

COMMONWEALTH OF MASSACHUSETTS
HAMPDEN, SS

To Ms. Laurie Gibbons, Town Clerk of the Town of Ludlow, Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote on Town affairs to meet at the **Exit 7 Theater**, Chestnut Street, Ludlow, Massachusetts on **Monday, May 14, 2012 at 7:30 p.m.** for the purpose of acting on the following articles in the warrant.

You are further directed to notify and warn the inhabitants of Precinct 1, Precinct 2, Precinct 3, Precinct 4, Precinct 5 and Precinct 6 of said Town qualified to vote in the elections to meet at the place designated in each precinct, viz: The voters of Precinct 1 shall vote at Chapin Elementary School on Chapin Street, voters of Precinct 2 shall vote at Christ the King Social Center on Warsaw Avenue, voters of Precinct 3 shall vote at the Ludlow High School, Chapin Street, voters of Precinct 4 shall vote at East Street School, East Street, voters of Precinct 5 shall vote at First Church of Ludlow, Center/Church Streets, and voters of Precinct 6 shall vote at Veteran's Park School, Chapin Street, March 26, 2012 at 10:00 o'clock in the forenoon to bring in their votes for **TWO MEMBERS OF THE BOARD OF SELECTMEN** for three year terms; **TOWN TREASURER** for a three year term; **ONE MEMBER OF THE BOARD OF ASSESSORS** for a three year term; **ONE MEMBER OF THE BOARD OF HEALTH** for a three year term; **ONE MEMBER OF THE BOARD OF HEALTH** for a two year unexpired term; **ONE LIBRARY TRUSTEE** for a three year term; **ONE MEMBER OF THE SCHOOL COMMITTEE** for three year term; **ONE MEMBER OF THE BOARD OF PUBLIC WORKS** for a three year term; **ONE RECREATION COMMISSIONER** for a three year term; **ONE MEMBER OF THE PLANNING BOARD** for a five year term; **LIMITED TOWN MEETING MEMBERS** each from Precinct 1, Precinct 2, Precinct 3, Precinct 4, Precinct 5, and Precinct 6 as follows: **PRECINCT 1:** Five for three year terms; **PRECINCT 1:** One for a two year unexpired term; **PRECINCT 1:** One for a one year unexpired term; **PRECINCT 2:** Five for three year terms; **PRECINCT 2:** Two for two year unexpired terms; **PRECINCT 2:** One for a one year unexpired term; **PRECINCT 3:** Five for three year terms; **PRECINCT 3:** One for a two year unexpired term; **PRECINCT 3:** Two for a one year unexpired term; **PRECINCT 4:** Five for three year terms; **PRECINCT 4:** One for a two year unexpired term; **PRECINCT 4:** One for a one year unexpired term; **PRECINCT 5:** Five for three year terms; **PRECINCT 5:** Three for two year unexpired terms; **PRECINCT 5:** Two for one year unexpired terms; **PRECINCT 6:** Five for three year terms.

ARTICLE 1: To hear and act on the reports of the Town Officers; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 2: To hear and act on the reports of the outstanding committees appointed pursuant to prior Warrants and continued at each succeeding meeting and to continue said committees further, unless discharged by vote of this body; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 3: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the printing of the **ANNUAL TOWN REPORT** for the calendar year 2012 and **TOWN MEETING WARRANTS and RECOMMENDATIONS**; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 4: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the **ANNUAL TOWN AUDIT** for the Fiscal Year ending June 30, 2012; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 5: To see if the Town will vote to raise and appropriate and/or otherwise provide such sums of money as may be necessary for Town purposes and charges during Fiscal Year 2013 and to fix the salary of all elected officials of the Town for the Fiscal Year beginning July 1, 2012; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 6: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the removal of dangerous and abandoned buildings in accordance with **780 Commonwealth of Massachusetts Regulations, § 121.0 UNSAFE STRUCTURES**; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money, not to exceed \$5,000.00, to be expended by the Celebrate Ludlow Committee, with the approval of the Board of Selectmen, for fireworks and general expenses related to the annual Town-wide celebration and to further allow gifts and donations to be deposited in a previously established Special Revenue Fund to cover expenses related to this celebration; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 8: To see if the Town will vote to amend the Compensation Plan of the Personnel Policy By-Law of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, by deleting the current minimums and maximums and increment steps for Non-union Personnel, including Custodians, Schedule V, Inspectors, Schedule XVI, Cable Television, Schedule XIV, Special Police, Finger Printer, Crossing Guards and Matrons, Schedule IV and Management, Schedule XIII, and replacing them with the following minimums and

maximums and increment steps, and that those persons whose compensation is governed by the prior classification and compensation plan will receive an increase of one and one-half (1 ½) percent for Fiscal Year 2013; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

