

**SPECIAL TOWN MEETING**  
**October 4, 2021**

**COMMONWEALTH OF MASSACHUSETTS**

**HAMPDEN, SS**

To Ms. Kim Batista, Town Clerk of the Town of Ludlow, Massachusetts in said County:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote on Town affairs to meet at the **LUDLOW HIGH SCHOOL**, 500 Chapin Street, Ludlow, Massachusetts on **MONDAY, October 4, 2021 at 7:30 p.m.** for the purpose of acting on the following articles in the warrant.

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

9/10<sup>th</sup>s Vote Required

**ARTICLE 2:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION II: ZONING DISTRICTS, 2.0 CLASSIFICATION OF DISTRICTS** which currently reads:

**2.0 CLASSIFICATION OF DISTRICTS**

*The Town of Ludlow is hereby divided into the following zoning districts:*

<u>Type</u>	<u>Full Name</u>	<u>Short Name</u>
<i>Residential Dist:</i>	<i>Residential A-1</i>	<i>RA-1</i>
	<i>Residential A</i>	<i>RA</i>
	<i>Residential B</i>	<i>RB</i>
<i>Business Dist:</i>	<i>Business A</i>	
	<i>Light Commercial Use</i>	<i>BA</i>

	<i>Business B</i>	
	<i>Heavy Commercial Use</i>	<i>BB</i>
<i>Agricultural Dist:</i>	<i>Agricultural</i>	<i>A</i>
<i>Industrial Dist:</i>	<i>Industrial A</i>	<i>IA</i>
	<i>Industrial B</i>	<i>IB</i>
	<i>Industrial C</i>	<i>IC</i>
<i>Overlay Dist:</i>	<i>Agriculture:</i>	
	<i>Moderate Density</i>	<i>AMD</i>
	<i>Aircraft Flight</i>	<i>AF</i>
	<i>Water Supply Protection</i>	<i>WSP</i>
<i>Mill Redevelopment Dist:</i>	<i>Mill Redevelopment District</i>	<i>MRD</i>

by removing in its entirety, the line that reads:

*Industrial B* *IB*

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

**ARTICLE 3:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, by replacing the words: “Building Inspector” with “Building Commissioner”; ”Building Official” with “Building Commissioner”; and “Inspector of Buildings” with “Building Commissioner” throughout the entire Zoning Bylaw.

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

**ARTICLE 4:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS, 3.0 GENERAL REGULATIONS, 3.0.3 Obstruction at Street Intersections** by adding the words “See Diagram #3”

New Section to read:

*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.*

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

**ARTICLE 5:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS, 3.0 GENERAL REGULATIONS, 3.0.4 Fences,** the second paragraph of which currently reads:

*Fences located on land zoned Industrial A, B, and C shall not exceed 6½ feet in height across the front yard setback portion of the lot; and no fence more than one-quarter solid shall be erected across the front line and closer to the street than the setback requirements of the primary building. Shall comply with the provisions of Section 3.0.3 of the Zoning Bylaw. (Added 10/3/11)*

by replacing the words “Industrial A, B and C” with the words “Industrial A and C”

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

**ARTICLE 6:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.4 Fences** by adding the following paragraph, **“For the purpose of property separation on residential property, fencing must be made of wood, vinyl, chain-link, metal and/or aluminum materials. Barbed wire and similar wire type fencing, to include chicken wire, shall not be allowed for residential property separation.”**

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

**ARTICLE 7:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES** by removing in its entirety from **TABLE I, LUDLOW TABLE OF PRINCIPAL USES** the Land Use Classification column entitled “IB”.

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

**ARTICLE 8:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION IV: DIMENSIONAL AND DENSITY REGULATIONS, 4.1 SPECIFIC DISTRICT DIMENSIONAL REQUIREMENTS** by removing the following subsection in its entirety:

**4.1.3 Industrial B Districts**

*All buildings used in any part for residence purposes in Industrial B Districts shall conform to the minimum lot size and open space requirements for dwellings in Residence B District.*

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

**ARTICLE 9:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION IV DIMENSIONAL AND DENSITY REGULATIONS, 4.4 MILL REDEVELOPMENT DISTRICT (MRD) Bylaw, 4.4.10 Site Plan Approval Process**, of which subsection b currently reads:

- 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.*

by changing the words “five members” to “six members”.

