

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.

9/10th'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 the amount of \$_____ 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 enter into a temporary construction easement agreement with WESTMASS AREA DEVELOPMENT CORPORATION as may be required, for the purposes of the “Riverside Drive Infrastructure” project for 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 May 2021 Annual Town Meeting warrant for the purposes of the Board of Selectmen to act as the Board of Public Works; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

Ballot question to read as follows:

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

ARTICLE 6: To see if the town will vote to amend the Town of Ludlow General Bylaws, Chapter XIV, Regulation of Class I, II, III Motor Vehicles Licenses, by changing the number of Class II Motor Vehicles License allowed from twenty (20) to twenty-five (25) and by changing N. 5 - Fees from the annual fee of \$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 of Ludlow General Bylaws by adding the following chapter, Chapter XX, Single Use Plastic Bag Prohibition;

by adding:

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 by law 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 establishment where more than fifty percent of the gross floor area is devoted to the sale of food products for the 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 means a 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 within the Town of Ludlow.

4.2: Customers are encouraged to bring their own useable or biodegradable shopping bags to stores. Retail establishments may provide biodegradable bags,

reusable bags, compostable bags, or recyclable paper bags for free or for a fee, as they so desire. Retail establishments 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 establishment 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.

5.2: Residents of Ludlow who may observe potential violations of this bylaw shall be able to 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 rewrite the Senior Citizen Property Abatement Program as initially approved in Article 15 of the October 2, 2000 Town Meeting (and subsequently amended in 2002 and 2003) by changing Section B replacing it with the following which lowers the number of assignments to 50 and increases the dollar amount to \$750.00 (seven hundred fifty dollars) divided by the Massachusetts Minimum Wage:

by replacing with:

SENIOR CITIZEN PROPERTY ABATEMENT PROGRAM

B. Scope of Program

The Town will set up to no more than (50) slots as volunteer services in various Town departments for this program. The program will have a Board of Advisors composed of five (5) Town department managers and/or designees and the Town Administrator as an ex-officio member to assist in the counsel and advice to the Board of Selectmen for definition of the program, monitoring of its effectiveness and selection process. The Advisors will consist of the following: School Business Manager, Council on Aging Director, Town Collector, Assistant Assessor and Librarian. The Advisory Board shall meet annually to re- determine the allocation of the seventy-five slots

- 1. Applications will be accepted from November 1st through December 31st of each year for the following fiscal year selection. The attached application must be utilized for all prospective volunteers.**
- 2. Volunteers may begin the work on February 1st or later whichever is more convenient for the assigned department and all work must be completed no later than November 30th.**
- 3. Volunteers must complete the number of hours equivalent to \$750.00 divided by the Massachusetts Minimum wage. To qualify for the abatement, individuals must complete the assigned number of hours (no partial abatements will be recognized)**
- 4. Only one abatement per household (volunteer hours must be completed by one individual not shared)**
- 5. The abatement will be applied to the domicile address at the time of the hours worked.**
- 6. If the number of applicants exceeds the number of slots, selection of perspective volunteers will be made on a lottery basis. Each applicant not selected will be assigned a number. In the event that an applicant cannot fulfill the requirements, then the slot will be filled by the next numerical applicant. If that applicant refuses then the next numerical applicant available will be chosen.**
- 7. The allocation of slots will be assigned to the departments where volunteers will be most valuable.**
- 8. Department heads must certify participation of the volunteer program by completing the bottom portion of the original application.**
- 9. In lieu of wages received, volunteers will receive from the Board of Assessors Office, a certificate prior to the issuance of the actual real estate tax bill for the current fiscal year.**

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 Bylaws of the Town of Ludlow, CHAPTER II, REGULATING THE CONDUCT OF TOWN BUSINESS, by deleting in its entirety Section 32 as these fees are no longer collected by the Board of

Health; pass any vote or take any action relative thereto. Submitted by the Board of Health.

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:

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

ARTICLE 10: To see if the Town will vote to accept the provisions of M.G.L. c.90 § 17C which allows for the reducing the statutory speed limit from 30 mph to 25 mph in thickly settled or business districts; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 11: Correct salaries

ARTICLE 12: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by removing **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.4 Fences, by removing the last sentence.**

3.0.4 Fences

Fences shall not exceed four (4) feet in height across the front yard setback portion of any lot perimeter; shall comply with the provisions of Section 3.0.3 of the Zoning Bylaws; and shall not exceed six and one-half (6 ½) feet in height on the remainder of the lot perimeter. No fence more than one-quarter solid shall be erected across the front line, and closer to the street than the setback requirements of the primary building. All fences must be at least six (6) inches from any lot line and must be erected so that the less appealing or post side shall face inward, and chain link or cyclone fences shall have the barbs face down. A fence height greater than six and one-half (6 ½) feet may be permitted if authorized by the Board of Appeals after a Public Hearing. Shrubs and/or shrubbery shall not

constitute the meaning of a fence for the purpose of this provision. All fences four (4) feet and higher require a building permit.

New Section to read as:

3.0.4 Fences

Fences shall not exceed four (4) feet in height across the front yard setback portion of any lot perimeter; shall comply with the provisions of Section 3.0.3 of the Zoning Bylaws; and shall not exceed six and one-half (6 ½) feet in height on the remainder of the lot perimeter. No fence more than one-quarter solid shall be erected across the front line, and closer to the street than the setback requirements of the primary building. All fences must be at least six (6) inches from any lot line and must be erected so that the less appealing or post side shall face inward, and chain link or cyclone fences shall have the barbs face down. A fence height greater than six and one-half (6 ½) feet may be permitted if authorized by the Board of Appeals after a Public Hearing. Shrubs and/or shrubbery shall not constitute the meaning of a fence for the purpose of this provision.

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 the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations by adding to b. 1. Accessory Buildings. “All accessory buildings over 200 square feet require a permit from the Building Department.”**

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 the Zoning Bylaws of the Town of Ludlow, **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations c. Accessory Livestock Agriculture by adding “and roosters” to the excludes livestock category.**

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 the Zoning Bylaws of the Town of Ludlow, **SECTION VI: SPECIAL LAND USE REGULATIONS 6.6 ACCESSORY APARTMENT BYLAW by removing section 6.6.3 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 the Zoning Bylaws of the Town of Ludlow by removing **and replacing** in its entirety, **SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations g. Clothing Donation Receptacles.**

Current Section:

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 1st through June 30th 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.

New Section to read as:

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 the Zoning Bylaws of the Town of Ludlow, **Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES**, 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
GENERAL USES												
CLOTHING DONATION RECEPTACLES		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
GENERAL USES												
CLOTHING DONATION RECEPTACLES		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: Zone change

ARTICLE 19: Zone change

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

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 the Bylaws of the Town of Ludlow CHAPTER II, REGULATING THE CONDUCT OF TOWN BUSINESS, by deleting in its entirety Section 27:

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 the Bylaws of the Town of Ludlow CHAPTER II, REGULATING THE CONDUCT OF TOWN BUSINESS, by deleting in its entirety Section 34:

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

CHAIRMAN

WILLIAM P ROSENBLUM

DEREK G DEBARGE

ANTONIO GONCALVES

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