BRIDGEWATER TOWN COUNCIL

Tuesday, August 7, 2018
7:30 p.m.
Academy Building
66 Central Square
Council Chamber, Room 203
Bridgewater MA

MEETING AGENDA

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2018 AUG -3 A 11: 24

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS
   a) June 26, 2018
   b) July 10, 2018

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - *None*

F. HEARINGS
   a) **7:35 p.m.:** Order O-FY18-043: Transfer Order – Capital Transfers
   At their meeting held 6/5/18 the Budget & Finance Committee voted 2-0 to recommend approval of this measure. The Finance Committee voted on 6/5/18 to approve 5-0. This measure has been duly advertised in the Enterprise and on the Town's website for a public hearing and may be finally voted this evening at the conclusion of the hearing.
   b) **7:40 p.m.:** License Revocation Hearing: Skips Liquors

G. LICENSE TRANSACTIONS
   a) **7:50 p.m. PUBLIC HEARING** - Petition P-2018-014: Amend Alcohol License - Greyhound Group LLC, dba Greyhound Tavern - Change of Manager of Record and Transfer of Stock
   b) Petition P-2018-015: Licensing of Automatic Amusements In Establishments without Alcohol - Shahara Baillageron DBA Oh Baby/The Cave

H. PRESENTATIONS - *None*

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - *None*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION
   a) Order O-FY19-008: Transfer Order – Sewer Reserve Capital Special Purpose
   At their meeting held 7/10/18 the Budget & Finance Committee voted 2-0 to recommend approval. The Finance Committee meet 8/6/18. Disposition will be provided upon receipt.
   b) Order O-FY19-009: Transfer Order – Water Reserve Capital Special Purpose
   At their meeting held 7/10/18 the Budget & Finance Committee voted 2-0 to recommend approval. The Finance Committee meet 8/6/18. Disposition will be provided upon receipt.
   c) Order O-FY19-010: Contract Ratification - Police Association
   At their meeting held 7/10/18 the Budget & Finance Committee voted 2-0 to recommend approval. The Finance Committee meet 8/6/18. Disposition will be provided upon receipt.
   d) Order O-FY19-011: Acceptance of a Gift - Bridgewater State University
   Budget & Finance Committee meet 8/7/18 and will provide their disposition to full Council. Finance Committee meet 8/6/18. Their disposition will be provided upon receipt.
   e) Order O-FY19-014: Transfer Order – Funding for Property Appraisal for 46 Summer Street and 38 South Street
   Budget & Finance Committee meet 8/7/18 and will provide their disposition to full Council. Finance Committee meet 8/6/18. Their disposition will be provided upon receipt
   f) Petition P-2018-016: State Primary Petition
   It is necessary for the Council to accept the State Primary Warrant as a matter of record.

M. OLD BUSINESS

a) Ordinance D-FY18-017: Zoning Ordinance – Amend Zoning Bylaw 11.10 Zoning Board of Appeals Membership
The Community & Economic Development Committee and Planning Board conducted a joint public hearing on 7/23/18. At the conclusion of the meeting, the Planning Board voted unanimously not to recommend this measure and the Community & Economic Development Committee voted unanimously not to recommend this measure. This measure may not be adopted this evening as it requires additional advertising.

b) Ordinance D-FY18-018: Zoning Ordinance – Amend Zoning Bylaw 7.4 Signs
The Community & Economic Development Committee and Planning Board conducted a joint public hearing on 7/23/18. At the conclusion of the meeting, the Planning Board voted unanimously not to recommend this measure and the Community & Economic Development Committee voted unanimously not to recommend this measure. This measure may not be adopted this evening as it requires additional advertising.

c) Ordinance D-FY19-001: Zoning Ordinance Amend Section 19, Mixed Uses CBD of Zoning Bylaws
The Community & Economic Development Committee and Planning Board conducted a joint public hearing on 7/23/18. At the conclusion of the meeting, the Planning Board voted unanimously to recommend this measure and the Community & Economic Development Committee voted unanimously to recommend this measure. This measure may not be finally adopted this evening as it requires adoption of proposed amendments and additional advertising.

N. NEW BUSINESS

a) Order O-FY19-015: Transfer Order - Capital Transfer - LED Light Conversion *(Town Manager)*
b) Order O-FY19-016: Transfer Order - Sewer & Water Reserve Special Purpose for Loan Paydown *(Town Manager)*
c) Order O-FY19-017: Transfer Order - Town Manager Special Account to Capital Funds *(Town Manager)*
d) Order O-FY19-018: Transfer Order - Appropriation for Street Assessment *(Town Manager)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY18-043

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	May 22, 2018
First Reading:	May 22, 2018
Second Reading/Public Hearing:	August 7, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-043

CAPITAL TRANSFERS

ORDERED pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Trust Fund	80105-596010	Transfer to GF Capital Project Fund	$ 397,498.00
Total:			$ 397,498.00
Use of Funds	Account No.	GL Account Description	Amount
FY 2019 Capital Items 2019-1	10420219-585005	Sweeper Vacuum Truck Pay#4	$ 53,498.00
FY 2019 Capital Items 2018-2	10420219-585006	DPW Foresty Truck	$ 55,000.00
FY 2019 Capital Items 2018-2	10420219-585007	DPW Mechanic Truck	$ 65,000.00
FY 2019 Capital Items 2018	10192219-584000	Downtown Trees	$ 9,000.00
FY 2019 Capital Items 2018	10300219-580000	BRRSD Capital	$ 215,000.00
Total			$ 397,498.00