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

**ARTICLE 10:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS, 6.4 PARKING REQUIREMENTS, 6.4.2 Parking Guidelines** by adding a new subsection e. to read:

- e. For proposed uses not listed in the parking guidelines an adequate number of parking spaces will need to be provided to accommodate visitors, staff, and the general public. Final determination of parking adequacy to be determined by the Planning Board, with input from the Board of Public Works and the Safety Committee.*

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

**ARTICLE 11:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS, 6.4 PARKING REQUIREMENTS, 6.4.5 Parking Area Location** which currently reads:

6.4.5 *Parking Area Location*

- a. *Uses permitted within the Business A, Business B and Industrial A, B, & C districts*

*For uses permitted within the Business A, Business B and Industrial A, B, & C districts, required off-street parking need not be provided on-site. Such parking may be provided on any parcel within a radius of 600 feet of any premises used for a purpose permitted within Business districts provided: (Amended 10/2/06)*

by changing the words “Industrial A, B & C” in both places where they occur to the words “Industrial A and C.”

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

**ARTICLE 12:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VII: SITE PLAN APPROVAL, 7.1.5 Required Site Plan Contents, m. Landscaping Requirements**, of which subsection (2) currently reads:

*(2) Buffer strips required by Table 3 shall be reserved exclusively for plantings, pedestrian facilities such as benches and walkways, required fences, necessary traffic control signs and those free-standing signs which conform to the requirements of Section 6.5.2e of this bylaw.*

By replacing the words “Section 6.5.2e” with the words, “Section 6.5”.

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

**ARTICLE 13:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES** by changing the General Uses row entitled “Earth removal” in **TABLE I, LUDLOW TABLE OF PRINCIPAL USES** as follows:

**Current Section:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
<b>GENERAL USES</b>												
Earth Removal	See Section 6.1 for additional regulations	N	N	N	N	N	PBS	PBS	PBS	N	PBS	PBS

**New Section to Read:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
<b>GENERAL USES</b>											
Earth Removal	See Section 6.1 for additional regulations	N	N	N	N	N	SPA/ PBS/	SPA/ PBS	SPA/ PBS	SPA/ PBS	SPA/ PBS

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

**ARTICLE 14:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES** by changing the MIXED USE row entitled “MIXED USE” in **TABLE I, LUDLOW TABLE OF PRINCIPAL USES** as follows:

**Current Section:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
<b>MIXED USE</b>												
MIXED USE		N	N	N	N	N	N	N	N	N	N	ASPA

**New Section to Read:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
<b>MIXED USE</b>											
<b>MIXED USE</b>		N	N	N	SPA/ SPPB	SPA/ SPPB	N	N	N	N	ASPA

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

**ARTICLE 15:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION X: DEFINITIONS** by inserting the following:

***MIXED USE DEVELOPMENT:*** any combination of residential and/or commercial uses on the same lot.

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

**ARTICLE 16:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES** by adding the following row entitled “APARTMENTS” to the RESIDENTIAL USES row to **TABLE I, LUDLOW TABLE OF PRINCIPAL USES:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
<b>RESIDENTIAL USES</b>											
<b>APARTMENTS</b>		N	N	SPA/ SPPB	SPA/ SPPB	SPA/ SPPB	N	N	N	N	ASPA

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

**ARTICLE 17:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION X: DEFINITIONS** by inserting the following:

***APARTMENT:*** a dwelling unit in a multi-family dwelling or in a mixed use building.

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

**ARTICLE 18:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS** by adding new section **6.13 CONSERVATION DEVELOPMENT BYLAW**

**New Section to Read:**

**6.13 CONSERVATION DEVELOPMENT**

**A. Purposes**

*1. The purposes of this bylaw are to:*

- a. Promote compact development using flexible development standards;*
- b. Protect open space for use as farmland, forestry, recreation, or wildlife habitat;*
- c. Protect the town's rural character, natural resources, environmentally sensitive areas, or scenic views;*
- d. Increase use of sustainable or green energy sources in residential development; and*
- e. Preserve or enhance rural town character, including scenic roads and town centers.*

