

**SPECIAL TOWN MEETING  
October 5, 2020**

**COMMONWEALTH OF MASSACHUSETTS**

**HAMPDEN, SS**

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

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote on Town affairs to meet at the **LUDLOW HIGH SCHOOL**, 500 Chapin Street, Ludlow, Massachusetts on **MONDAY, October 5, 2020 at 7:30 p.m.** for the purpose of acting on the following articles in the warrant.

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

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

**ARTICLE 2:** To see if the Town will vote to raise and appropriate and /or transfer from available funds a sum of money to meet the required 10% match of a Federal *Assistance to Firefighters Grant* needed to purchase three power-LOAD lift systems for the Ludlow Fire Department Ambulances. 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 accept and report the Golf Enterprise Fund retained earnings deficit in part 3 of the Schedule A-2 and Part 11B, line 6, of the Tax Rate Recap, and raise it from the tax levy as a General Fund subsidy; 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 authorize the Board of Selectmen to obtain a temporary construction easement from the WESTMASS AREA DEVELOPMENT CORPORATION, for the purposes of the “Riverside Drive Infrastructure” project where the easement area of 4.826 acres is shown on the set of plans entitled “Riverside Drive Ludlow, Massachusetts,” available for inspection at the Clerk’s Office, the easement boundary beginning at State Street, continuing along the Chicopee River and extending out to First Avenue including the sidewalk that constitutes the extension of the Riverwalk, all within the properties known as “Ludlow Mills” located at 100 State Street described and recorded in the Hampden Registry of Deeds in Book 19251, page 44; 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 place an article on the Annual Town Meeting warrant to be held in 2021 for the purposes of the Board of Selectmen to act as the Board of Public Works, the **question to read as follows:**

**“Shall the Town vote to have its selectmen act as the board of public works?”**

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 Chapter FOURTEEN of its General Bylaws to change the number of Class II Motor Vehicle Licenses allowed under subsection 4 entitled “Limitation of licenses” from “twenty (20)” to “twenty-five (25)” and by changing the annual fee for Class I and II licenses under subsection 5 entitled “Fees” from \$100.00 to \$200.00; 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 amend the Town Bylaws by adding the following chapter:

**Chapter XX  
Single Use Plastic Bag Prohibition**

**The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of aquatic animals and other wildlife through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their production.**

**SECTION 1: PURPOSE:** The purpose of this bylaw is to reduce the use of thin-film single-use plastic checkout bags by all retail and grocery stores in the town of Ludlow.

**SECTION 2: EFFECTIVE DATE:** This bylaw shall be effective on January 1, 2021.

**SECTION 3: DEFINITIONS**

**3.1 Checkout bag:** A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

**3.2 “Thin-film single-use plastic bags”**, typically with plastic handles, are bags with a thickness of 3 mils (thousandths of an inch) or less and are intended for single-use transport of purchased products.

**3.3 Grocery Store:** A retail store where more than fifty percent of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

**3.4 Reusable checkout bag:** A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

**3.5 Retail store:** An establishment that offers the sale and display of merchandise within a building which includes, but is not limited to, grocery stores, pharmacies, liquor stores, “mini marts”, and retail vendors selling clothing, food, and household or personal items.

**3.6 Compostable bag;** A bag that 1) Meets the ASTM D6400 standard for compostable plastic and 2) is able to be municipally or industrially composted.

**3.7 ASTM D6400 standard:** A testing standard developed by the American Society for Testing and Materials used to determine the ability of a material to be composted.

**3.8 Recyclable Paper Bag:** A paper bag that: 1) is 100% recyclable overall; 2) contains a minimum of 30% post-consumer recycled content; and 3) displays the words “Recyclable” or “Please Recycle” on the outside of the bag.

**SECTION 4: USE REGULATIONS**

**4.1 “Thin-film single-use plastic bags”** shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Ludlow.

4.2 Customers are encouraged to bring their own useable or biodegradable shopping bags to stores. Retail stores may provide biodegradable bags, reusable bags, compostable bags, or recyclable paper bags for free or for a fee, as they so desire. Retail stores are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

4.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.

### **SECTION 5: ENFORCEMENT**

5.1 Enforcement of this bylaw shall be the responsibility of Enforcing Persons as outlined in Chapter XIII, Non-Criminal Disposition and Enforcement.

