- Zone Change *5

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

Contact Information:

Applicant:

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

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

Contact Person (if different):

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

Property Owner (if different):

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

Building Owner (if different):

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

Detailed Description of Proposal: _____

**All applications require a completed certificate of ownership / authority.
Publication cost for any public hearings required is the responsibility of the applicant.**

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

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

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

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

For Office Use Only:

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

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



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Application Supplement 1 – Home Occupation

Total area of home and other buildings housing the occupation: _____

Area to be used for the home occupation (See 6.2.11): _____

Number of non-resident employees (See 6.2.2): _____

Is there any planned signage for the business? (See 6.2.12) YES / NO

Will there be any customers at the house? (See 6.2.6 & 6.2.7) YES / NO

Will there be any deliveries made unlike those of a normal residence? (See 6.2.6) YES / NO

Will there be any changes to the site that would make it look less residential? (See 6.2.6) YES / NO

Vehicle to be used in connection with the business (See 6.2.7): _____

Gross Vehicle Weight (GVW): _____

Optional:

In connection with Home Occupation Special Permits, the Planning Board will often waive the requirement for a full Site Plan Approval as defined in the By-law, and in its place accept a sketch prepared by the applicant and photos showing the approach to the property. There is no guarantee that the waiver will be granted. Each request will be evaluated on its own individual merits. If you would like to request such a waiver, you may sign below to do so.

I hereby request that the Planning Board waive a full Site Plan and accept a sketch and photos based on the nature of my proposal and it's minimal effect on the Town and my neighborhood.

Signed

For Office Use Only:

Application #: _____

Special Permit #: _____

Finding Made: _____

Waiver Granted: _____



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Certification of Ownership / Authority

If the applicant is not the owner (such as a tenant)

The undersigned certifies that it has the authority to seek the permit or approval which is the subject of this application and the undersigned further agrees to indemnify and hold harmless the Town of Ludlow for any claims brought by any third parties against the Town or its Planning Board as a result of the Planning Board granting the application sought by the undersigned.

Dated: _____

For individual applicant:	For corporation/LLC:
_____ Signature	_____ Name of Entity By: _____ Signature Title: _____

The undersigned owner consents to the issuance of the permit or approval being sought by the above tenant or other occupant.

Dated: _____

For individual owner:	For corporation/LLC:
_____ Signature	_____ Name of Entity By: _____ Signature Title: _____



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Certification of Ownership / Authority

If the applicant is the owner

The undersigned represents that the undersigned is the owner of the property which is the subject of this application and has the authority to seek the permit or approval being requested in this application. The undersigned further agrees to indemnify and hold harmless the Town of Ludlow for any claims brought by third parties against the Town or its Planning Board as a result of the Planning Board granting the application sought by the undersigned.

Dated: _____

For individual owner:	For corporation/LLC:
_____ Signature	_____ Name of Entity By: _____ Signature Title: _____

Name: _____

HOME OCCUPATION CRITERIA CHECK LIST

1. Such use is clearly secondary to the use of a premises for dwelling purposes.
2. The use is pursued by a member of the family residing in the dwelling with not more than two non-resident employees.
3. No trading in merchandise is regularly conducted except for products made on the premises or of parts or other items customarily maintained in connection with, and incidental to, such merchandise.
4. No external change is made which alters the residential appearance of the building on the lot.
5. All operations, including incidental storage, are carried on within the principal or accessory building, and that there is no outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign or vehicle as hereinafter permitted.)
6. The proposed accessory use would be suitably located in the neighborhood in which it is proposed. The use shall not be characterized by outward manifestations (such as traffic generation, noise, public service and utility demand, etc.) not unlike those dwelling units in the particular neighborhood in which the dwelling is located.
7. Only one vehicle parked on the property may be a commercial vehicle and of not more than 10,000 pounds G.V.W. (Gross Vehicle Weight). In all, the total number of vehicles parked on the property during business hours should not exceed by more than two (2) the number of vehicles parked during non-business hours.
8. In all Residence and Agriculture districts, the use will be reasonably compatible with other uses permitted as of right in the same district and with adjoining uses.
9. The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories, and the use is not a serious hazard to abutters, vehicles or pedestrians.
10. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation on the site and at the intersection with abutting streets.
11. The occupational use shall not occupy more than the equivalent of twenty-five percent (25%) of the total gross floor area of the residential structure plus other accessory structures housing the occupation or not more than 500 square feet of gross floor area, whichever is less.
12. In connection with a home occupation there shall be no display visible from outside the building other than an identification sign not larger than two (2) square feet in area and shall not be lighted.
13. Adequate off-street parking for employees and customers shall be provided and must be screened from view from the roadside and from the neighbor.

I have read and understand the above Home Occupation Criteria.

Signature: _____

SPECIAL PERMIT CRITERIA

- a. The proposal is suitably located in the neighborhood in which it is proposed and/or the total town, as deemed appropriate by the Special Permit Granting Authority;
- b. The proposal is compatible with existing uses and other uses permitted by right in the same district;
- c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;
- d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;
- e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;
- f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6.5)
- h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;
- i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;
- j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;
- k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;
- l. The proposal is in general harmony with the general purpose and intent of this bylaw;
- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

I have read and understand the above Special Permit Criteria.

Signature: _____