

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

To Ms. Laurie Gibbons, Town Clerk of the Town of Ludlow 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 **EXIT 7 THEATER**, Chestnut Street, Ludlow, Massachusetts on **MONDAY, OCTOBER 7, 2013** 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 raise and appropriate and/or transfer from available funds a sum of money for **UNPAID BILLS AND/OR OVEREXPENDED ACCOUNTS OF PREVIOUS YEARS**; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 2: To see if the Town will vote to amend the Personnel Policy Bylaw of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, by adding a new section; Section 27.9, Personal Social Networking which would read as follows:

27.9 Personal Social Networking

27.9.1 Policy. This policy is intended to provide guidance to the personal use of social networking sites during non-working hours and on equipment not belonging to the Town of Ludlow. Use of such social networking sites during working hours or on equipment owned and/or maintained by the Town of Ludlow is prohibited and is governed by the Computer/Communications System Use Policy. Notwithstanding anything herein, nothing in this policy shall be construed to limit, in any way, an employee's rights under any applicable federal, state, or local law.

Due to the Town's interest in maintaining a professional, collegial, confidential, and impartial workplace, it is imperative that all Town employees who engage in the use of social networking sites including but not limited to Facebook, Twitter, LinkedIn, blogs, or Bebo, accept the terms of this policy and any additional related policies that may be issued by the Town. Employees are expected to act in a positive manner and contribute to a productive work environment free from harassing or disruptive activity that adversely affects the Town. Employees are encouraged to remember that information posted on the internet can be easily traced back to the poster, and should think before posting information to any online source. The list of

social networks shall be deemed to include any social networking sites in existence at the time this policy is accepted or created thereafter.

27.9.2 Guidelines for Usage. Employees who personally access and/or use social media platforms may not reference the Town or any information that would identify the employee's relationship with the Town or Town Department in which they work (e.g., username, "handle", or screen name), nor should the employee speak as a representative of the Town. If, however, an employee makes or expresses any comment about Town business or about the employee's job function or job-related activities because the matter is one of public concern, the employee must disclose his or her relationship with the Town. In doing so, the employee must state that the comments being made or posted concerning such Town related business reflects their personal views and opinions and that such comments are neither made on behalf of nor reflect the views of the Town, unless the employee is specifically authorized by the Town to make such a statement.

Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory, and should refrain from making comments or statements based on race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes. Such statements or comments occurring online and/or through use of social networking sites will not be tolerated.

27.9.3 Disciplinary Action. Employees shall report suspected violations of this policy to their supervisor and in the case of department heads, directly to the Town Administrator. Department heads will evaluate any suspected violations of this policy on a case-by-case basis. Violations of this policy may result in disciplinary action being taken against the employee, up to and including termination from employment. Employees are required to sign an acknowledgement of their receipt of a copy of this policy.

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 amend the Bylaws of the Town of Ludlow by adding a new section to CHAPTER II, REGULATING THE CONDUCT OF TOWN BUSINESS, Section 41, Civil Fingerprinting which will enable the Police Department to conduct State and Federal Fingerprinting and which will read as follows:

41. Criminal History Check Authorization

A. The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door to Door Salespeople(Selectboard or Police Chief)
- Manager of Alcoholic Beverage License (Selectboard)
- Owner or Operator of Public Conveyance (Selectboard)
- Dealer of Secondhand Articles (Selectboard)
- Pawn Dealers (Selectboard)
- Hackney Drivers (Selectboard)
- Ice Cream Truck Vendors (Police Chief)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security (EOPSS) which has issued an Informational Bulletin which explains the requirements for town bylaws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this bylaw to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint based state and national criminal records background checks of license applicants specified in this bylaw.

The Town authorizes the Massachusetts State Police, the DCJIS, and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint based state and national criminal record background checks, including FBI records, consistent with this bylaw. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this bylaw. The State and FBI criminal history will not be disseminated to unauthorized entities.

Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the DCJIS for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint based criminal record background check to any licensing authority pursuant to this bylaw until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in

the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

The Police Department shall communicate the results of fingerprint based criminal record background checks to the appropriate governmental licensing authority within the Town as listed above. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex related offense.

The Board of Selectmen is authorized to adopt policies and procedures to effectuate the purposes of this bylaw and promulgate regulations for the implementation of the bylaw, but in doing so it is recommended that the Selectboard consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the applicable law, the FBI's requirements for access to the national database, and other applicable state laws.

B. Use of Criminal Record by Licensing Authorities: Licensing authorities of the Town shall utilize the results of fingerprint based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this bylaw. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this bylaw.

C. Fees: The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services, regarding the proper municipal accounting of those fees.

A portion of the fee, as specified in Massachusetts General Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town to be expended by the Police Department to help offset costs associated with the administration of the fingerprinting system.

D. Effective Date: This bylaw shall take effect upon approval by the Attorney General, so long as the requirements of Massachusetts General Law, Chapter 40, Section 32 are satisfied.

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 amend the Bylaws of the Town of Ludlow by adding a new section to CHAPTER III, REGULATING CERTAIN OCCUPATIONS, Section 5, Ice Cream Truck Vendors which will allow the Board of Selectmen to authorize the Police Department to permit Ice Cream Truck Vendors which will read as follows:

5. Permitting of Ice Cream Truck Vendors

A. Pursuant to 520 CMR 15.00, the Massachusetts Department of Public Safety requires each municipality to issue permits to persons engaging in ice cream vending. For the purpose of this bylaw, the following definitions shall apply:

- **Ice Cream**, any frozen dairy or frozen water-based food product.
- **Ice Cream Truck**, any motor vehicle used for selling, displaying or offering to sell ice cream.
- **Ice Cream Truck Vending**, the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.
- **Ice Cream Truck Vendor/Operator**, any person who owns, sells, displays, or offers to sell ice cream from an ice cream truck or any person who drives or operates such a vehicle.

B. No person shall engage in ice cream truck vending within the Town of Ludlow unless the applicant has been issued a valid permit to do so by the Chief of Police or his designee. Said permit shall only be valid for use within the town limits. A separate permit is required for every person who engages in ice cream truck vending/operation.

C. All permits issued shall be conspicuously displayed and clearly visible on the windshield dash of any ice cream truck operated or from which ice cream is sold.

D. Only the uniform application and permit form approved by the Police Department shall be utilized. The permit shall include a current color photograph of the applicant encased in plastic. Permits shall be numbered in order as granted and be encased in plastic.