**B. Definitions**

**Conservation Development:** *A form of residential development allowed in all districts by right with Site Plan Review, whereby the options of flexible area and frontage requirements are utilized to create permanent open space.*

**Existing Resources / Site Analysis Map:** *A map which identifies, locates, and describes noteworthy features to be designed around sensitive subdivision layouts, such as vegetation, wetlands, steep slopes, farmland soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds.*

**Homeowners' Association:** *A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common facilities and common open space of a Conservation Development, and to enforce certain covenants and restrictions.*

**Low Impact Development (LID):** *A land-planning and engineering design approach to managing stormwater runoff which emphasizes use of on-site natural features to protect water quality. Low Impact Developments are designed to reflect natural hydrology, minimize impervious surfaces, treat stormwater in small decentralized structures,*



*preserve portions of the site in natural conditions, and use natural topography for drainageways and storage.*

**Site Context Map:** *A map that illustrates the proposed development in connection to its surrounding neighborhood and shows major natural resource areas or features that cross parcel lines.*

**Title V Regulations:** *310 CMR 15.000*

**Wetlands:** *Areas characterized by vegetation described in Massachusetts General Laws, Chapter 131, Section 40.*

### ***C. Conservation Development Allowed By Special Permit with Site Plan Review***

*Conservation Development in accordance with this bylaw shall be allowed by Special Permit issued by the Planning Board with Site Plan Review in the Agricultural (A) and Residential B (RB) zoning districts. Any person creating two or more lots available for residential use, whether or not by subdivision, may apply for Conservation Development under this section. Conservation Development shall be encouraged within the town and shall be the preferred method of development wherever the purposes in Section 6.13(A.) would be served.*

**1. Segmentation:** *In determining whether a project is a major residential development, the developer and the Planning Board shall consider the entirety of the development, including:*

- a. any likely future expansion of the project on the subject property or on any property which is contiguous to the subject property or under related ownership or*
- b. any past, related development on any property which is contiguous to the subject property or any property that was under related ownership with the subject property at the time that this bylaw was adopted.*

*A developer may not phase or segment a project or transfer ownership of contiguous properties to evade, defer or curtail the requirements set forth in this bylaw.*

**2. Uses Permitted in the Developed Area of a Conservation Development.**

- a. Single Family Detached Dwelling Units;*
- b. Condominium Duplex or Two-Family Dwelling Units;*
- c. Condominium Multi-Family Dwelling Units provided that no building shall contain greater than four (4) dwelling units, and the percentage of multi-family dwelling units shall not exceed twenty (20) percent of the total number of units in the development.*

3. Uses Permitted in the Open Space of a Conservation Development.
  - a. Agricultural uses including horticultural, raising of crops, livestock, poultry, nurseries, orchards, hay, and building related to the same;
  - b. Public park or recreation area;
  - c. Woodlots, arboreta, and other similar silvicultural uses;
  - d. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use;
  - e. Accessory uses customarily incidental to any permitted use.
  
4. Special Land Features. The Planning Board may request an applicant to use an OSRD subdivision design if the property possesses one or more of the following special features:
  - a. Unfragmented open land as identified as a priority for protection in the town's Open Space and Recreation Plan, Master Plan or the Community Development Plan;
  - b. Agricultural land with soils designated as prime or of statewide significance by the U.S. Natural Resource Conservation Service soil surveys;
  - c. Rare, threatened, or endangered species or exemplary natural communities according to the Massachusetts BioMap Project developed by the Massachusetts Natural Heritage & Endangered Species Program;
  - d. Unique natural, cultural, and/or historical features as identified in the Master Plan or Community Development Plan.