by deleting;

| | MIN. | 1 | 2 | 3 | 4 | 5 |
|-------------------------------|-------|-------|-------|-------|-------|-------|
| Custodian 7/1/11 – Schedule V | | | | | | |
| C-1 | 10.29 | 10.92 | 11.58 | 12.32 | | |
| C-2 | 11.08 | 11.60 | 11.95 | 12.62 | 13.23 | |
| C-3 | 11.95 | 12.47 | 12.94 | 13.47 | 13.94 | 14.49 |
| C-4 | 12.75 | 13.32 | 13.84 | 14.39 | 14.92 | 15.46 |
| | | | | | | |

| | MIN. | 1 | 2 | 3 | 4 | 5 | 6 |
|----------------------------------|-------|-------|-------|-------|-------|-------|-------|
| Inspectors 7/1/11 – Schedule XVI | | | | | | | |
| I-1 | 20.16 | 20.96 | 21.80 | 22.67 | 23.56 | 24.52 | 25.51 |
| | | | | | | | |

| | MIN. | 1 | 2 | 3 | 4 | 5 |
|--|-------|-------|-------|-------|-------|-------|
| Cable Television - Schedule XIV effective 7/1/2011 | | | | | | |
| TV-1 | 13.26 | 13.77 | 14.28 | 14.79 | 15.30 | 15.81 |

Schedule IV 7/1/2011

| | | |
|------|--------|----------|
| SP-2 | 11.19 | per hour |
| FP-1 | 767.73 | per year |
| SG-1 | 16.45 | per hour |
| PM-1 | 11.19 | per hour |

| | MIN. | 1 | 2 | 3 | 4 | 5 | 6 |
|-------------------------------------|--------|--------|--------|--------|--------|--------|--------|
| Management 7/1/2011 – Schedule XIII | | | | | | | |
| GL II | 34,441 | 37,310 | 40,181 | 43,051 | 45,921 | 48,791 | 51,661 |
| GL III | 45,921 | 48,791 | 51,661 | 54,531 | 57,401 | 60,271 | 63,142 |
| GL IV | 51,661 | 54,531 | 57,401 | 60,271 | 63,142 | 66,011 | 68,882 |
| GL V | 68,882 | 72,708 | 76,534 | 80,360 | 84,187 | 88,013 | 91,841 |
| Elected | 45,921 | 48,791 | 51,661 | 54,531 | 57,401 | 60,271 | 63,142 |

and adding:

Custodian - Schedule V

Effective 7/1/2012

| | MIN. | 1 | 2 | 3 | 4 | 5 |
|-----|-------|-------|-------|-------|-------|-------|
| C-1 | 10.44 | 11.08 | 11.75 | 12.51 | | |
| C-2 | 11.25 | 11.77 | 12.12 | 12.81 | 13.43 | |
| C-3 | 12.12 | 12.66 | 13.14 | 13.67 | 14.15 | 14.71 |
| C-4 | 12.95 | 13.52 | 14.04 | 14.61 | 15.14 | 15.70 |
| | | | | | | |

Inspectors- Schedule XVI

Effective 7/1/2012

| | MIN. | 1 | 2 | 3 | 4 | 5 | 6 |
|-----|-------|-------|-------|-------|-------|-------|-------|
| I-1 | 20.46 | 21.28 | 22.12 | 23.01 | 23.92 | 24.89 | 25.89 |

Cable Television - Schedule XIV

Effective 7/1/2012

| | MIN. | 1 | 2 | 3 | 4 | 5 |
|------|-------|-------|-------|-------|-------|-------|
| TV-1 | 13.46 | 13.98 | 14.49 | 15.01 | 15.53 | 16.05 |

Schedule IV 7/1/2012

| | | |
|------|--------|----------|
| SP-2 | 11.36 | per hour |
| FP-1 | 779.25 | per year |
| SG-1 | 16.70 | per hour |
| PM-1 | 11.36 | per hour |

Management Schedule XIII

Effective 7/1/2012

| | MIN. | 1 | 2 | 3 | 4 | 5 | 6 |
|---------|--------|--------|--------|--------|--------|--------|--------|
| GL II | 34,957 | 37,870 | 40,784 | 43,697 | 46,609 | 49,523 | 52,436 |
| GL III | 46,609 | 49,523 | 52,436 | 55,349 | 58,262 | 61,175 | 64,089 |
| GL IV | 52,436 | 55,349 | 58,262 | 61,175 | 64,089 | 67,001 | 69,915 |
| GL V | 69,915 | 73,798 | 77,682 | 81,566 | 85,449 | 89,333 | 93,219 |
| Elected | 46,609 | 49,523 | 52,436 | 55,349 | 58,262 | 61,175 | 64,089 |