- E. In order to obtain an initial permit or to renew a permit, each applicant shall submit the following to the Permitting Authority:**
- **A completed uniform application form**
 - **A copy of their fingerprints**
 - **Two (2) current, 1½" X 2" (color) photographs**
 - **Valid driver's license**
- F. The police department shall collect an administrative fee in the amount of \$50.00 upon the issuance of each permit.**
- G. Both initial and renewal permits shall expire annually on January 1st.**
- H. Upon receipt of the permit application or application for renewal, the Chief of Police or his designee shall conduct an investigation into the criminal history of a permit applicant to determine eligibility. The investigation shall include performing a state and national criminal history records check as authorized by Massachusetts General Law, Chapter 6 Section 172B ½. As part of this investigation, the Chief of Police or his designee shall ensure that the identity of the applicant is true and accurate and, in the case of a renewal, that the applicant is linked to the original permit number.**
- I. The Chief of Police or his designee may deny issuance of a permit or revoke a permit for just cause. Pursuant to 520 CMR 15.05, no permit shall be issued to any person who is a Sex Offender, as defined by Massachusetts General Law Chapter 6, Section 178C. Upon denial of the issuance or the revocation of a permit, an applicant shall have the right of appeal to the Board of Selectmen. All such appeals must be made in writing, and addressed to the Town of Ludlow Board of Selectmen office. Appeals will be heard at the next regularly scheduled Board of Selectmen meeting. The decision of the Board shall be final and binding. No such right of appeal shall attach for the denial of a permit to an applicant who is a Sex Offender.**
- J. Whoever conducts themselves as an ice cream vendor/operator without a valid Town issued permit or with an expired permit; or whoever improperly displays a permit shall be subject to a fine of no more than \$100 dollars for the first offense, \$200 for a second offense and \$300 for a third or subsequent offense.**

- K. Every ice cream vendor/operator shall comply with all state motor vehicle laws, regulations specific to the operation of ice cream trucks, town bylaws, health codes, as well as any zoning or state or local regulations that may restrict or prohibit vending in certain areas. Violation of any such law, regulation, bylaw or health code shall be grounds for the revocation of the vendor's permit.**

ARTICLE 5: To see if the Town will vote to amend the Bylaws of the Town of Ludlow by adding a new section to CHAPTER III, REGULATING CERTAIN OCCUPATIONS, Section 6, Pawn Shops/Buyers and Sellers of Gold which will allow the Board of Selectmen to license pawnbrokers in the Town and which will read as follows:

**Pawn Shops
Buyers & Sellers of Gold**

Purpose: This section, adopted pursuant to Massachusetts General Law Chapter 140, Section 70: "The police commissioner of Boston, the license commission of Lowell, the aldermen of any other city, or the selectmen of any town, if ordinances or bylaws therefor have been adopted in such city or town, may license suitable persons to carry on the business of pawnbrokers in such city or town, subject to sections two hundred and two to two hundred and five, inclusive, and may revoke such licenses at pleasure."

A. Computerized Records

The license holder shall keep a computerized record of any and all transactions in a format to be determined by the Ludlow Police Department.

B. Identification of Customer

The license holder shall require positive identification from any and all persons or entities who sell, pawn, pledge or otherwise deposit any item with the license holder. The license holder shall identify the type of identification provided and record the name, residence, date of birth, and social security/identification number on a form to be approved by the Ludlow Police Department. Positive identification shall mean any picture identification card issued by a governmental entity.

The license holder shall photograph any person pawning, selling, pledging or otherwise depositing any item with the license holder. The required photo shall be clear and of such quality that the person shall be clearly identified. A photo shall be required each time a person makes a separate transaction. Said photographs shall be stored in a digitized format, the image must be retrievable, and a clear copy provided to police upon request. The license holder for a minimum of three years shall maintain the above-described photo.

The license holder shall transmit this digitized identification information to the Ludlow Police Department in format to be determined by the Ludlow Police Department and as often as required by the Ludlow Police Department.

C. Transaction Records

The license holder shall accurately describe all items pawned, sold, pledged, or otherwise deposited with the license holder. This description shall include, but shall not be limited to, all distinguishing marks, etchings, engravings, model names, model numbers and serial numbers. Any jewelry with an affiliation to any institution or organization shall include the name of said institution or organization, year and inscribed initials, if any. All descriptions of items of jewelry shall include the material, ring size (if applicable), weight, length (if applicable), shape and color. Descriptions of coins, stamps, collectible cards, autographed items, figurines or other collectibles of any description shall include any identifying features such as the name of the item, date, denomination, color, size, brand name, vintage and image represented.

The license holder shall photograph all items pawned, sold, pledged or otherwise deposited with the license holder. The required photo shall be clear and of such quality that the item(s) shall be clearly identified. The photos shall be stored in a digitized format, the image must be retrievable, and a clear copy provided to police upon request. The license holder for a minimum of three years shall maintain the above-described photos.

The license holder shall transmit this digitized transaction information to the Ludlow Police Department in a format to be determined by the Ludlow Police Department and as often as required by the Ludlow Police Department.

D. Reporting of Stolen Items

The license holder shall immediately report to the Ludlow Police Department all incidents where a person claims that articles stolen or wrongfully taken from him are in the possession of the license holder or located within his place of business. In the event that a person makes such a claim, the license holder shall ask the complaining party to remain in the licensed premises and immediately contact the Ludlow Police Department and request that a police report be taken. The item(s) in question shall be tendered to the Ludlow Police Department or stored in a safe place in the licensed premises until such time as otherwise directed by the Ludlow Police Department. If the complaining party does not wish to wait for the arrival of the Ludlow Police Department, the license holder shall secure as much information as possible from the complaining party and immediately provide the same to the Ludlow Police Department.

All unusual or suspicious activity, which may involve criminal behavior that occurs in or near the licensed premises, shall immediately be reported to the Ludlow Police Department.

No article purchased or received by the license holder shall be sold, altered, or removed from the premises until a period of at least fifteen (15) days has elapsed from the date of its purchase or receipt.

E. Violations

Persons or entities violating the provisions of this section are subject to the suspension or revocation of the license granted. The Town of Ludlow may in addition to or in lieu of a suspension or revocation, impose a fine of not more than three hundred \$300.00 dollars per violation. Persons or entities violating this bylaw may also be subject to prosecution under Massachusetts or Federal Laws.