#### **D. Criteria for Approval**

*In addition to meeting the findings for a Special Permit under Section 7.0 and Site Plan Approval under Section 7.1, in reviewing applications for Conservation Developments, the Planning Board may consider whether the application complies substantially with the following Site Plan Review criteria. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these criteria.*

1. *All dwellings shall, to the greatest extent possible, be located out of view from any road, unless valuable natural resources or farmland located to the rear of the property render building in view of the road more desirable.*
  
2. *Conservation Development shall create permanently protected conservation land. All land within a Conservation Development not in use for building lots shall be placed in permanent conservation.*
  
3. *The portion of a parcel placed in conservation shall, to the greatest extent possible, be that which is most valuable or productive as a natural resource, wildlife habitat, farmland, or forestry land.*

4. Conservation Development shall result in the creation of fewer curb cuts and vehicular access points to a public way than would occur under standard Approval Not Required or Subdivision Development.

5. Stormwater runoff generated from land development and land use conversion activities shall not be discharged directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.

6. Conservation Development shall employ Low Impact Development techniques and Renewable Energy techniques to the maximum extent practicable, as described in Sections 6.13(G.2) and 6.13(J.3) herein.

7. In Conservation Development, each structure shall be integrated into the existing landscape on the property, to the extent feasible, so as to minimize its visual impact through use of vegetative and structural screening, landscaping, grading, and placement on or into the surface of the lot.

### ***E. Application Procedure***

1. Any application for Conservation Development shall include all contents and follow all procedures in Section 7.0 Special Permit and 7.1 Site Plan Review.

2. Any application for Conservation Development shall clearly state the terms by which the development shall meet the criteria listed in Section 6.13(D.) of this zoning bylaw.

3. In addition to the Site Plan Review requirements listed in Section 7.1, a Site Context Map and Existing Resources/Site Analysis Map shall be submitted to the Planning Board. These maps shall be used by the applicant in the preparation of a preliminary design plan.

4. Prior to submission, the applicant is very strongly encouraged to request a concept meeting with the Town Planner, Building Commissioner, Director of Public Works, Fire Chief and Police Chief.

5. For developments involving the subdivision of land in accordance with the Ludlow Subdivision Rules and Regulations the following shall apply:

#### ***a. Preliminary Subdivision Plan***

i. Submission - A Preliminary Subdivision Plan shall be submitted in conformance with the Ludlow Subdivision Rules and Regulations. Applicants shall submit the preliminary design to the Planning Board for review prior to development of a Definitive Plan.

ii. Review - In addition to the standards in the Ludlow Subdivision Rules and Regulations, the Planning Board shall review the Preliminary Subdivision Plan in

*accordance with the criteria contained in this bylaw and with other applicable regulations of the Town of Ludlow. The review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this bylaw and may suggest possible plan modifications that would increase its degree of conformance. The review shall include, but is not limited to:*

*(1) The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicants Existing Resources/Site Analysis Map;*

*(2) The potential for street connections with existing streets, other proposed streets, or potential developments of adjoining parcels;*

*(3) The location of proposed access points along existing road networks;*

*(4) The proposed building density and areas of impervious surface.*

**b. Definitive Subdivision Plan Submission**

*A final Definitive Subdivision Plan shall be submitted in conformance with this section and the Ludlow Subdivision Rules and Regulations as applicable. Such Plans shall adequately address standards delineated in this bylaw. In addition, the Definitive Subdivision Plan shall address issues that have been previously discussed in the Existing Resources/Site Analysis Map.*

***F. Flexible Dimensional Standards***

*Conservation Developments shall utilize the flexible area and frontage provisions of this bylaw for the purpose of minimizing the destruction of natural resources while maximizing availability of open space, farmland, and rural character.*

**1. Flexible Frontage in Conservation Developments**

*a. Where feasible all ANR lots from the development shall be incorporated into the design of the Conservation Development with frontage on the new subdivision road leaving the land abutting the existing town way as Conservation Land. Separate lots are permitted, but need to meet or exceed the minimum lot area requirements for the applicable zoning district.*

*b. Provided that all other requirements of this bylaw are met, there shall be no frontage required for individual lots within a Conservation Development, with the exception described in Section 6.13(F.1.c.) below.*

*c. Any building lot which fronts on an existing public road shall have 200 foot frontage. This provision shall not apply to permanent conservation land.*