ARTICLE 09: To see if the Town will vote to accept Massachusetts General Laws, Chapter 64L, Section 2(a) to impose a local meals excise; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 10: To see if the Town will vote to re-establish a revolving fund for the Board of Health, pursuant to Massachusetts General Laws Chapter 44, §53E ½, said fund to receive on-site sewage disposal fees, said fund to be deposited with the Town Treasurer and with payments from the fund to be expended by the Board of Health, up to the limit to be established by the Town to pay the sewage system inspectors and to pay other expenses of the inspection program; pass any vote or take any action relative thereto. Submitted by the Board of Health.

ARTICLE 11: To see if the Town will vote to establish a revolving fund for the Board of Health, pursuant to Massachusetts General Laws Chapter 44, §53E ½, said fund to receive vaccine fees, said fund to be deposited with the Town Treasurer and with payments from the fund to be expended by the Board of Health, up to the limit to be established by the Town to pay vaccine providers; pass any vote or take any action relative thereto. Submitted by the Board of Health.

ARTICLE 12: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the position of LATOS II Part Time, under the Health Department and to add the sum of eleven thousand seven hundred dollars (\$11,700) to the Fiscal Year 2013 Health Department Budget, Personal Services, Account #015101511256; pass any vote or take any action relative thereto. Submitted by the Board of Health.

ARTICLE 13: To see if the Town will vote to re-establish a revolving fund for the Conservation Commission, pursuant to Massachusetts General Laws Chapter 44, § 53E 1/2, said fund to receive Wetland Fees collected by the Ludlow Conservation Commission per Chapter XV, § 6, of the Town of Ludlow Bylaws. Said fees to be submitted to the Town Treasurer for deposit and expended by the Conservation Commission, up to the limit to be established by the Town only for expenses attributable to the administration and enforcement of the Wetlands Protection Act, Ludlow Conservation Commission Bylaws and maintenance and improvements of Ludlow's natural resource areas; pass any vote or take any action relative thereto. Submitted by the Conservation Commission.

ARTICLE 14: To see if the Town will vote to re-establish a revolving fund for the Conservation Commission, pursuant to Massachusetts General Laws Chapter 44, § 53E 1/2, said fund to receive Consultant Fees collected by the Ludlow Conservation Commission per Chapter XV, § 6, of the Town of Ludlow Bylaws. Said fees to be submitted to the Town Treasurer for deposit and expended by the Conservation Commission, up to the limit to be established by the Town, only to pay independent consultants for services related to the specific project for which they were collected; pass any vote or take any action relative thereto. Submitted by the Conservation Commission.

ARTICLE 15: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to pay for the purchases, programming and installation of two way radio equipment for the Fire Department in order to meet the FCC narrowband mandate that will take effect on January 1, 2013; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 16: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to pay for the purchases, programming and installation of two way radio equipment for the Department of Public Works in order to meet the FCC narrowband mandate that will take effect on January 1, 2013; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 17: To see if the Town will vote to amend the Classification Plan of the Personnel Policy Bylaws of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, for the Recreation Department, by deleting one program director and changing the number of counselors assigned which will take effect on July 1, 2012;

by deleting:

| <i>RECREATION</i> DEPARTMENT | Hours per Week | Grade Number | Number Assigned |
|---------------------------------|-------------------|-----------------|--------------------|
| Program Directors | 25 | D-3 | 1 |
| Counselors (Temp.) | 37.5 | D-1 | 50 |

and adding:

| <i>RECREATION</i> DEPARTMENT | Hours per Week | Grade Number | Number Assigned |
|---------------------------------|-------------------|-----------------|--------------------|
| Counselors (Temp.) | 37.5 | D-1 | 48 |

Pass any vote or take any action relative thereto. Submitted by the Recreation Commission.

ARTICLE 18: To see if the Town will vote to amend the Classification and Compensation Plans of the Personnel Policy Bylaw for the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws for the Recreation Department by establishing a new position titled Assistant Pool Manager and adding an hourly rate of sixteen dollars (\$16.00) which would take effect on July 1, 2012, as follows:

RECREATION – SCHEDULE IX effective 7/1/2012

| | <u>Grade</u> <u>Number</u> | <u>Hours per</u> <u>Week</u> | <u>Number</u> <u>Assigned</u> | <u>Rate of</u> <u>Pay</u> |
|-----------------|-------------------------------|---------------------------------|----------------------------------|------------------------------|
| Asst. Pool Mgr. | PL-3 | 37.5 | 1 | \$16.00 |

Pass any vote or take any action relative thereto. Submitted by the Recreation Commission.