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 amend the Compensation Plan of the Personnel Policy Bylaw of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, to reflect the most current contracts with the Ludlow Police Officers, International Brotherhood of Police Officers, Local 374 and Ludlow Police Supervisors, International Brotherhood of Police Officers, Local 487 by deleting the current minimums and maximums and increment steps for Police Department, Schedule IV and replacing them with the following minimums and maximums and increment steps; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

by deleting;

POLICE - Schedule IV effective 7/01/2009

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	798.88	827.38	855.92	884.43	912.85	940.23
P -2	998.26	1034.23	1069.93	1105.54	1141.06	1175.28
P -3	1218.29	1267.77	1305.30	1348.76	1392.10	1433.84
P -4	1682.22	1743.77	1802.32	1862.27	1922.25	1979.92

POLICE - Schedule IV effective 7/01/2010

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	798.88	827.38	855.92	884.43	912.85	940.23
P -2	998.26	1034.23	1069.93	1105.54	1141.06	1175.28
P -3	1218.29	1267.77	1305.30	1348.76	1392.10	1433.84
P -4	1682.22	1743.77	1802.32	1862.27	1922.25	1979.92

POLICE - Schedule IV effective 7/01/2011

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	806.87	835.65	864.48	893.27	921.98	949.63
P -2	1008.24	1044.57	1080.63	1116.60	1152.47	1187.03
P -3	1230.47	1280.45	1318.35	1362.25	1406.02	1448.18
P -4	1699.04	1761.21	1820.34	1880.89	1941.47	1999.72

POLICE - Schedule IV effective 1/01/2012

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	814.94	844.01	873.12	902.21	931.20	959.13
P -2	1018.33	1055.02	1091.44	1127.76	1164.00	1198.90
P -3	1242.78	1293.25	1331.54	1375.87	1420.08	1462.66
P -4	1716.03	1778.82	1838.55	1899.70	1960.89	2019.72

POLICE - Schedule IV effective 7/01/2012

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	823.09	852.45	881.86	911.23	940.51	968.72
P -2	1028.51	1065.57	1102.35	1139.04	1175.64	1210.89
P -3	1255.21	1306.18	1344.85	1389.63	1434.28	1477.29
P -4	1733.19	1796.61	1856.93	1918.70	1980.50	2039.91

POLICE - Schedule IV effective 1/01/2013

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	831.32	860.97	890.67	920.34	949.92	978.41
P -2	1038.79	1076.22	1113.37	1150.43	1187.39	1223.00
P -3	1267.76	1319.25	1358.30	1403.53	1448.62	1492.06
P -4	1750.52	1814.57	1875.50	1937.89	2000.30	2060.31

and by adding;

POLICE - Schedule IV effective 7/01/2013

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	847.94	878.19	908.49	938.75	968.91	997.98
P -2	1,059.57	1,097.75	1,135.64	1,173.44	1,211.14	1,247.46
P -3	1,293.11	1,345.63	1,385.47	1,431.60	1,477.60	1,521.90
P -4	1,785.54	1,850.87	1,913.01	1,976.64	2,040.31	2,101.52

POLICE - Schedule IV effective 7/01/2014

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	864.90	895.76	926.66	957.52	988.29	1,017.93
P -2	1,080.76	1,119.70	1,158.35	1,196.91	1,235.36	1,272.41
P -3	1,318.97	1,372.54	1,413.18	1,460.23	1,507.15	1,552.34
P -4	1,821.25	1,887.88	1,951.27	2,016.18	2,081.11	2,143.55

POLICE - Schedule IV effective 7/01/2015

	MIN	Step 1	Step 2	Step 3	Step 4	Step 5
P -1	882.20	913.67	945.19	976.67	1,008.06	1,038.29
P -2	1,102.38	1,142.10	1,181.52	1,220.84	1,260.07	1,297.86
P -3	1,345.35	1,399.99	1,441.44	1,489.43	1,537.29	1,583.39
P -4	1,857.67	1,925.64	1,990.30	2,056.50	2,122.74	2,186.42

ARTICLE 7: To see if the Town will vote to amend the Compensation Plan of the Personnel Policy ByLaw of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, to reflect the most current contract with the Nurses by deleting the current minimums and maximums and increment steps for Nurses, Schedule VII and replacing them with the following minimums and maximums and increment steps; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

by deleting:

Nurses - Schedule VII			Effective July 1, 2008			
	MIN.	1	2	3	4	5
N -1	600.76	622.36	646.12	670.92	696.92	
N -2	639.66	659.09	680.72	697.99	733.45	751.88

Nurses - Schedule VII			Effective July 1, 2010			
	MIN.	1	2	3	4	5
N -1	618.78	641.03	665.50	691.05	717.83	
N -2	658.85	678.86	701.14	718.93	755.45	774.44

Nurses - Schedule VII			Effective July 1, 2011			
	MIN.	1	2	3	4	5
N -1	637.35	660.26	685.47	711.78	739.36	
N -2	678.62	699.23	722.18	740.50	778.12	797.67

Nurses - Schedule VII			Effective July 1, 2012			
	MIN.	1	2	3	4	5
N -1	656.47	680.07	706.03	733.13	761.54	
N -2	698.97	720.21	743.84	762.71	801.46	821.60

and by adding;

Nurses - Schedule VII			Effective July 1, 2013			
	MIN.	1	2	3	4	5
N -1	669.60	693.67	720.15	747.80	776.77	
N -2	712.95	734.61	758.72	777.97	817.49	838.03

Nurses - Schedule VII			Effective July 1, 2014			
	MIN.	1	2	3	4	5
N -1	682.99	707.54	734.56	762.75	792.31	
N -2	727.21	749.30	773.89	793.53	833.84	854.79

Nurses - Schedule VII			Effective July 1, 2015			
	MIN.	1	2	3	4	5
N -1	696.65	721.70	749.25	778.01	808.16	
N -2	741.76	764.29	789.37	809.40	850.52	871.89

ARTICLE 8: 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 Personal Services Account for the Nurses for Fiscal Year 2014 to fund the negotiated retroactive pay increases for Fiscal Year 2014 as set forth in the preceding article, if approved, including the Town's contribution to employee benefits; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 9: To see if the Town will vote to amend the Classification and Compensation Plan, Schedule A and Schedule B of the Personnel Policy Bylaw of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws by adding a new section HUMAN RESOURCES which will read as follows;

by adding:

HUMAN RESOURCES	HOURS PER WEEK	GRADE NUMBER	NUMBER ASSIGNED
Director	N/A	Level IV	1

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 amend the Zoning Bylaws by adding a new section, Section XI, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS/REGISTERED MARIJUANA DISPENSARIES, that would provide as follows, and further to amend the Table of Contents to add Section XI, “Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries:” which will read as follows:

11.0 Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law, Chapter 369 of the Acts of 2012, became effective on January 1, 2013, and requires the State Department of Public Health (DPH) to issue regulations governing its implementation within 120 days of the law’s effective date. Section 9C of the law requires that at least one Medical Marijuana Treatment Center be located within each County of the Commonwealth.

Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center, identified in the State Regulations as a Registered Marijuana Dispensary, is not a permitted use in the Town of Ludlow; Recent State Regulations provide guidance to towns in regulating medical marijuana, including Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries.