## 2. Flexible Area in Conservation Developments

*a. There is no minimum lot size for individual lots, provided the lot meets Title V standards.*

*b. The total number of building lots which can be created from any parcel shall be determined by subtracting the area of all wetlands (as defined by the Ludlow Conservation Commission) from the total parcel area, and dividing the resulting area by the required minimum lot size in that district.*

*c. All land not used for building lots shall be placed in permanent conservation in accordance with Section 6.13(I.) of this bylaw, but not less than 50% of the total land area.*

*d. To the extent feasible and practical, building lots shall be located out of view of town roads, while all protected open space shall be located along, or in view of, town roads.*

*e. Increases in Permissible Density - The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number for a Conservation Development. The density bonus for the Conservation Development shall not, in the aggregate, exceed twenty percent (20%) of the Basic Maximum Number. Computations shall be rounded down to the next whole number. A density bonus may be awarded in the following circumstances:*

*i. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of ten percent (10%) of the Basic Maximum Number may be awarded. Calculations shall be rounded down to the nearest integer when determining this bonus.*

*ii. For every historic structure preserved and subject to a historic preservation restriction, one (1) dwelling unit may be added to the Basic Maximum Number.*

## 3. Flexible Setback Requirements

*a. Maximum front setback requirements are 150 feet from a public way or, for lots with no frontage on a public way, 25 feet from a driveway and 150 feet from a public way.*

*b. There are no minimum setback requirements for rear or side yard setbacks.*

## **G. Additional Development Standards**

### **1. Stormwater Management**

*The design and development of a Conservation Development shall minimize off-site stormwater runoff, promote on-site infiltration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained and protected to the maximum extent practicable. A Conservation Development shall meet the following requirements:*

- a. Untreated, direct stormwater discharges to wetlands and surface waters are not allowed;*
- b. Post-development peak discharge rates should not exceed pre-development peak rates;*
- c. Erosion and sediment controls must be implemented to remove eighty percent (80%) of the average annual load of total suspended solids;*
- d. All stormwater treatment systems or Best Management Practices must have operation and maintenance plans to ensure that systems function as designed.*

### **2. Low Impact Development**

*All Conservation Developments shall employ the following Low Impact Development techniques to the maximum extent practicable:*

- a. Vegetated Swales - shallow drainage channels with thick grasses or vegetation that slow runoff, filter it, trap pollutants and promote infiltration into the ground;*
- b. Cisterns and Rain Barrels – water tanks that store rainwater for landscaping and gardens;*
- c. Bioretention Areas or Rain Gardens – bioretention “cells” are shallow depressions filled with sandy soil, topped with mulch and planted with dense vegetation, that collect, treat and infiltrate rainwater;*
- d. Low Impact Roadways – narrow roadways to reduce impervious cover, which employ open-section layouts without curbs and gutters, flanked by grass filter strips and swales for stormwater infiltration;*
- e. Permeable Paving – paving surfaces used for driveways, parking, walkways and patios that allow rainwater to percolate into the ground, including porous asphalt or concrete, paving stones and manufactured “grass pavers” made of concrete or plastic;*
- f. Green Roofs – vegetated roof systems that capture and store rainfall in a lightweight engineered soil medium, where water is taken up by plants and returned to the atmosphere.*

## **H. Utility Requirements**

### **1. On-site Sewage Disposal**

*The following standards shall apply to developments requiring on-site sewage disposal:*

*a. The applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and a plan illustrating the location of water supply wells with the application.*

*b. All Conservation Developments must meet the minimum state Environmental Code (Title V) requirements for minimum setbacks between private water supply wells and septic tanks or soil absorption systems (310 CMR 15.211).*

*c. All Conservation Developments must meet the minimum state Environmental Code (Title V) requirements for nitrogen loading limitations (310 CMR 15.214-15.217). For Conservation Developments with individual lot sizes less than 40,000 square feet, applicants must meet the following standards:*

*i. Applicants must designate, on a plan, specific areas of common open space as "nitrogen credit land", based on the following equation:*

*(40,000 square feet x number of Conservation Development lots)  
– (total square feet in proposed Conservation Development lots)  
= square feet of required nitrogen credit land in common conservation lands*