ARTICLE 19: To see if the Town will vote to amend the Compensation Plan of the Personnel Policy Bylaws of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, for the Recreation Department, by deleting the rate for counselors and replacing with a new rate which will allow for a twenty-five cent increase (\$.25) to take effect on July 1, 2012;

by deleting:

Recreation – Schedule IX (Effective 7/1/2010)

| CLASS | WAGE |
|---------|-------|
| D-1 | 8.00 |
| D-2 | 8.00 |
| D-3 | 11.00 |
| D-4 | 11.00 |
| PLG-1 | 9.50 |
| HLG-1 | 12.00 |
| PLG - 2 | 11.25 |
| HLG - 2 | 14.00 |
| PN-1 | 20.00 |

and adding:

Recreation – Schedule IX (Effective 7/1/2010)

| CLASS | WAGE |
|---------|-------|
| D-1 | 8.25 |
| D-2 | 8.25 |
| D-4 | 11.00 |
| PLG-1 | 9.50 |
| HLG-1 | 12.00 |
| PLG - 2 | 11.25 |
| HLG - 2 | 14.00 |
| PN-1 | 20.00 |

Pass any vote or take any action relative thereto. Submitted by the Recreation Commission.

ARTICLE 20: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be added to the Fiscal Year 2013 Recreation Budget, Personal Services, Account #016301512081, to fund the minimum wage increase for the counselor positions; pass any vote or take any action relative thereto. Submitted by the Recreation Commission.

ARTICLE 21: To see if the Town will vote to amend the Personnel Policy Bylaws of the Town of Ludlow, **VACATIONS, Section 11, 11.1 Coverage** as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, by deleting the current language and replacing with the new language which allows for five weeks of vacation after twenty-five (25) years of service; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

by deleting:

VACATION

11.1 **COVERAGE.** All regular full-time employees shall be entitled to vacation time after the completion of continuous service based upon the following schedule:

| Period of Service Completed | Vacation Time Earned |
|-----------------------------|----------------------|
| 6 months | 1 week |
| 1 year | 1 week |
| 2-4 years | 2 weeks |
| 5-9 years | 3 weeks |
| 10 years | 4 weeks |

and adding:

VACATION

11.1 **COVERAGE.** All regular full-time employees shall be entitled to vacation time after the completion of continuous service based upon the following schedule:

| Period of Service Completed | Vacation Time Earned |
|-----------------------------|----------------------|
| 6 months | 1 week |
| 1 year | 1 week |
| 2-4 years | 2 weeks |
| 5-9 years | 3 weeks |
| 10 years | 4 weeks |
| 25 years | 5 weeks |

ARTICLE 22: To see if the Town will vote to amend the Classification Plan of the Personnel Policy Bylaws of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, for the Police Department, by adding two (2) additional Patrolmen to the number assigned; pass any vote or take action relative thereto. Submitted by the Board of Selectmen.

by deleting:

| BOARD OR DEPARTMENT | HOURS PER WEEK | GRADE NUMBER | NUMBER ASSIGNED |
|---------------------|----------------|--------------|-----------------|
| POLICE DEPARTMENT | | | |
| Patrolmen | 40 | P-1 | 26 |

and adding:

| BOARD OR DEPARTMENT | HOURS PER WEEK | GRADE NUMBER | NUMBER ASSIGNED |
|---------------------|----------------|--------------|-----------------|
| POLICE DEPARTMENT | | | |
| Patrolmen | 40 | P-1 | 28 |

ARTICLE 23: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **Section III. General Use Regulations. SECTION 3.0 General Regulations, 3.0.5 Private Swimming Pools. b.,** by deleting “of” in the first sentence and by deleting “all” in the second sentence and inserting “the” in its place, and deleting the ‘s’ from “codes.” New paragraph to read as follows:

- b. All in-ground pools shall be enclosed by a fence at least four (4) feet high and of a type not readily climbed by children. Above-ground pools shall have a ladder that must comply with the Massachusetts building code. (Amended 5/9/11)

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

ARTICLE 24: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION VI: SPECIAL LAND USE REGULATIONS, 6.9 Small Wind Energy Systems Bylaw, L. Administration, Fees and Enforcement (2.),** by deleting “Sec. 536” and inserting in its place “Sec. 53G.” New sentence to read as follows:

- (2) If necessary the town may hire outside consultants, paid for by the applicant, to review all plans, in accordance with M.G.L. Ch. 44 Sec. 53G.

