



# Town of Ludlow

## Office of the Planning Board

[ludlow.ma.us/planning](http://ludlow.ma.us/planning)

488 Chapin Street, Ludlow, MA 01056

Phone: (413) 583-5600 ext. 7

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## **Information Sheet**

### Waiver of Frontage

**The Planning Board only issues waivers of frontage in conjunction with either a subdivision or ANR plan.**

#### **What is the purpose of a Waiver of Frontage?**

If a person wishes to create one or more lots whose frontage is less than that which is allowed by the Zoning Bylaw, they must go through a two-step process. This is the first half of that process. This waiver finds that the proposal is acceptable under subdivision control. The second approval (by the Board of Appeals) waives the application of the Zoning Bylaw for frontage through the Board of Appeals. One approval does not imply that the second will be granted since they both require separate findings by the relevant Boards.

#### **What is required of me?**

In this step (MGL, Ch.41, Section 81R), you must convince the Planning Board that granting your waiver would :

1. Be in the public interest
2. Not be inconsistent with the intent and purpose of the Subdivision Control Law.

#### **Does this require a public hearing?**

Yes. This is not waivable.

#### **How long can I expect this to take?**

There is no clear timeline presented under Section 81R. A public hearing must be held and requires legal notice to be published. This process takes an absolute minimum of fourteen days and more likely three to four weeks. The Planning Board will make every effort to render its decision as soon as possible and not 45 days from submission.

#### **What do I have to submit and where?**

Your submission consists of:

- \* the completed application itself;
- \* a copy of the Assessors' Map to show context;
- \* a list of abutters (acquired from the Assessors' Office);
- \* a plot plan showing proposed property lines and dimensions, and proposed and existing structures;
- \* and the fee in force at the time of filing.

Bring your complete submission to the Town Clerk's office to be date stamped. Once it is stamped, you must deliver it to the Planning Board office.

### **What's next?**

If the Planning Board grants your waiver, you must then apply to the Board of Appeals for variances from any relevant dimensional requirements, **including frontage**. The Board of Appeals can only grant a variance if it makes **all three of the following findings**:

1. that the need for a variance owes to circumstances related to soil conditions, shape, or topography of the parcel(s) in question and not the general zoning district
2. that a literal enforcement of the bylaw would involve substantial hardship, financial or otherwise, to the applicant
3. and that the variance may be granted without undermining the public good and is consistent with the purpose and intent of the Zoning Bylaw.

Once you receive both the waiver and the variance, **you must file these documents with the Registry of Deeds in order for them to be valid.**

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



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## **Master Application**

Date submitted to Planning Board: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Location of Property: (address) \_\_\_\_\_, Assessors' Map \_\_, Parcel \_\_\_\_

Zoning of Property: \_\_\_\_\_

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

Is this property in the Aircraft Overlay? YES / NO

Name of Business (if any): \_\_\_\_\_

### **Type Of Application (Check All That Apply):**

\* denotes supplemental application sheet required

#### Site Plan Control:

\_\_\_ Change of Occupancy

\_\_\_ Site Sketch

\_\_\_ Site Plan Approval

#### Other:

\_\_\_ Zone Change \*5

#### Subdivision Control:

\_\_\_ ANR \*3

\_\_\_ Preliminary Subdivision Plan \*3

\_\_\_ Definitive Subdivision Plan \*3

\_\_\_ Waiver of Frontage \*4

#### Special Permitting:

\_\_\_ Special Permit

\_\_\_ Home Occupation \*1

\_\_\_ Home Professional Office

\_\_\_ Accessory Apartment \*2

\_\_\_ Comprehensive Plan (MRD)

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

### **Contact Information:**

#### Applicant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature: \_\_\_\_\_

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

Contact Person (if different):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Signature: \_\_\_\_\_

Property Owner (if different):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Signature: \_\_\_\_\_

Building Owner (if different):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Signature: \_\_\_\_\_

Detailed Description of Proposal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**All applications require a completed certificate of ownership / authority.**

**Publication cost for any public hearings required is the responsibility of the applicant.**

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

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

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

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

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For Office Use Only:

Application #: \_\_\_\_\_  
Special Permit #: \_\_\_\_\_  
Date Received: \_\_\_\_\_

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



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## **Application Supplement 4 – Waiver of Frontage**

**The Planning Board only issues waivers of frontage in conjunction with either a subdivision or ANR plan.**

Please attach one copy of the Assessors' Map for the property.

Please make sure frontage is measured in accordance with diagrams in the Zoning Bylaw.

Frontage Required by Table 2 of the Zoning Bylaws: \_\_\_\_\_ ft

Request is to waive frontage requirement to: \_\_\_\_\_ ft

Reason for request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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### **Justification:**

(Explain how the petition meets the following conditions as required by Chapter 41, Section 81R, of the Massachusetts General Laws.)

1. How would the requested waiver be in the public interest? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. How can such a waiver be granted without deviating from the intent or purpose of the subdivision control law (i.e. How is this situation unique? What makes the circumstances different from every other piece of land in Town? Why should it have any different consideration than every other parcel? How would granting this waiver not be unfair to every other property owner that still needs to follow the subdivision control law?) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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For Office Use Only:

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



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### Certification of Ownership / Authority

### If the applicant is the owner

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

Dated: \_\_\_\_\_

For individual owner:	For corporation/LLC:
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div>Signature</div>	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div>Name of Entity</div> <div>By: <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div></div> <div>Signature</div> <div>Title: <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div></div>