*ii. Nitrogen credit land must meet DEP qualifications contained in "Guidelines for Title 5 Aggregation of Flows and Nitrogen Loading 310 CMR 15.216"*

*iii. All designated nitrogen credit land must be permanently restricted from further development under a "Grant of Title V Nitrogen Loading Restriction and Easement on Nitrogen Credit Land".*

*After approval of the Conservation Development Plan, applicants must apply to the Board of Health and the Mass. Department of Environmental Protection (DEP) for an aggregate determination of nitrogen loading under 310 CMR 15.216.*

*d. Septic tanks must be installed on individually-owned lots. Nitrogen Credit Land must be at least 100 feet from all private wells.*

### **2. Water Supply**

*In order to meet state Title V requirements for separation distances between drinking water wells and septic systems, private drinking water supply wells may be located in the common open space for a Conservation Development, provided that the provisions of Section 6.13(K.) for a homeowners' association are met.*

## ***I. Conservation Land***

### ***1. Conservation Land Requirements***

*a. A minimum of fifty percent (50%) of the total development parcel must be permanently protected as conservation land. At least seventy percent (70%) of the conservation land shall be retained in contiguous areas.*

*b. Watercourses, lakes, ponds, wetlands, floodplains, and steep slopes over twenty-five percent (25%) may be included in conservation land calculations, but shall not exceed twenty-five percent (25%) of the total protected conservation lands.*

*c. The Planning Board may allow up to three percent (3%) of the conservation land to be paved or built upon for structures accessory to the dedicated use of open space (i.e. pedestrian walks, bicycle paths, playgrounds, farm-related structures).*

*d. All recreational facilities, common areas, and conservation land shall be reasonably accessible to all residents of the development.*

### ***2. Land Protection Methods for Conservation Land***

*a. All land not devoted to buildings, lots, roads and other development shall be permanently protected as conservation land for recreation, open space, forestry or agricultural uses which preserve the land in its natural condition.*

*b. The final owner of the conservation land and the conservation restriction are strongly recommended to develop a conservation management plan that will address proper management and future maintenance of this natural resource.*

*c. Further subdivision of conservation land, except for easements for underground utilities or drinking water supply wells, shall be prohibited.*

*d. If the land is not donated to the Town or conservation organization duly recognized as such pursuant to M.G.L. c. 180 and IRC Section 170(h) for conservation purposes, then a permanent conservation restriction is required in accordance with the provisions of M.G.L. c.184 §§ 31-33, as amended. The conservation restriction must be held by the Town or a non-profit organization dedicated to conserving open space.*

### ***3. Maintenance of Conservation Land***

*a. Prior to final approval of the Conservation Development, all required covenants, grants of easements, or conveyance for the conservation land must be submitted to the Planning Board and Town Counsel for review and approval prior to the recording and the deeding out of any of the lots within the Conservation Development.*



*b. Where applicable, if any portion of the conservation land is conveyed to a non-profit homeowners' association or trust of the homeowners of the dwelling units in the Conservation Development, then the following shall be required. In order to ensure that the grantee will properly maintain the land deeded to it under this section, the applicant shall cause to be recorded in the appropriate Registry of Deeds, a Declaration of Covenants and Restrictions which shall, at a minimum, provide for:*

*(1) Mandatory membership in an established homeowners' association or trust, as a requirement of ownership of any residential unit or lot in the Conservation Development;*

*(2) Provisions for maintenance assessments of all owners of residential units or lots in order to ensure that the conservation land is maintained in a condition suitable for the approved uses; failure to pay such assessment shall create an automatic lien upon written notice to any property owner failing to pay the assessment on the property assessed, enforceable by the association or trust;*

*(3) Provision which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the conservation land will not terminate by operation of law. The developer of the Conservation Development shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the grantee is capable of assuming said responsibility.*

*c. Prior to the issuance of a building permit for an approved Conservation Development, proposed conservation land shall be clearly marked, and all efforts shall be taken by the developer to prohibit any disturbance of the delineated conservation lands during the construction process.*

