



Town of Ludlow

Office of the Planning Board

ludlow.ma.us/planning
488 Chapin St., Ludlow, MA 01056

Phone: (413) 583-5624, ext. 1280 / Fax: (413) 583-5603

Information Sheet

Special Permit / Accessory Apartment

What is the purpose of a Special Permit / Home Accessory Apartment?

This Special Permit allows for a separate complete living space within the same house for family members. More commonly known as an “In-Law Apartment”, this permit allows for independent living for a family member, while still maintaining immediate proximity to the family. It also ensure that this process is for family and not simply turning a residence into a commercial unit and affecting the character of the neighborhood.

Does this require a public hearing?

Yes. This is not waivable.

How long can I expect this to take?

A public hearing must be held within 65 days from the date of filing. The Planning Board must take action on the Special Permit within 90 days of the last session of the hearing. These time limits allow the Board to receive input from various other boards and committees as called out in the Bylaw. (7.0.3.a) Once the Board's decision has been filed, there is a 20 day appeal period before the Special Permit can be finalized.

What is required for this Special Permit?

The full list of requirements is available in the Bylaw. (6.6.3 & 7.0.4)

What do I have to submit and where?

You must bring two complete application forms to the Town Clerk's office to be stamped in. The Clerk's office will retain one copy. The other copy of the application must be brought to the Planning Board office along with the fee in force at the time of filing, a copy of the deed for the property, and a list of abutters (acquired from the Assessors' office) (7.0.3).

What else do I need to know?

Once your Special Permit is ready for pick up, you must get it recorded at the Registry of Deeds. Failure to get it recorded will result in you needing to start the process all over again. The permit will expire after one year if substantial use has not commenced without good cause. (7.0.5) Your permit is good for four years and is non-transferable. You may automatically renew your permit by showing proof of owner occupancy and occupancy by a family member. (6.6.4.b) Approximately one month prior to the expiration of your Special Permit, the Planning Board will send you a renewal form. If you do not return this form, the Planning Board will presume that you have no further interest in the Special Permit and revoke it.

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

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)

Other:

- Zone Change *5

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.)

For Office Use Only:

Application #: _____
Special Permit #: _____
Date Received: _____

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



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Application Supplement 2 - Accessory Apartment

Deed of Property recorded _____ Registry, Book _____, Page _____
Date house was built: _____
Total area of house: _____ sqft.
Area of apartment: _____ sqft.

I/We, the undersigned, believing that I/We are entitled to have an accessory apartment in my/our dwelling, do hereby make application for same.

I/We swear that I/we reside at the address listed on this application and will do so as long as the temporary special permit for an accessory apartment is in effect.

I/We further state that the extra unit will be occupied by a family member who is the:

- | | |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> Sister | <input type="checkbox"/> Brother |
| <input type="checkbox"/> Daughter | <input type="checkbox"/> Son |
| <input type="checkbox"/> Aunt | <input type="checkbox"/> Uncle |
| <input type="checkbox"/> Grandmother | <input type="checkbox"/> Grandfather |

of the __ undersigned or their __ spouse.

Signature of Owner(s) _____

Date: _____

For Notary Use Only:

The above signer(s) did appear before me and made oath to the truth of the above statements.

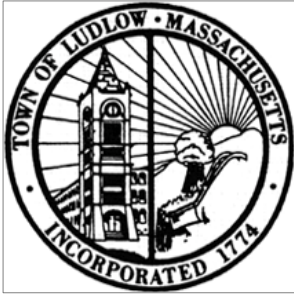
Notary _____

My commission expires _____

For Office Use Only:

Application #: _____

Special Permit #: _____



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Certification of Ownership / Authority

If the applicant is not the owner (such as a tenant)

The undersigned certifies that it has the authority to seek the permit or approval which is the subject of this application and the undersigned further agrees to indemnify and hold harmless the Town of Ludlow for any claims brought by any 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 applicant:	For corporation/LLC:
_____ Signature	_____ Name of Entity By: _____ Signature Title: _____

The undersigned owner consents to the issuance of the permit or approval being sought by the above tenant or other occupant.

Dated: _____

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:
_____ Signature	_____ Name of Entity By: _____ Signature Title: _____

Name: _____

ACCESSORY APARTMENT CONDITIONS

- The accessory apartment will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
- Only one apartment will be created within a single-family home.
- The owner(s) of the residence in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises.
- The additional unit shall be occupied only by a family member. For purposes of this article, family member shall be defined as one of the relatives of the home owner or spouse as follows: mother, father, sister, brother, son, daughter, uncle, aunt, grandmother, grandfather and/or their spouses.
- The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. In general, any new entrances shall be on the side or rear of the building. Any exterior changes made must conform with the single-family character of the neighborhood.
- The accessory apartment shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than eight hundred (800) square feet nor have more than (1) bedroom.
- There shall be provided at least two (2) off-street parking spaces for the principal dwelling unit, and at least one (1) off-street parking space for the accessory apartment. Parking spaces shall be located to the side or rear of the structure, and behind the front yard setback required for the zoning district.
- For dwellings to be served by on-site septic system, the owner must obtain a letter from the Board of Health that the existing sewage disposal system is adequate for the proposed accessory apartment, before a special permit can be obtained.
- There shall be no lodgers in either the original dwelling unit or the accessory apartment.
- The construction of any accessory apartment shall require a building permit.
- The temporary special permit for an accessory apartment in an owner-occupied, single-family dwelling shall terminate upon the sale of the property or transfer of the title of the dwelling, or removal from the dwelling by reason of health or death of the occupant of the accessory unit.
- The owner(s) of the altered dwelling will dismantle the cooking facilities for the accessory apartment and restore the dwelling to a single-family residence upon sale or transfer of title of the dwelling, or removal from the dwelling by reason of health or death of the occupant of the accessory unit, unless a new special permit is obtained within three (3) months after the happening of any of the above events.
- The new owner(s) must apply for re-approval of a special permit for an accessory apartment in an owner-occupied, single-family dwelling and shall submit a notarized letter of application stating that he/they will occupy one of the dwelling units and the additional unit will be occupied by a family member as defined in Section 6.6.3 d. The notarized letter shall state that the original conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing from the Planning Board.
- Upon receiving a special permit, the new owner(s) must file on the subject property, a Declaration of Covenant at the Hampden County Registry of Deeds. A time-stamped copy of the recorded Declaration of Covenant shall be provided to the Planning Board and the Building Department.

I have read and understand the above Accessory Apartment Criteria.

Signature: _____

SPECIAL PERMIT CRITERIA

- a. The proposal is suitably located in the neighborhood in which it is proposed and/or the total town, as deemed appropriate by the Special Permit Granting Authority;
- b. The proposal is compatible with existing uses and other uses permitted by right in the same district;
- c. The proposal would not constitute a nuisance due to air and water pollution, flood, noise, dust, vibrations, lights, or visually offensive structures and accessories;
- d. The proposal would not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians;
- e. Adequate and appropriate facilities would be provided for the proper operation of the proposed use;
- f. The proposal reasonably protects the adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- g. The proposal ensures that it is in conformance with the sign regulations of the bylaw. (See Section 6.5)
- h. The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements;
- i. The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment or use;
- j. The proposal provides adequate methods of disposal and/or storage for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water;
- k. The proposal ensures protection from flood hazards, considering such factors as the following: elevation of buildings; drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow;
- l. The proposal is in general harmony with the general purpose and intent of this bylaw;
- m. The proposed use complies with any and all additional Special Permit Criteria or special use regulations imposed on individual uses in Section VI of this bylaw.

I have read and understand the above Special Permit Criteria.

Signature: _____