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

ARTICLE 25: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION VI: SPECIAL LAND USE REGULATIONS, 6.9 Small Wind Energy Systems Bylaw, J. (1) & (2), K., and L. (1.) & (3.)** by deleting the word “ordinance” and inserting in its place the word “bylaw” and by deleting the word “Inspector” and inserting “Commissioner” in its place. New sentences to read as follows:

Expiration

J. (1) Under the State Building Code, work must commence within twelve (12) months from the date a Building Permit is issued. However, a project proponent may request one twelve (12) month extension of the permit from the Building Commissioner. If the Small Wind Energy System is not installed and functioning within 24 months from the date the original permit is issued, further permit extensions may be granted by the Planning Board.

(2) All permits issued pursuant to this bylaw shall expire if The Small Wind Energy System is abandoned.

K. Violations

It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this bylaw or with any condition contained in a permit issued pursuant to this bylaw.

L. Administration, Fees and Enforcement

(1) Once an application is submitted, the Planning Board will have 90 days to review the site plan. If approved, the Building Commissioner will then have 30 days to either deny or approve the building permit. This bylaw shall be administered and enforced by the Building Commissioner or another official as designated.

(3) The Building Commissioner may enter any property for which a Building Permit has been issued under this bylaw to conduct an inspection to determine whether the conditions stated in the permit have been met.

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

ARTICLE 26: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION VI: SPECIAL LAND USE REGULATIONS, 6.9 Small Wind Energy Systems Bylaw, F. Safety, Aesthetic and Environmental Standard,** by adding (6): Shadow/Flicker: Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

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

ARTICLE 27: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VII: LAND USE REVIEW METHODS. 7.1 SITE PLAN APPROVAL, Section 7.1.5(o.) Required Site Plan Contents**, by adding “(5.) Traffic Study.”

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

ARTICLE 28: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION VI: Special Land Use Regulations. Section 6.5 Sign Regulations, Section 6.5.5 Placement Standards/Sign Height in All Districts**, by adding (e.) **No part of a free-standing sign is to be located closer than ten (10) feet to the property line within the front yard setback. The sign cannot interfere with the line-of-sight for traffic. This required dimension is reduced to five (5) feet for pre-existing, non-conforming parcels.**

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

ARTICLE 29: 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 **ZOO**, under **LAND USE CLASSIFICATION/GENERAL USES**, requiring **Site Plan Approval (SPA) and Special Permit Planning Board (SPPB) in the Agriculture Zoning District and to amend Table 1 to reflect this change, as follows:**

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

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

ARTICLE 30: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section X DEFINITIONS**, by adding the following definition:

Zoo: A park where live wild and/or domestic animals are kept in cages or enclosures as exhibits. Such a park would include facilities for visitors.

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

ARTICLE 31: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION III: General Use Regulations. Section 3.3 Accessory Use Regulations, 3.3.1 General Accessory Regulations, b. Accessory Buildings** by adding **“(5). All sheds need building permits.”**

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

ARTICLE 32: 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 Section 6.10 Large-Scale, Ground-Mounted, Photovoltaic Systems.** New section to read as follows:

6.10 LARGE-SCALE, GROUND-MOUNTED, PHOTOVOLTAIC SYSTEMS

6.10.1 Purpose

The purpose of this subsection of the Zoning Bylaw is to establish appropriate criteria and standards for the placement, design, construction, operation, monitoring, modification, removal and/or repair of new large-scale, ground-mounted, photovoltaic systems. These standards will address public safety, minimize impacts on scenic, natural and historic resources and provide adequate financial assurance for the eventual decommissioning of such systems.

6.10.2 Applicability

This section applies to large-scale ground-mounted photovoltaic systems proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of existing systems or related equipment. Building-mounted photovoltaic systems and small-scale, ground-mounted photovoltaic systems are exempt from the provisions under this bylaw but shall comply with the building code and require a building permit.

6.10.3 Location

Large-scale, ground-mounted, photovoltaic systems shall be allowed in the districts identified in Table 1: Ludlow Table of Principal Uses. Large-scale, ground-mounted, photovoltaic systems shall be allowed in the Aircraft Flight Overlay District provided they conform to all applicable rules and regulations set forth by the Federal Aviation Administration (FAA).

6.10.4 General Requirements for Site Plan Review and Approval

Large-scale, ground-mounted, photovoltaic systems shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

The construction and operation of all large-scale, ground-mounted, photovoltaic systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale, ground-mounted, photovoltaic system shall be constructed in accordance with the Building Code.