The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of such use and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Center/Registered Marijuana Dispensaries so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the

Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

11.1 Definition

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health as a Registered Marijuana Dispensary, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

11.2 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center/Registered Marijuana Dispensary. The moratorium shall be in effect through May 31, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the State Regulations and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana treatment Centers/Registered Marijuana Dispensaries and related uses.

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

ARTICLE 11: To see if the Town will vote to amend the Personnel Policy Bylaw of the Town of Ludlow as authorized under Chapter 41, Sections 108A and 108C of the Massachusetts General Laws, by adding a new section; Section 32, POLICY ON WORKPLACE VIOLENCE, which would read as follows:

Policy on Workplace Violence

32.1 Policy: The Town subscribes to the concept of a safe workplace environment and supports the prevention of workplace violence. Workplace violence includes, but is not limited to, harassment, threats, intimidation, physical attack, or property damage.

32.2 Definitions: The following are a few examples of conduct that the Town will not tolerate pursuant to this policy:

- Use of vulgar or profane language towards others.
- Disparaging or derogatory comments or slurs or name calling.

- Any behavior outlined in the Town's Sexual Harassment Policy.
- Any form of oral or written threat that suggests or infers physical harm or an act of violence.
- The use of Town property, services or equipment such as phones, faxes, copiers, computers, vehicles, etc., for the purpose of threatening any individual with physical harm or an act of violence.
- Any physical assault, or threat of physical assault, such as hitting, pushing, punching, kicking or holding.
- Impeding or intentional blocking of the movement of another person with the intent to cause harm or intimidation.
- The carrying, transportation or storage of firearms and ammunition including starter pistols, flare guns, explosives and blasting caps either on the person or in a vehicle, while on town property, is also expressly prohibited. The possession of a valid License to Carry Firearms, Firearm Identification Card, or Federal Firearms License does not supersede this prohibition. Any other object that may be construed as a dangerous weapon as defined under Massachusetts General Law, Chapter 269, Section 10, or items possessed with the expressed intent to harass or injure others are likewise prohibited. Having been issued a valid Class A, B, C or D firearms/rifle or chemical spray license by the Department of Public Safety does not supersede this prohibition. Law enforcement employees (Officers) are exempt from this provision as it applies to firearms and ammunition. Possession of other dangerous weapons by law enforcement officers in the course of their duties is also exempt.

Any violation of the provisions of this policy by an employee or Town official shall subject the employee or official to appropriate disciplinary action, up to and including termination, and possible criminal action being sought.

32.3 Prevention of Workplace Violence: Prevention efforts include, but are not limited to, informing employees of this policy, instructing workers of the dangers of workplace violence, communicating sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Procedure for Reporting Violence: Each incident of workplace violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the immediate supervisor or department head. The department head will assess and investigate the incident. If after the completion of a preliminary investigation, it is determined that there is reasonable cause for finding a violation of this policy, it will be forwarded to the Town Administrator for review. The complainant and the charged party will be notified of the finding orally. The charged party will be requested to respond to the complaint. After hearing both sides of the incident, the Town Administrator will recommend appropriate action, if needed, to the Selectboard or appropriate hiring

authority. Such action may include any of those listed in the Disciplinary Policy described in Section 23 of the Personnel Policy Bylaws, or in the case of external individuals, filing a complaint with the Police Department.

If immediate action is required, the Town Administrator may take appropriate action and report to the Selectboard or appropriate hiring authority as soon as possible.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified by the immediate supervisor who must then report the incident immediately to the Town Administrator.

32.4 Exceptions Pursuant to Massachusetts General Law. 258, Section 10

This policy is not intended to be construed to provide explicit and specific assurances of safety or assistance, nor be cause for intervention by a municipal employee which causes injury or places a victim in a worse position.

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

ARTICLE 12: To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the Massachusetts General Laws, also known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation, preservation and rehabilitation of land for recreational use, the acquisition, preservation, and rehabilitation of historic resources, the acquisition, creation and preservation of open space, the acquisition, creation, preservation and support of community housing, and the rehabilitation of such open space and community housing that is acquired or created as provided under said Act. In Ludlow the funding source for these community preservation purposes will be a surcharge of 1% on the annual property tax assessed on real property commencing in fiscal year 2015, additional municipal funds that may be committed by town meeting as provided in Section 3(b½) of Chapter 44B, and annual distributions made by the State from a trust fund created by the Act. The following will be exempt from the surcharge:

- (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in Ludlow as defined in Section 2 of the Act;
- (2) \$100,000 of the value of each taxable parcel of residential real property; and
- (3) \$100,000 of the value of each taxable parcel of class three, commercial property and class four, industrial property as defined in Section 2A of Chapter 59.

A taxpayer receiving a regular property tax abatement or exemption will also receive a full or partial reduction in the surcharge. Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 13: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS, 3.3 ACCESSORY USE REGULATIONS, 3.3.1 General Accessory Regulations** by deleting the following sentence from **b.2. Accessory Buildings**, “It shall also have a setback requirement of fifteen (15) feet to the rear of the principal structure.”

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 V: Overlay District Regulations:** by adding **Section 5.5 SMART GROWTH OVERLAY DISTRICT** with map of associated overlay sub-districts, East Street Corridor Mixed Use Sub-District, Riverside Mixed Use Sub-District and the Ludlow Mills Mixed Use Sub-District.

**TOWN OF LUDLOW
SMART GROWTH OVERLAY DISTRICT BYLAW**

SECTION 5.5 SMART GROWTH OVERLAY DISTRICT (SGOD)

5.5.1 PURPOSE

The purposes of this Section 5.5 are:

1. To establish a Smart Growth Overlay District and encourage smart growth in accordance with the purposes of M.G. L. Chapter 40R;
2. To encourage new development close to existing infrastructure and services in order to protect open space and farmland in the outer reaches of the town;
3. To support private developers in their efforts to provide a range of safe, quality housing options for individuals and families of all ages and incomes;
4. To develop new homes which are consistent with the character of Ludlow’s existing neighborhoods
5. To encourage development types as delineated in the 2011 Master Plan

5.5.2 DEFINITIONS

For purposes of this Section 5.5, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 5.5.2, or as set forth in the Plan Approval Authority Regulations. To the extent that there is any conflict between the definitions set forth in Section 5.5.2 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Affordable Homeownership Unit - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in M.G.L. Chapter 184, Section 31 and the requirements of Section 5.5.6.5 of this Bylaw.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

Applicant – the individual or entity that submits a Project for Plan Approval.

As-of-right - a use allowed under Section 5.5.5 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 5.5.9 through 5.5.13 shall be considered an as-of-right Project.