#### ***J. Additional Considerations***

*1. Trails. Where there is an existing local or regional trail network on land adjacent to a proposed Conservation Development, the applicant may be required to preserve or enhance the existing trail network with trail corridors through the site.*

*2. Enhancing Conservation Land Connectivity. Where there is existing conservation land adjacent to a proposed Conservation Development, the applicant may be required to locate the development's conservation land so that it expands or enhances the connectivity of such lands, where feasible.*

*3. Renewable Energy. Conservation Developments may employ the following Renewable Energy techniques to the maximum extent practicable:*

*a. Streets, roads and driveways shall be laid out primarily on an east-west axis to maximize solar gain;*

*b. Homes and buildings shall be oriented to maximize passive solar gain, by having the longest side of the structure facing south, while maximizing windows facing south;*

*c. Solar access should be maintained for all buildings. New structures shall not cast shadows that reduce solar access for other structures;*

*d. Homes and buildings should use renewable energy sources as feasible.*

#### **K. Homeowners' Association**

*1. A qualified homeowners' association shall be created prior to the conveyance of any lot in Conservation Development for which such an association is required.*

*2. The association shall be responsible for the permanent maintenance of all commonly-owned amenities, (e.g., common conservation lands, stormwater facilities, recreational facilities, utility easements), except where such responsibility is assumed by another owner of the amenities.*

*3. A homeowners' association agreement or covenant shall be submitted with the Conservation Development application guaranteeing continuing maintenance of and the development of a capital expense fund for such commonly-owned amenities, and assessing each lot a share of maintenance expenses. The articles of formation of the qualified homeowners' association shall be prepared by a licensed attorney. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board, and shall be recorded in the Hampden County Registry of Deeds. The Planning Board may commission further legal review of any documents submitted, the cost of which shall be borne by the applicant.*

*4. Such agreements or covenants shall provide that in the event that the homeowners' association fails to maintain the commonly-owned amenities in reasonable order and condition, in accordance with the agreements or covenants, the Town of Ludlow may, after notice to the homeowners' association enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the commonly-owned amenities from becoming a public nuisance. The costs of such maintenance by the Town of Ludlow shall be assessing each lot a share of maintenance expenses within the Conservation Development.*

#### **L. Waivers**

*1. The Planning Board may waive strict compliance with the requirements of Sections 6.13 G. (Additional Development Standards), H. (Utility Requirements) and I.1. (Conservation Lands) of this bylaw where they find all of the following, that such action:*

- a. is allowed by federal, state and local statutes and/or regulations;*
- b. is in the public interest;*
- c. would result in a better project;*
- d. is not inconsistent with the purpose and intent of this bylaw.*

2. 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 bylaws does not further the purposes or objectives of this bylaw and why it is believed that the waiver meets the criteria in section 6.13.L.(1.).

3. All waiver requests shall be discussed at the public hearing for the project.

4. If in the Planning Board's opinion, additional time or information is required for review of a waiver request, the Planning Board may continue the hearing to a date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

### ***M. Conflict with Other Laws***

*The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw or provision thereof shall apply.*

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

**ARTICLE 19:** 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 striking in its entirety section 3.0.6 Mobile Homes which currently reads:

#### **3.0.6 Mobile Homes**

*Temporary mobile homes to be placed on the site of a residence which has been destroyed by fire or other natural holocaust for a period not to exceed twelve (12) months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary code.*

**And replacing it with:**

#### **3.0.6 Mobile Homes**

- a. *Temporary mobile homes to be placed on the site of a residence which has been destroyed by fire or other natural holocaust for a period not to exceed twelve (12) months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary code.*

- b. *Existing Mobile Home Parks: All existing mobile home parks includes those that were established prior to 1990 and are located on three (3) or more acres of land.*
  
- c. *Mobile Home Replacement*
  - 1. *Mobile homes that suffer a catastrophe, are destroyed or condemned can be replaced in its original location, by the owner of the mobile home, or the owner of the mobile home park.*
  - 2. *All new mobile homes must be installed over a concrete pad.*
  - 3. *The number of mobile homes cannot increase over the original number and design on approved plans that are on file with the Town of Ludlow.*
  