All applications for Site Plan Approval must comply with Section 7.1 – Site Plan Approval. In addition, the following documents are required specifically for large-scale, ground-mounted, photovoltaic systems:

- (a) Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter.
- (b) Contact information for the proposed system installer.
- (c) Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners.
- (d) Contact information and signature of agents representing the project proponent, if any.
- (e) Contact information for the person(s) responsible for public inquiries throughout the life of the system.
- (f) Blueprints of the photovoltaic system showing the proposed layout of the system and proposed shading from nearby structures, natural features and landscaping.
- (g) One or three lined electrical diagrams detailing the photovoltaic system, any associated components, and electrical interconnection methods, with all National Electric Code compliant disconnects and overcurrent devices.
- (h) All plans and maps associated with large-scale, ground-mounted, photovoltaic systems shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
- (i) Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed photovoltaic system.

- (j) An operation and maintenance plan which shall include measures for maintaining safe access to the system, storm water controls, and general procedures for operational maintenance of the system.
- (k) Proof of liability insurance.
- (l) Description of financial surety that satisfies Section 6.10.9(c).
- (m) Utility Notification. No large-scale, ground-mounted, photovoltaic system shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the system is to be located has been informed of the owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

6.10.5 Design Standards

(a) **Dimensional and Density Requirements**

All construction shall comply with the yard, space, and height requirements of the zoning district(s) in which the system is located as per Table 2: Table of Dimensional Regulations. In cases where the parcel abuts residential zones, park land, or conservation land, the setback shall be a minimum of 50 feet, unless waived by the Site Plan Review Authority.

(b) **Lighting**

Lighting of the large-scale, ground-mounted, photovoltaic system and any appurtenant structures shall be directed downward and inward and shall incorporate full cut off fixtures to reduce light pollution. Lighting shall be limited to that which is required for safety and operational purposes, and shall be shielded from abutting properties.

(c) **Signage**

An identification sign shall be no larger than two feet by two feet, shall identify the owner and provide a 24-hour emergency contact phone number. The sign shall be made visible from a right of way where the property has frontage. Large-scale, ground-mounted, photovoltaic systems shall not be used for displaying any advertising except for identification of the manufacturer or operator of the system. All signs require a Building Permit and will comply with the signage provisions in Ludlow's Zoning Bylaws.

(d) **Utility Connections**

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the large-scale, ground-

mounted, photovoltaic installation underground, depending on appropriate soil conditions, shape and topography of the site, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(e) Appurtenant Structures

All appurtenant structures to large-scale, ground-mounted, photovoltaic systems shall comply with Table 2: Table of Dimensional Regulations. In the case that the parcel abuts residential zones, park land or conservation land the setback shall be a minimum of 50 feet, unless waived by the Site Plan Review Authority.

Structures shall be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. All appurtenant structures shall have a Landscape Plan. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation.

6.10.6 Safety and Environmental Standards

(a) Emergency Services

The large-scale, ground-mounted, photovoltaic system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the large-scale, ground-mounted, photovoltaic system shall be clearly marked.

(b) Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale, ground-mounted photovoltaic system or otherwise prescribed by applicable laws, regulations, and bylaws. Large-scale, ground-mounted, photovoltaic systems shall be installed on water-permeable surfaces, as approved by the Site Plan Review Authority during site plan review.

(c) Landscaped Buffer Strip

A landscaped buffer strip is intended to provide, within five years of installation, a visual barrier between the large-scale, ground-mounted, photovoltaic system and neighboring properties. Except for vehicular and pedestrian passways and permitted signs, these areas shall be used only for an interplanting of deciduous or evergreen trees, shrubs and other vegetative ground cover that can appropriately create a visual barrier.

The buffer must provide coverage as outlined by Table 3: Required Landscaping. Where considered appropriate in the judgment of the Site Plan Review Authority, walls and fences may be used in addition to or in lieu of plantings.

A planting plan showing the types, sizes and locations of material to be used shall be subject to the approval of the Site Plan Review Authority.

The Site Plan Review Authority may waive the requirements of the visual barrier where it deems it advisable.

6.10.7 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 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 6.10.7(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 meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

6.10.8 Monitoring and Maintenance

- (a) **Installation Conditions**

The large-scale, ground-mounted, photovoltaic system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to: painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Site Plan Review Authority, Safety Committee, Emergency Services, and Department of Public Works. The owner or operator shall be responsible for the cost of maintaining the large-scale, ground-mounted, photovoltaic system and any access road(s) unless accepted as a public way.
- (b) **Modification Conditions**

Any material modifications to a large-scale, ground-mounted, photovoltaic system made after issuance of the building permit shall require approval

by the Site Plan Review Authority. Maintenance and repairs will not require Site Plan Review Authority approval.

6.10.9 Abandonment or Decommissioning

(a) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a large-scale, ground-mounted, photovoltaic system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale, ground-mounted, photovoltaic system fails to remove the installation in accordance with the requirements of this section within one hundred and fifty (150) days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation utilizing the surety provided in section 6.10.9(c). If such funds are insufficient, any additional costs will be the responsibility of the system's owner.