Bicycle Parking Facilities: Bicycle racks or other provision for indoor or outdoor storage of bicycles. Storage must allow for the locking of bicycles to racks or inside storage containers.

Department or DHCD - the Massachusetts Department of Housing and Community Development, or any successor agency.

Design Standards – means provisions of Section 5.5.13 made applicable to Projects within the SGOD that are subject to the Plan Approval process.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - G.L. Chapter 40R and 760 CMR 59.00.

Mixed-Use Development Project – a Project containing a mix of residential uses and non-residential uses, as allowed in Table 1, and subject to all applicable provisions of this Section 5.5.

Monitoring Agent – the local housing authority or other qualified housing entity designated by the PAA pursuant to Section 5.5.6.2, to review and implement the Affordability requirements affecting Projects under Section 5.5.6.0.

PAA Regulations – the rules and regulations of the PAA adopted pursuant to Section 5.5.9.3.

Plan Approval - standards and procedures which all Plan Approval Projects in the SGOD must meet pursuant to Sections 5.5.9 through 5.5.13 and the Enabling Laws.

Plan Approval Authority (PAA) - The local approval authority authorized under Section 5.5.9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

Project - a Residential Project or Mixed-use Development Project undertaken within the SGOD in accordance with the requirements of this Section 5.5.

Residential Project - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 5.5.5.

SGOD – the Smart Growth Overlay District established in accordance with this Section 5.5.

Zoning Bylaw - the Zoning Bylaw of the Town of Ludlow.

5.5.3 OVERLAY DISTRICT

5.5.3.1 Establishment. The Ludlow Smart Growth Overlay District, hereinafter referred to as the “SGOD,” is an overlay district having a land area of approximately 226 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled “Ludlow Smart Growth Overlay District, dated May 12, 2011, prepared by Pioneer Valley Planning Commission.” This map is hereby made a part of the Zoning By-law and is on file in the Office of the Town Clerk.

5.5.3.2 Sub-Districts. The SGOD contains the following sub-districts:

- a. East Street Corridor Mixed Use Sub-District
- b. Riverside Mixed Use Sub-District
- c. Ludlow Mills Mixed Use Sub-District

5.5.4 APPLICABILITY OF SGOD

5.5.4.1 Applicability of SGOD. An applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Enabling Laws and this Section 5.5, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a

local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

5.5.4.2 Underlying Zoning. The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 5.5. Within the boundaries of the SGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

5.5.4.3 Administration, Enforcement, and Appeals. The provisions of this Section 5.5 shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 5.5.9 through 5.5.13 shall be governed by the applicable provisions of M.G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 5.5 shall be governed by the applicable provisions of M. G. L. Chapter 40A.

5.5.5 PERMITTED USES

The restrictions and controls intended to regulate development in each district are set forth in Table 1 as follows:

- P** Use Permitted by Right in the District
- PA** Use Permitted with Plan Approval in the District from the Planning Board in accordance with Section 5.5.9
- N** Not permitted

All Projects in a SGOD must have a residential use. Retail, service, and manufacturing uses will not be permitted without a residential component.

Use regulations for the following Sub-Districts are detailed in Table 1:

- ES** East Street Corridor Mixed Use Sub-District
- RS** Riverside Mixed Use Sub-District
- LM** Ludlow Mills Mixed Use Sub-District

Table 1: Table of Use Regulations

Use Type	Standards and Conditions	ES	RS	LM
<u>RESIDENTIAL</u>				
Single Family Detached		N	N	N
Townhouse	Townhouses will be built on individual lots with zero side setback requirements.	PA	PA	N
Two and Three Family		N	PA	N
Multi-Family (over 4 units)		PA	PA	PA
Assisted Living		PA	N	PA
<u>BUSINESS**</u>				
Dining Establishments	Not including drive-in or drive-through restaurants	PA	PA	PA
Office Building		PA	PA	PA
Banks	Not including drive-in or drive-through banks	PA	PA	PA
Retail		PA	PA	PA
Services	Auto Body Shop, Auto Sales Lot and Auto Service Station and Repair Service are not permitted.	PA	PA	PA
<u>MIXED USE**</u>				
Neighborhood scale mixed use development projects, allowing two or more uses within the same building		PA	PA	N
Downtown scale mixed use development projects, allowing two or more uses within the same building		N	PA	PA
<u>INDUSTRIAL**</u>				
Light Manufacturing		N	N	PA
General Industrial Uses		N	N	PA
<u>GOVERNMENT, INSTITUTIONAL & PUBLIC SERVICE</u>				
Religious		PA	PA	PA
Educational		PA	PA	PA
Parks, Playgrounds, Recreation & Community Centers		P	P	P
Municipal Government Buildings		PA	PA	PA

**** Not permitted unless within a Mixed-Use Development Project**

Additional notes:

- a. All uses not specifically mentioned in Table 1 are prohibited.
- b. The total gross floor area devoted to non-residential uses within a mixed-use development project shall be less than 50 % of the total gross floor area of the Project.
- c. Neighborhood scale shall mean buildings with a maximum height of three (3) stories.
- d. Downtown scale shall mean a maximum height of five (5) stories.
- e. The minimum allowable As-of-right density requirements for residential uses specified in Section 5.5.7 shall apply to the residential portion of any Mixed-Use Development Project.

5.5.6 HOUSING AND HOUSING AFFORDABILITY

5.5.6.1 Number of Affordable Housing Units. For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit. Unless the PPA provides a waiver on the basis that the Project is not otherwise financially feasible, twenty-five percent (25%) of rental dwelling units constructed in a rental Project must be Affordable Rental Units. A Project shall not be segmented to evade the Affordability threshold set forth above.

5.5.6.2 Monitoring Agent. A Monitoring Agent which may be the local housing authority or other qualified housing entity shall be designated by the PAA. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements have been approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00 and are properly administered;

4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR. 59.00, and recorded with the Hampden County Registry of Deeds.

5.5.6.3 Submission Requirements. As part of any application for Plan Approval for a Project within the SGOD submitted under Sections 5.5.9 through 5.5.13 (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), the Applicant must submit the following documents to the PAA and the Monitoring Agent:

1. Evidence that the Project complies with the cost and eligibility requirements of Section 5.5.6.4;
2. Project plans that demonstrate compliance with the requirements of Section 5.5.6.5; and
3. A form of Affordable Housing Restriction that satisfies the requirements of Section 5.5.6.6.

These documents in combination, to be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

5.5.6.4 Cost and Eligibility Requirements. Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households. If approved by DHCD, preference will be given to local residents.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or

homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Building Permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Ludlow.