5.2 Any retail store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Section 2 (c) of Chapter XIII, Non- Criminal Disposition and Enforcement of the Town of Ludlow Bylaws and pursuant to the provisions of M.G.L. c.40, §21D.

First Violation	Warning
Second Violation	\$100.00
Third Violation	\$200.00
Fourth and subsequent violations	\$300.00

Each day such violation continues shall be deemed as a separate offense.

5.3 Residents of Ludlow who observe potential violations of this bylaw may file a complaint with Enforcement Departments who shall investigate whether there is a violation of this bylaw.

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 change the Senior Citizen Property Abatement Program as initially approved in Article 15 of the October 2, 2000 Town Meeting (and last amended in 2012) as follows:

by changing 75 to 50 in the first sentence of the first paragraph of Section B so that it reads:

**“The Town will set up no more than (50) slots as volunteer services in various Town departments for this program.”;**

By deleting the word “seventy-five” that appears before the word “slots” in the last sentence of the first paragraph of Section B so that it reads:

**“The Advisory Board shall meet annually to re-determine the allocation of the slots.”; and**

By changing “\$500” to “\$750” and “Federal” to “Massachusetts” in the first sentence of subsection 3 of Section B so that it reads:

**“Volunteers must complete the number of hours equivalent to \$750.00 divided by the Massachusetts Minimum wage.”**

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 Chapter 2 of the Town Bylaws, by removing in its entirety Section 32 as follows:

**By deleting:**

**SECTION 32: ENUMERATION - In accordance with enabling legislation enacted as part of the Fiscal Year 1982 Budget of the Commonwealth. The following fees shall be charged and collected by the Board of Health:**

<b>Description</b>	<b>Fee</b>
<b>Manufacture or Bottling of Carbonated Non-Alcoholic Beverages, Soda Water, Mineral or Spring Waters</b>	<b>\$ 40.00</b>
<b>Inspector of Pasteurizing Plants</b>	<b>40.00</b>
<b>License for Mobile Home Parks, Motels, etc.</b>	<b>50.00</b>
<b>Milk Inspection</b>	<b>10.00</b>

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 accept the provisions of M.G.L. chapter 90 section 17C which allows for the reduction of the statutory speed limit to 25 mph in a thickly settled or business district in the Town on any way that is not a state highway; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 11:** To see if the Town will vote to correct scrivener's errors for certain salaries set at the June 22, 2020 Town meeting by revising them as follows:

Tax Collector	from: \$78,829	to: \$75,829
Chairman, Board of Assessors	from: \$5,010	to: \$5,110
Members, Board of Assessors	from: \$3,931	to: \$4,010
Chairman, Planning Board	from: \$3,531	to: \$3,602
Members, Planning Board	from: \$2,943	to: \$3,002

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

2/3rds Vote Required

**ARTICLE 12:** To see if the Town will vote to amend Section 3 of its Zoning Bylaws, by removing the last sentence from subsection 3.0.4 entitled "Fences" as follows:

**By deleting:**

All fences four (4) feet and higher require a building permit.

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

**ARTICLE 13:** To see if the Town will vote to amend Section 3 of its Zoning Bylaws, by adding the sentence, "All accessory buildings over 200 square feet require a permit from the Building Department." to subsection 3.3.1 (b)(1) so that it reads as follows:

b. **Accessory Buildings**

(1) An accessory building attached to its principal building shall be considered an integral part of the principal building and as such shall be subject to the open space requirements applicable to the principal building. All accessory buildings over 200 square feet require a permit from the Building Department.

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

**ARTICLE 14:** To see if the Town will vote to amend Section 3 of its Zoning Bylaws, by adding to subsection 3.3.1 (c) the words “and roosters” as follows:

**New Section to read:**

c. **Accessory Livestock Agriculture**

On land used for agriculture and livestock agriculture with five (5) or less acres, and with the approval of the Board of Health, the following uses are allowed and may be considered as accessory uses if the use is for the occupants only: the keeping of a small flock of poultry of not more than 25 birds, the keeping of saddle or riding horses (as outlined in Section X, Definitions), and other farm animals, excluding pigs and roosters.