(b) Removal Requirements

Any large-scale, ground-mounted, photovoltaic system which has reached the end of its useful life or has been abandoned consistent with Section 6.10.9(a) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- i. Physical removal of the large-scale, ground-mounted, photovoltaic system and all related structures, equipment, security barriers and transmission lines from the site.
- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.
- iv. Return of land area to conditions prior to development.

(c) Financial Surety

The owner or operator of a proposed large-scale, ground-mounted, photovoltaic project shall provide a form of surety through an escrow account or bond, as determined by the Town Treasurer, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape. The surety account or bond will be managed by the Town Treasurer's office.

The amount of the financial surety will be determined to be reasonable by the Site Plan Review Authority, but in no event to exceed one hundred and twenty five (125%) percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally or state owned facilities. The project owner or operator shall submit a fully detailed and inclusive estimate for all costs associated with removal to the Site Plan Review Authority for review. This estimate must be prepared by a qualified engineer.

The amount shall include a mechanism for calculating increased removal costs due to inflation and other causes over the life of the system. Such surety will not be required for municipally- or state-owned facilities.

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

ARTICLE 33: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Sections 3.2.2 – Table 1: Ludlow Table of Principal Uses**, by adding **“Large-Scale, Ground-Mounted, Photovoltaic Systems”** under **Land Use Classification / General Uses**, requiring **Site Plan Approval (SPA)** for zoning districts **Agriculture, Agriculture Moderate Density Overlay, Industrial A, and Industrial C**, and **Site Plan Approval** from the **Administrative Review Committee in the Mill Redevelopment District (MRD)**, and to amend **Table 1 to reflect this change, as follows:**

| TABLE 1 LUDLOW TABLE OF PRINCIPAL USES | | | | | | | | | | | | |
|---|------------------------|------|----|----|----|----|-----|-----|-----|----|-----|------|
| LAND USE CLASSIFICATION | STANDARDS & CONDITIONS | RA-1 | RA | RB | BA | BB | A | AMD | IA | IB | IC | MRD |
| GENERAL USES | | | | | | | | | | | | |
| Large-Scale, Ground-Mounted, Photovoltaic Systems | | N | N | N | N | N | SPA | SPA | SPA | N | SPA | ASPA |

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

ARTICLE 34: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section X – Definitions**, by adding definitions related to large-scale, ground-mounted, photovoltaic systems, **as follows:**

Appurtenant Structures: Adjacent or accessory structures.

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit. As-of-right development shall be subject to Site Plan Approval by the Site Plan Review Authority to determine conformance with the zoning bylaw.

Building Permit: A construction permit issued by an authorized building commissioner; the building permit evidences that the project is consistent with state and federal building codes as well as the zoning bylaw.

Building-Mounted Photovoltaic System: A photovoltaic installation that is structurally mounted on a building's footprint.

Contact Information: Any and all information necessary to make contact under both normal and emergency conditions. This information shall include, but may not be limited to: names, addresses, telephone and fax numbers, as well as e-mail addresses. This information shall be kept up-to-date.

Large-Scale, Ground-Mounted, Photovoltaic System: A photovoltaic installation that is structurally mounted on the ground and has a rated nameplate capacity greater than 60 kW, measured in Direct Current (DC).

Photovoltaic (PV) Installation: A series of components which uses one or more panels to convert sunlight into electricity.

Rated Nameplate Capacity: The maximum rated output of electricity produced by an energy-generating system.

Small-Scale, Ground-Mounted, Photovoltaic System: A photovoltaic installation that is structurally mounted on the ground and has a rated nameplate capacity up to 60 kW, measured in Direct Current (DC).

Transmission Lines: Those conductors and their necessary supporting or containing structures which are located entirely outside of buildings and are used for transmitting electric energy which is not connected to individual users/property owners. Pass any vote take any other action relative thereto. Submitted by the Planning Board.

ARTICLE 35: To see if the Town will vote to amend the Zoning By-Laws of the Town of Ludlow by changing from **Residence B** to **Business A**, a parcel of land owned by Steve J. McDaniel located at 341-343 Winsor Street (Assessors Map # 14B Parcel 317) and described as follows:

The land in Ludlow, bounded and described as follows: Beginning at an iron bar in the Northerly side line of Winsor Street, said iron bar being at the Southeasterly corner of land now or formerly of Antonio and Rose Esteves; thence running NORTHERLY: by land of the aforesaid Esteves and land now or formerly of Ludlow Manufacturing Associates, one hundred thirty-two and 03/100 (132.03) feet to an iron bar set in what was formerly the center line Boston and Albany Athol