5.5.6.5 Design and Construction. Units of Affordable Housing shall be finished housing units. Unless otherwise approved by DHCD, under the 40R Program, units of Affordable Housing shall be dispersed proportionately throughout all residential unit types contained within the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

5.5.6.6 Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is approved by DHCD for 40R purposes, recorded with Hampden County Registry of Deeds or Registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be no less than fifty years;
2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification;
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may

provide for preferences in resident; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
8. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Monitoring Agent;
9. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the Town of Ludlow, in a form approved by Town Counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
10. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
11. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
12. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

5.5.6.7 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

5.5.6.8 Age Restrictions. Nothing in this Section 5.5 shall permit the imposition of restrictions on age upon Projects throughout the entire

SGOD. However, the PAA may, in its review of a submission under Section 5.5.6.3, allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Units.

5.5.6.9 Phasing. For any Project that is approved and developed in phases in accordance with Section 5.5.9.4, unless otherwise approved by the Department, the proportion of Affordable Housing Units shall be at least 20 percent of all units constructed in each phase.

5.5.6.10 No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 5.5.6.0 shall not be waived.

5.5.7. DIMENSIONAL AND DENSITY REQUIREMENTS

5.5.7.1 Table of Requirements. Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SGOD are as follows:

Table 2: Dimensional and Density Requirements, East Street Corridor Mixed Use Sub-District

Use	Maximum Height (stories)	Minimum Density (units per acre)
Townhouse	3	8
Multi-Family (over 4 units)	3	20
Assisted Living	3	20
Mixed Use- Neighborhood Scale	3	20

Table 3: Dimensional and Density Requirements, Riverside Mixed Use Sub-District

Use	Maximum Height (stories)	Minimum Density (units per acre)
Townhouse	3	8
Two and Three Family	3	12
Multi-Family (over 4 units)	5	20
Mixed Use – Neighborhood Scale	3	20
Mixed Use – Downtown Scale	5	20

Table 4: Dimensional and Density Requirements, Ludlow Mills Mixed Use Sub-District

Use	Maximum Height (stories)	Minimum Density (units per acre)
Multi-Family (over 4 units)	5	20
Assisted Living	5	20
Mixed Use - Downtown Scale	5	20

5.5.7.2 Dimensional Waivers in Substantially Developed Sub-district. The PAA may, in order to encourage the development of infill housing units on undeveloped lots within a Substantially Developed Sub-district, grant a waiver to the dimensional standards of Section 5.5.7.1, in accordance with Section 5.5.11.3.

5.5.8 PARKING REQUIREMENTS

The parking requirements applicable for Projects within the SGOD are as follows:

5.5.8.1 Number of parking spaces. Unless otherwise approved by the PAA, the following minimum numbers of off-street automobile parking spaces shall be provided by use, either in surface parking, within garages or other structures, [or on-street:], as well as the minimum numbers of bicycle parking:

Use	Auto Parking Standards	Bicycle Parking Standards
Single Family Dwellings	2 spaces per dwelling unit	None required
Duplex and Triplex	2 spaces per dwelling unit	None required
Multi-family units with one bedroom or efficiency units	1.5 spaces per unit	None required
Multi-family units with two or more bedrooms	2 spaces per unit	None required
Housing for the elderly	1 spaces per unit	1 bike space per 20 employees
Professional, Business, Insurance Offices and Banks	1 space per 300 s.f. of gross floor area exclusive of basements and garages used solely for utility and storage purposes	1 bike space per 10 code-requiring auto parking spaces

Retail Establishments, Services	1 space per 200 s.f. of gross floor area exclusive of basements and garages used solely for utility and storage purposes	1 bike space per 10 code-requiring auto parking spaces
Restaurants, Taverns, and other eating places	1 space per 4 seats	1 bike space per 10 code-requiring auto parking spaces
Medical and Dental Offices and Office Buildings	1 space per 300 s.f. of gross floor area exclusive of basements and garages used solely for utility and storage purposes	1 bike space per 20 code-requiring auto parking spaces
Light Manufacturing and General Industrial Uses	1 space per 2 employees of the two largest shifts combined and customarily employed on the premises	1 bike space per 50 code-requiring auto parking spaces
Religious	1 per 4 seating spaces	1 bike space per 12 code-requiring auto parking spaces

The PAA may require additional visitor auto and bicycle parking spaces if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in Sections 5.5.8.2 and 5.5.8.3 below.

5.5.8.2 Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill automobile and bicycle parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

5.5.8.3 Reduction in auto parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of automobile parking may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that the lesser amount of parking will not cause

excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

1. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
2. The availability of public or commercial parking facilities in the vicinity of the use being served;
3. Shared use of off street parking spaces serving other uses having peak user demands at different times;
4. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
5. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
6. Such other factors as may be considered by the PAA.

5.5.8.4 Location of Automobile Parking. Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

5.5.8.5 Bicycle Parking Standards. Bicycle parking facilities shall be located in a convenient, highly visible and well lighted area to minimize theft and vandalism, generally within fifty (50) feet of a building entrance and within view of pedestrian traffic and should be kept out of the public right of way. At a minimum, bicycle parking spaces shall be at least two (2) feet in width by six (6) feet in length to allow sufficient space between parked bicycles. A minimum five (5) foot wide aisle or space behind all required bicycle parking should be provided to allow room for bicycle maneuvering.

5.5.9 PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

5.5.9.1 Plan Approval. An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 5.5.9 through 5.5.13. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. Projects requiring Plan Approval are identified within Section 5.5.5 (Table 1).

5.5.9.2 Plan Approval Authority (PAA). The Planning Board, consistent with M.G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for

purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

5.5.9.3. PAA Regulations. The PAA may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development.

5.5.9.4 Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full build out of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 5.5.6.9.

5.5.10 PLAN APPROVAL PROCEDURES

5.5.10.1 Pre-application. Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project build out and individual elements thereof. Such Concept Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas; and
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGOD.

5.5.10.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, along with application fee(s) which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 5.5.6, the application shall be accompanied by all materials required under Section 5.5.6.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings

prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

5.5.10.3 Filing. An applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

5.5.10.4 Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Health, Conservation Commission, Safety Committee, Building Commissioner, Department of Public Works, the Ludlow Housing Authority (for any Project subject to the Affordability requirements of Section 5.5.6), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

5.5.10.5 Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of M.G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

5.5.10.6 Peer Review. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M.G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued shall be returned to the applicant forthwith.