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

**ARTICLE 15:** To see if the Town will vote to amend Section 6 of its Zoning Bylaws, by removing subsection 6.6.3(j) in its entirety from the Accessory Apartment Bylaw as follows:

**By deleting:**

- j. **Dwellings must be in existence, and not substantially altered for a period of three (3) years prior to the filing of the conversion permit.**

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

**ARTICLE 16:** To see if the Town will vote to amend Section 3 of its Zoning Bylaws by removing and replacing subsection 3.3.1(g) in its entirety as follows:

**By deleting:**

- g. **Clothing Donation Receptacles** (Added 10/1/12)

Clothing donation receptacles that benefit a non-profit organization are only allowed in business and industrial districts, on non-vacant land. Such receptacles shall not be located in the setbacks specified for the district in which they are located. The receptacle must not provide a visual distraction or safety hazard. There is a limit of two such receptacles per parcel. They can be no larger than three cubic yards and no greater than six feet in height. They must be metal, neutral in color, and cannot be of reflective or fluorescent colors. They must only accept articles of clothing

and have clearly visible language discouraging illegal dumping. Contact information must be permanently affixed to the receptacle and must use at least two-inch block letters. The receptacle must be properly maintained, with no visible damage, rust, holes, or graffiti.

All clothing donation receptacles require a permit. Applications will be accepted and reviewed by the Department of Inspectional Services and subject to an appropriate fee set by that office. Permits must be renewed yearly and are valid from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year. At the time of application, the following must be provided: a description of the receptacle, a graphic depiction of where the receptacle will be located, a schedule for emptying it, and written permission from the property owner.

**And replacing it with:**

**g. Clothing Donation Receptacles**

Clothing donation receptacles are allowed through site plan approval from the Planning Board. See Table 1 Table of Principal Uses for allowed districts. Additionally, at the time of application, the following must be provided: a description of the receptacle, a graphic depiction of where the receptacle will be located, a schedule for emptying it, and written permission from the property owner. Clothing donation receptacles shall not be located in the front yard setbacks specified for the district in which they are located. The receptacle shall be placed no nearer than five (5) feet to a side lot line and five (5) feet to a rear lot line. The receptacle must not provide a visual distraction or safety hazard. There is a limit of two such receptacles per property. They must only accept articles of clothing and have clearly visible language discouraging illegal dumping. Contact information must be permanently affixed to the receptacle and must use at least two-inch block letters. The receptacle must be properly maintained, with no visible damage, rust, holes, or graffiti. All clothing donation receptacles require a permit from the Building Department.

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

**ARTICLE 17:** To see if the Town will vote to amend **Section 3.2.2** entitled **TABLE 1 LUDLOW TABLE OF PRINCIPAL USES** of its Zoning Bylaws , by removing and replacing **CLOTHING DONATION RECEPTACLES**, under **LAND USE CLASSIFICATION/GENERAL USES**, and allowing the use of these receptacles through Site Plan Approval from the Planning Board in the following districts; **Business A, Business B, Agriculture, Agriculture Moderate Density, Industrial A, Industrial C, and the Mill Redevelopment District** and to amend **Table 1** to reflect this change, as follows:



**Current Section:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
<b>GENERAL USES</b>												
<b>CLOTHING DONATION RECEPTACLES</b>		N	N	N	Y	Y	N	N	Y	N	Y	N

**New Section to Read:**

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
<b>GENERAL USES</b>												
<b>CLOTHING DONATION RECEPTACLES</b>		N	N	N	SPA	SPA	SPA	SPA	SPA	N	SPA	SPA

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

**ARTICLE 18:** To see if the Town will vote to amend its Zoning Bylaws by changing its district from **Residence A** to **Residence B**, a parcel of land owned by Sodi Inc. (Ralph Capua), located at 0 Chapin Street (Assessors Map # 11D, Parcel 115) and described as follows:

**Certain real estate situated in said Ludlow, Hampden County, Massachusetts, being known and designated as Parcel 6 on Plan drawn by Robert C. Chevalier, Associates, dated September 26, 2000, and recorded in Hampden County Registry of Deeds, Plan Book 319, Page 29, and being more particularly bounded and described as follows: The land in Ludlow, Hampden County, Massachusetts, being known and designated as Parcel #6, containing 7.22 Acres, as shown on a plan drawn by Robert C. Chevalier, Associates, Professional Land Surveyor, dated September 26, 2000, said plan being recorded in the Hampden County Registry of Deeds in Plan Book 319, Page 29.**

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

**ARTICLE 19:** To see if the Town will vote to amend its Zoning Bylaws by changing its district from **Residence B** to **Business B**, a parcel of land owned by Jamie & Richard Jacobs, located at 193 Center Street (Assessors Map # 12D, Parcel 53) and described as follows:

The land in Ludlow, Hampden County, Massachusetts, with buildings hereon, bounded and described as follows: Beginning at a stone bound at the intersection of the Westerly line of North Street (Now Center Street) and the Northerly line of Chmura Street, an undeveloped Street, said stone bound being distant southerly one hundred eight-one and 17/100 (181.17) feet from a stone bound at the point of intersection of said westerly line of North Street (now Center Street) with the Westerly line Holyoke, Street, thence running **NORTHERLY** along said western line of North Street (now Center Street) seventy and 4/100 (70.4) feet to an iron pipe at land now or formerly of one Monette; thence turning an internal angle of 87° 40' and running **WESTERLY** along said land now or formerly of Monette, one hundred (100) feet to a stake at land now or formerly of Stanley Chmura; thence turning an angle of 109° and running **SOUTHERLY** along said land now or formerly of Stanley Chmura, sixty nine and 24/100 (69.24) feet to an iron pipe in said northerly line of Chmura Street, thence turning an internal angle of 73° 20' and running **EASTERLY** along said northerly line of Chmura Street, one hundred Nineteen and 78/100 (119.78) feet to the point of beginning, the first and last described lines forming angle of 90°. Containing about 7,480 square feet of land. Being lot no one (1) as shown on a plan of Chmura Circle, recorded with Hampden County Registry of Deeds in Book 32, page126. Subject to easements, rights and restrictions of record if in force and applicable.

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

**ARTICLE 20:** To see if the Town will vote to amend the Town Bylaws, Chapter FOUR, Section 17 relative to safety walks in Town and snow removal by the Town on said walks as follows:

**By deleting:**

**“The Board of Selectmen shall determine and establish safetywalks in Town and authorize snow removal by the Town on said walks.”**

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

**ARTICLE 21:** To see if the Town will vote to amend Chapter TWO of the Town Bylaws by removing in its entirety Section 27 as follows:

**By deleting:**

The Board of Public Works shall annually in April APPOINT A Town Engineer who shall have authority over Town Engineering work under the supervision of the Board of Public Works. The Town Engineer shall have charge of all Town Engineering. The Town Engineer shall act as assistant clerk of the Planning Board. He shall have charge of and preserve, arrange and index, so as to be readily accessible to the public, all plans, surveys, field notes, records, documents and inventories connected with the Engineering Department of the Town. The Town Engineer shall act as "Clerk of the Works" on Town property; real and personal, when the cost of the alteration, repair, or original construction exceeds \$500.00 excluding alteration, repair to school buildings, except when authorized by vote of the School Committee. He shall keep accurate records showing in detail the operation and cost of his department, and a fair and equal distribution of such cost among the several departments in proportion to the amount of work done for and/or by each. (Amended 4/13/92 ATM);

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

**ARTICLE 22:** To see if the Town will vote to amend Chapter TWO of the Town Bylaws, by removing in its entirety Section 34 as follows:

**By deleting:**

No person shall be employed as Superintendent of the Department of Public Works unless said person has attained a Bachelor's Degree in Civil Engineering from an accredited college or university, has demonstrated five years of successful experience in the field of engineering and holds a professional engineer registration from the Commonwealth of Massachusetts. (Added 2/11/91 ATM);

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

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

A true copy,

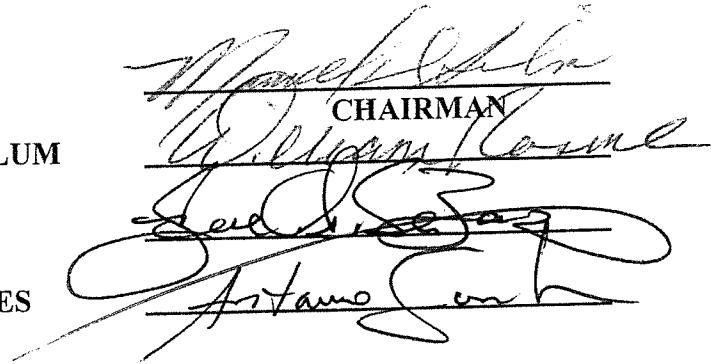
ATTEST:

MANUEL D SILVA

WILLIAM P ROSENBLUM

DEREK G DEBARGE

ANTONIO GONCALVES



CHAIRMAN

BOARD OF SELECTMEN

LUDLOW, MASSACHUSETTS

September 15, 2020

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

2020

Town Clerk