Branch Railroad location right of way; thence turning an angle and running **EASTERLY: along said center line and by land now or formerly of one Casagrande and land now or formerly of Ludlow Manufacturing Associates, ninety (90) feet to an iron pin; thence turning an angle and running **SOUTHERLY**: along land now or formerly of Ludlow Manufacturing Associates and along land of owner unknown, one hundred thirty-two and 17/100 (132.17) feet to an iron bar in the Northerly side line of Winsor Street; thence turning an angle of 90 degrees and running **WESTERLY**: along the aforesaid street line, ninety (90) feet to the point of beginning, the last described line forming an angle of 90 degrees with the line first described.**

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

ARTICLE 36: To see if the Town will vote to amend the Zoning By-Laws of the Town of Ludlow by changing from **Agriculture** to **Business B**, a parcel of land owned by Luis M. Serrazina & Maria T. Fialho, located at 664 Center Street (Assessors Map # 16C Parcel 12) and described as follows:

A triangular parcel of land with the buildings thereon, situated on the easterly side of the highway leading from Ludlow Mills to Ludlow Center, now known as Center Street, Ludlow, Hampden County Massachusetts, bounded and described as follows: Beginning at an iron pin on the easterly side of Center Street at the southwesterly corner of land conveyed to one Tourville, et ux, by deed of Edith L. Hatch dated September 15, 1943, and recorded in the Hampden County Registry of Deeds, Book 1767, Page 577, and running thence easterly along land of said Tourville to land now or formerly of William Ashwell and formerly of one Dunlap; thence southwesterly along last named land to Center Street and thence northerly along Center Street to the place of beginning. Being the same premises conveyed to Mark Watson by deed of Roy Watson and Edith Watson recorded as aforesaid in Book 7746, Page 387, dated June 30, 1991.

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

ARTICLE 37: To see if the Town will vote to amend the Zoning By-Laws of the Town of Ludlow by changing from **Residence B** to **Industrial A**, a parcel of land owned by Valdemar Rodrigues located at Lot C, West Street (Assessors Map # 3 Parcel 66G) and described as follows:

The land in Ludlow, Hampden County, Massachusetts bounded and described as follows: Being known and designated as LOT C as shown on a plan of land entitled "Property Survey for Barry J. Linton" prepared by Pharmer Engineering Corporation, Holyoke, Mass. dated July 14, 1988 and recorded in the Hampden County Registry of Deeds in Book of Plans 266, Page 45, and more particularly bounded and described as follows: **EASTERLY: by West Street, as shown on said plan, a distance of One Hundred Fifteen and 67/100 (115.67) feet; **NORTHERLY**: by Lot D, as shown on said plan, a distance of Two Hundred Seventy-one and 99/100 (271.99) feet; **WESTERLY**: by land now or formerly of Bulecza, as shown on said**

plan, a distance of one Hundred Nineteen and 07/100 (119.07) feet; SOUTHERLY: by land now or formerly of Sergentanis, as shown on said plan, a distance of Two Hundred Eleven and 98/100 (211.98) feet. Containing 27,371 square feet of land.

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

ARTICLE 38: To see if the Town will vote to appropriate State Chapter 90 Highway Aid Funds for engineering, construction, reconstruction and/or repairs to Town roads and bridges; pass any vote or take any action relative thereto. Submitted by the Board of Public Works.

ARTICLE 39: To see if the Town will vote to authorize the Board of Public Works to enter into a contract with the Massachusetts Department of Transportation for the construction and maintenance of public roads for the ensuing years; pass any vote or take any action relative thereto. Submitted by the Board of Public Works.

ARTICLE 40: To see if the Town will vote to transfer a sum of money to establish a Fiscal Year 2013 budget for the Department of Public Works Enterprise Fund for the Closure of the Landfill; pass any vote or take any action relative thereto. Submitted by the Board of Public Works.

ARTICLE 41: To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow by the issuance of bonds or notes such sums of money as may be necessary for Town Capital Improvements during the fiscal year beginning July 1, 2012; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 42: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Fiscal Year 2013 Reserve Fund; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 43: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for deposit into the Stabilization Fund; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 44: To see if the Town will vote to transfer a sum of money from the Unreserved Fund Balance to be used by the Board of Assessors in determining the Fiscal 2013 tax levy; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

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

A true copy,

ATTEST:

JASON J BARROSO _____

CHAIRMAN

WILLIAM E ROONEY _____

AARON L SAUNDERS _____

CARMINA D FERNANDES _____

MANUEL D SILVA _____

BOARD OF SELECTMEN

LUDLOW, MASSACHUSETTS

April 03, 2012

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

_____ **TOWN CLERK**

_____ **2012**