5.5.11 PLAN APPROVAL DECISIONS

5.5.11.1 Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. The applicant has submitted the required fees and information as set forth in the PAA Regulations; and
2. The Project as described in the application meets all of the requirements and standards set forth in this Section 5.5 and the PAA Regulations, or a waiver has been granted there from; and
3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 5.5.6, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 5.5, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

5.5.11.2 Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth in the Regulations; or
2. The Project as described in the application does not meet all of the requirements and standards set forth in this Section 5.5 and the PAA Regulations, or that a requested waiver there from has not been granted; or
3. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

5.5.11.3 Waivers. Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of Section 5.5 (excluding Section 5.5.6, except where expressly permitted herein), including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section 5.5.

5.5.11.4 Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases,

unless otherwise approved by the Department, the proportion of Affordable units shall be at least 20 percent (20%) of all units constructed in each phase.

5.5.11.5 Form of Decision. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Hampden County Registry of Deeds and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

5.5.11.6 Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

5.5.12 CHANGE IN PLANS AFTER APPROVAL BY PAA

5.5.12.1 Minor Change. After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or

deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

- 5.5.12.2 Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 5.5.9 through 5.5.13.

5.5.13 DESIGN STANDARDS

- 5.5.13.1 Adoption and Amendment of Design Standards.** The PPA may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all Projects subject to Plan Approval by the Plan Approval Authority. Such Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, requires Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

5.5.13.2 DHCD Approval

After amending Design Standards, the PAA shall submit Design Standards to DHCD for approval. Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk. In submitting proposed Design Standard for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standards will not add unreasonable cost to development Projects or unreasonably impair the economic feasibility of a development Project. A letter from a developer, property owner or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a development Project shall not constitute sufficient documentation. At its discretion, DHCD may disapprove Design Standards if it finds that the PAA has not adopted objective Design Standards or has not submitted such documentation.

5.5.14 SEVERABILITY

If any provision of this Section 5.5 is found to be invalid by a court of competent jurisdiction, the remainder of Section 5.5 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 5.5 shall not affect the validity of the remainder of the Town's Zoning Bylaw.

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 By-Laws of the Town of Ludlow by changing from **Agriculture** to **Residence A**, a parcel of land owned by Andrzej and Halina Lipior, located at 289 Cady Street (Assessors Map # 1B, Parcel 6) and described as follows:

The following described property located in the County of Hampden, Commonwealth of Massachusetts: Being shown on a plan recorded in Hampden County Registry of Deeds in Book of Plans 146, Page 117 said real estate being more particularly bounded and described as follows: Bounded NORTHEASTERLY by Cady Street, as shown on said plan, two hundred twenty-five (225.00) feet; SOUTHEASTERLY by land now or formerly of Martins, as shown on said plan, four hundred eleven and 05/100 (411.05) feet; SOUTHWESTERLY by last named land, two hundred ten and 32/100 (210.32) feet; and NORTHWESTERLY by last named land and by land now or formerly of Joseph Dias, Jr., as shown on said plan, a total distance of four hundred seven and 45/100 (407.45) feet. SUBJECT TO water pipe rights granted City of Springfield under two instruments, one dated May 10, 1940 and recorded in said Registry of Deeds Book 1692, Page 102 and the other dated June 6, 1940 and recorded as aforesaid in Book 1693, Page 554, if applicable. SUBJECT TO right of way, well rights and water rights referred to in instrument dated April 11, 1912 and recorded as aforesaid in Book 843, Page 246, if affecting and applicable. SUBJECT TO easement rights granted Western Massachusetts Electric Company under three instruments one dated March 29, 1948 and recorded as aforesaid in Book 1929, Page 269, one dated December 3, 1958 and recorded as aforesaid in Book 2647, Page 548 and the third dated October 31, 1960 and recorded as aforesaid in Book 2776, Page 74. SUBJECT TO easement rights granted Socony-Vacuum Oil Company under instrument dated December 17, 1952 and recorded as aforesaid in Book 2223, Page 55. Being the same premises conveyed to the Grantor herein by deed dated October 19, 2012 and recorded in the Hampden County Registry of Deeds in Book 19505, Page 28. This Deed is given in the usual course of the Grantor's business and is not a conveyance of all or substantially all of the Grantor's assets in Massachusetts.

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

ARTICLE 16: To see if the Town will vote to amend the Zoning By-Laws of the Town of Ludlow by changing from **Agriculture** to **Residence A**, a parcel of land owned by Joanne Grybosh, located at 188 Fuller Street (Assessors Map # 11C, Parcel 48) and described as follows:

Parcel I: A certain parcel of land situated in Ludlow in the County of Hampden and said Commonwealth, bounded and described as follows: WESTERLY by Fuller Street three hundred ninety and 82/100 (390.82) feet; NORTHERLY by land now or formerly of Patrick Galligan by several lines measuring together seven hundred eighty-seven and 72/100 (787.72) feet; EASTERLY by lands now or formerly of Patrick Galligan and of Frederick Richards et al three hundred fourteen and 33/100 (314.33) feet; SOUTHERLY by Lots 3 and 2 as shown on plan filed with Certificate of Title No. 9179 two hundred five and 60/100 (205.60) feet; WESTERLY one hundred fifty and 07/100 (150.07) feet; SOUTHERLY two hundred and 99/100 (200.99) feet, and EASTERLY one hundred fifty (150) feet by Lot 4 as shown on plan herein-after mentioned; and SOUTHERLY by Lot C as shown on plan filed with Certificate of Title No. 3337 three hundred twenty-three and 91/100 (323.91) feet. Said land is shown as lot 4 on plan hereinafter mentioned. All of said boundaries are determined by the Court to be located as shown upon subdivision plan numbered 9732-G, drawn by Tracy B. Slack, Surveyor, dated April 7, 1962, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 10615. BEING the same premises conveyed to Pearl M. Gwozdz by Land Court Certificate of Title No.: 16233.

PARCEL II: A certain parcel of land situated in Ludlow in the County of Hampden and said Commonwealth, bounded and described as follows: SOUTHERLY by Chapin Street one hundred two and 12/100 (102.12) feet; WESTERLY by Lot C as shown on plan filed with Certificate of Title No. 3337 and by land now or formerly of Joseph Grybosh et ux three hundred twenty-seven and 56/100 (327.56) feet; NORTHERLY two hundred and 90/100 (200.90) feet, and EASTERLY one hundred fifty (150) feet by land now or formerly of said Joseph Grybosh et ux; SOUTHERLY one hundred (100) feet, and EASTERLY one hundred ninety-eight and 24/100 (198.24) feet by Lot B as shown on plan filed with Certificate of Title No. 3068. Said land is shown as lot 1 on plan hereinafter mentioned. All of said boundaries are determined by the Court to be located as shown upon subdivision plan numbered 9732E, drawn by P.L. Wood, Engineer dated October 1952, as modified and approved by the Court filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 6323. BEING the same premises conveyed to Pearl M. Gwozdz by Land Court Certificate of Title No. 16232.