- d. *Maintenance of Mobile Home Parks*
  - 1. *Mobile home parks must be maintained and kept free of trash and debris.*
  - 2. *All motor vehicles parked at a residence in the mobile home park must be registered and stored within an enclosed building/carport.*
  - 3. *Campers are not permitted on the grounds of the mobile home park.*

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

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to add an option to extend for up to three years its existing three-year contract with COMSTAR, LLC for Ambulance billing and collections services; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 21:** To see if the Town will vote to authorize the Board of Selectmen to add an option to extend for up to three years its existing three-year contract with HARPERS for Payroll Processing Services; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 22:** To see if the Town will vote to acquire by purchase or otherwise, the fee simple interest, and to raise and appropriate a sum of money therefor, which may be nominal consideration, and accept the following described Avelino Way as a Public Way:

A Right of Way situated in Ludlow, Hampden County, Massachusetts being known and designated as Avelino Way and further bounded and described as follows:

Beginning at a concrete bound set on the westerly sideline of Alden Street at the southeasterly corner of land now or formerly of Robert E. and Eileen K. Alden, running thence

- N 82° 47' 08" W** a distance of one hundred seventy-nine and 41/100 (179.41) feet to a concrete bound set; thence
- N 84° 49' 39" W** a distance of one hundred seventy-one and 04/100 (171.04) feet to a concrete bound set; thence
- Westerly and Southerly** by a curve to the left having a radius of two hundred fifty and 00/100 (250.00) feet an arc distance of three hundred seventy-three and 43/100 (373.43) feet to a concrete bound set; thence
- S 09° 35' 23" W** a distance of one hundred eighty-seven and 83/100 (187.83) feet to a concrete bound set; thence
- Southerly** by a curve to the right having a radius of fifty-five and 00/100 (55.00) feet an arc distance of forty-nine and 94/100 (49.94) feet to a concrete bound set; thence
- Southerly, Easterly and Northerly** by a curve to the left having a radius of seventy-five and 00/100 (75.00) feet an arc distance of three hundred seventy-one and 81/100 (371.81) feet to a concrete bound set; thence
- Northerly** by a curve to the right having a radius of fifty-five and 00/100 (55.00) feet an arc distance of forty-nine and 94/100 (49.94) feet to a concrete bound set; thence
- N 09° 35' 23" E** a distance of one hundred eighty-seven and 83/100 (187.83) feet to a concrete bound set; thence
- Northerly and Easterly** by a curve to the right having a radius of two hundred and 00/100 (200.00) feet an arc distance of two hundred ninety-eight and 74/100 (298.74) feet to a concrete bound set; thence

**S 84° 49' 39" E** a distance of one hundred seventy and 15/100 (170.15) feet to a concrete bound set; thence

**S 82° 47' 08" E** a distance of one hundred seventy-six and 64/100 (176.64) feet to a concrete bound set at the westerly sideline of Alden Street; thence

**N 09° 21' 42" E** Along the westerly sideline of Alden Street distance of fifty and 04/100 (50.04) feet to the concrete bound set at the point of beginning

**Said Avelino Way contains 63,020 s.f.**

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

**ARTICLE 23:** To see if the Town will authorize the Board of Selectmen, on behalf of the Town of Ludlow, to negotiate and enter into an agreement to transfer from the Town to the Massachusetts Water Resources Authority ("MWRA") ownership of the radio communications tower and related equipment to be built and placed on that property located at Nash Hill in Ludlow which is under the care, custody, maintenance and control of the MWRA upon such terms it shall deem to be in the best interest of the Town; pass any vote or take any other action relative thereto. Submitted by the Board of Selectmen.

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

**A true copy,**

**ATTEST:**

**WILLIAM P. ROSENBLUM**

\_\_\_\_\_  
**CHAIRMAN**

**ANTONIO GONCALVES**

**DEREK G. DEBARGE**

**MANUEL D. SILVA**

**JAMES T. GENNETTE**

\_\_\_\_\_  
**BOARD OF SELECTMEN**

**LUDLOW, MASSACHUSETTS**

**September 14, 2021**

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

\_\_\_\_\_  
**2021**

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