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

ARTICLE 17: To see if the Town will vote to amend the Zoning By-Laws of the Town of Ludlow by changing from **Agriculture** to **Industrial A**, a parcel of land owned by Lyon Offices, LLC, located at 1 Moody Street (Assessors Map # 3, Parcel 45A) and described as follows:

The land in Ludlow, in the County of Hampden and Commonwealth of Massachusetts, being known and designated as Parcel 1A, as shown on a plan of lots by Heritage Surveys, Inc. recorded in the Registry of Deeds for said County of Hampden in Book of Plans 362, Page 77.

Being the same premises conveyed to grantor herein by deed dated September 29, 1978 and recorded in the Hampden County Registry of Deeds in Book 4666, Page 364 and being a portion of the land as described in a deed dated July 17, 2002 and recorded in the Hampden County Registry of Deeds in Book 12451, Page 153.

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

ARTICLE 18: 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, and accept the following described Rosewood Drive as a Public Way:

Beginning at a point on the westerly line of Center Street, said point located N 34°36'11"E along the westerly line of said Center Street a distance of twenty two and 18/100 feet (22.18') from a point at the southeasterly corner of Parcel C as shown on said plan, thence running; Northwesterly in a curve to the left with a radius of twenty five and 00/100 (25.00') feet a length of thirty nine and 31/100 (39.31') feet along last named land to a point as shown on said plan, thence turning and running; N55°29'00"W two hundred fifty seven and 09/100 (257.09') feet along last named land and Lot 15 to a point as shown on said plan, thence turning and running; Northwesterly in a curve to the right with a radius of five hundred twenty five and 00/100 (525.00') feet a length of four hundred ninety six and 45/100 (496.45') feet along last named land, Lot 14, Olivia Circle, Lot 8 and Lot 7 to a point as shown on said plan, thence turning and running; Northerly in a curve to the left with a radius of three hundred seventy five 00/100 (375.00') feet a length of nineteen and 69/100 (19/69') feet along last named land to a point as shown on said plan, thence turning and running; Northwesterly in a curve to the left with a radius of twenty five and 00/100 (25.00') feet a length of twenty eight and 18/100 (28.18') feet along last named land to a point as shown on said plan, thence turning and running; Northerly, Easterly & Southerly in a curve to the right with a radius of seventy five and 00/100 (75.00') feet a length of three hundred ninety two and 47/100 (392.47') feet along last named land, Lot 6, Lot 5 and Lot 4 to a point as shown on said plan, thence turning and running; Southwesterly in a curve to the left with a radius of twenty five and 00/100 (25.00') feet a length of twenty four and 56/100 feet (24.56') along last named land to a point as shown on said plan, thence turning and running; Southerly in a curve to the right with a radius of four hundred twenty five and

00/100 (425.00') feet a length of thirty and 03/100 feet (30.03') along last named land to a point as shown on said plan, thence turning and running; Southeasterly in a curve to the left with a radius of four hundred seventy five 00/100 (475.00') feet a length of four hundred forty nine and 16/100 (449.16') feet along last named land, Lot 3, Lot 2, Lot 1 and Parcel E to a point as shown on said plan, thence turning and running; S55°29'00"E two hundred fifty seven and 24/100 (257.24') feet along last named land, Lot 1 and Parcel D to a point, thence turning and running; Northeasterly in a curve to the left with a radius of twenty five and 00/100 (25.00') feet a length of thirty nine and 23/100 (39.23') feet along last named land to a point on the westerly line of said Center Street, thence turning and running; S34°36'11"W one hundred and /100 (100.00') feet along the westerly line of said Center Street to the point of beginning. Containing an area of 57,672 Sq. Ft. or 1.324 acres.

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

ARTICLE 19: 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, and accept the following described Olivia Circle as a Public Way:

Beginning at a point on the westerly line of Rosewood Drive, said point located a length of eighty one and 45/100 feet along a curve with a radius of five hundred twenty five and 00/100 (525.00') feet on the westerly line of said Rosewood Drive from a point at the northeasterly corner of Lot 14 as shown on said plan, thence running; Northwesterly in a curve to the left with a radius of twenty five and 00/100 (25.00') feet a length of thirty six and 99/100 (36.99') feet along last named land to a point as shown on said plan, thence turning and running; S65°12'29"W ninety five and 91/100 (95.91') feet along last named land to a point, thence turning and running; Southwesterly in a curve to the left with a radius of one hundred twenty five and 00/100 (125.00') feet a length of ninety seven and 58/100 (97.58') feet along last named land to a point as shown on said plan, thence turning and running; S20°28'57"W sixty five and 23/100 (65.23') feet along last named land to a point, thence turning and running; Southeasterly in a curve to the left with a radius of twenty five and 00/100 (25.00') feet a length of thirty nine and 27/100 (39.27') feet along last named land to a point, thence turning and running; Easterly, & Southerly, Westerly & Northerly in a curve to the right with a radius of seventy five and 00/100 (75.00') feet a length of three hundred fifty three and 43/100 (353.43') feet along last named land, Lot 13, Lot 12 and Lot 11 to a point as shown on said plan, thence turning and running; N20°28'57"E one hundred sixty five and 23/100 (165.23') feet along last named land and Lot 10 to a point, thence turning and running; Northeasterly in a curve to the right with a radius of one hundred seventy five and 00/100 (175.00') feet a length of one hundred thirty six and 61/100 (135.61') feet along last named land and Lot 9 to a point as shown on said plan, thence turning and running; N65°12'29"E ninety five and 91/100 (95.91') feet along last named land to a point, thence turning and running; Northeasterly in a curve to the left with a radius of twenty five and 00/100 (25.00') feet a length of thirty six and

99/100 (36.99') feet along last named land and Lot 8 to a point on the westerly line of said Rosewood Drive as shown on said plan, thence turning and running; Southeasterly in a curve to the left with a radius of five hundred twenty five and 00/100 (525.00') feet a length of ninety five and 59/100 (95.59') feet along the westerly line of said Rosewood Drive to the point of beginning. Containing an area of 35,544 Sq. Ft. or 0.816 acres.

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

ARTICLE 20: To see if the town will vote to borrow or transfer from available funds in the treasury and/or from the Stabilization Fund a sum of money to cover the Town's obligation arising out of the settlement of pending litigation; 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 fourteen (14) days at least before the time of holding said meeting.

A true copy,

ATTEST:

WILLIAM E ROONEY

CHAIRMAN

MANUEL D SILVA

AARON L SAUNDERS

CARMINA D FERNANDES

BRIAN M MANNIX

BOARD OF SELECTMEN

LUDLOW, MASSACHUSETTS
September 3, 2013

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

2013

Town Clerk