Explanation: Transfer of Lease Payment #4/5 Sweeper, Replacement of DPW Trucks, and BRRSD Capital Items

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee • Finance Committee • This measure has been duly advertised for a public hearing and may be finally considered at the conclusion of the hearing.	• 6/5/18: Vote 2-0 recommend passage • 6/26/18: Vote 5-0 approve

ROLL CALL VOTE – REQUIRES 9/10 OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Petition: #P-2018-014

Date Introduced/Public Hearing: August 7, 2018

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2018-014

Relative to:

APPROVAL OF LICENSE TRANSACTIONS OF ALCOHOL LICENSEE

WHEREAS, Greyhound Group, LLC dba Greyhound Tavern (licensee) has petitioned the local licensing authority to affirm the petition for Change of Manager and Beneficial Interest/Transfer of Stock; and

WHEREAS, Greyhound Group LLC, dba Greyhound Tavern (licensee) has submitted all application materials and requisite fees to the Town of Bridgewater for submittal to the ABCC; and

WHEREAS, Greyhound Group, LLC dba Greyhound Tavern has complied with the policies and requirements of the Town of Bridgewater and Commonwealth of Massachusetts in making this request; and

WHEREAS, the licensing authority has duly advertised a hearing on this matter to solicit comments from the public on this matter; and

WHEREAS, approval of such petition by the Town of Bridgewater is permitted by Massachusetts General Law – Chapter 138, section 15A; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority, and with the affirmative recommendation of the Tax Collector's Office, it appears that the public good so requires such approvals be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 of the Massachusetts General Law (MGL), in Town Council assembled approve the petitions of Greyhound Group LLC dba Greyhound Tavern for Change of Manager, Beneficial Interest/Transfer of Stock as requested.

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Petition: P-2018-015

Date Introduced: August 7, 2018

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF AUTOMATIC AMUSEMENTS *(in establishments without alcohol)*

APPLICANT:

1) **Shahara Bailargeon, d/b/a Oh Baby/The Cave**
   15 Broad Street

   Hours of Auto Amusement Operation
   Mon-Thu 2PM-11PM
   Fri-Sat 2PM-12AM
   Sun 12PM-8PM
   ***Total Auto Amusements: 4*

WHEREAS, one applicant operating at the aforementioned location desires a license to engage in the operation of automatic amusement devices; and

WHEREAS, License for the operation of automatic amusement devices is subject to renewal annually; and

WHEREAS, All requisite inspections have been satisfactorily completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has reported no outstanding obligations for the candidate; and

WHEREAS, Said applicant has complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and with approval from the Bridgewater Building Inspector/Zoning Enforcement Officer, Police and Fire Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 140, § 177A in Town Council assembled approve the petition, as submitted, and that the aforementioned individual applicant be granted a license to engage in the operation of automatic amusement devices ending December 31, 2018, unless subsequently renewed by the applicant during the annual renewal process.

Bridgewater Town Council

In Town Council, Tuesday August 7, 2018

Council Order: O-FY19-008

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	June 26, 2018
First Reading:	June 26, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-008

TRANSFER ORDER - SEWER RESERVE CAPITAL SPECIAL PURPOSE

ORDERED, pursuant to Section 6-4 of the of the Bridgewater Home Rule Charter, that the Town Council assembled vote to appropriate and transfer the sum of **$250,000**

- from SWR Reserved Special Purpose - Capital account# **6100-358000**
- to SWR WWTP Planning Upgrade # **61105-583004**

Explanation: To Fund planning contract for upgrade of WWTP.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 7/10/18. Vote 2-0 recommend approval.
• Finance Committee	• Meet 8/6/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday August 7, 2018

Council Order: O-FY19-009

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	June 26, 2018
First Reading:	June 26, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-009

TRANSFER ORDER – WATER RESERVE CAPITAL SPECIAL PURPOSE

ORDERED, pursuant to Section 6-4 of the of the Bridgewater Home Rule Charter, that the Town Council assembled vote to appropriate and transfer the sum of **$294,000**

- from WTR Reserved Special Purpose - Capital account# **6200-358000**
- to High Street Water Treatment Facility Capital Fund# **62125-530051**

Explanation: To Fund additional design work contract for upgrade of High Street Water Treatment Facility.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 7/10/18. Vote 2-0 recommend approval.
• Finance Committee	• Meet 8/6/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY19-010

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	June 26, 2018
First Reading:	June 26, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-010

COLLECTIVE BARGAINING AGREEMENT RATIFICATION – BRIDGEWATER POLICE ASSOCIATION

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement covering July 1, 2018 through June 30, 2021 with the Bridgewater Police Association.

Explanation:
The Town Manager negotiated an agreement with the Bridgewater Police Association. An affirmative vote of the Council will approve the contract as presented. A subsequent transfer request will fund the appropriation thereof.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 7/10/18.Vote 2-0 recommend approval.
• Finance Committee	• Meet 8/6/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY19-011

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	July 10, 2018
First Reading:	July 10, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-011

ACCEPTANCE OF GIFT – BRIDGEWATER STATE UNIVERSITY

WHEREAS: Massachusetts General Laws, Chapter 44, §53A, states as follows:
"An officer ... of any city or town … may accept grants or gifts of funds from … from the commonwealth … or an agency thereof, … and may expend such funds for the purposes of such grant or gift ... with the approval of the city manager and city council...;" and

WHEREAS: The Town of Bridgewater has received a financial gift from Bridgewater State University to be expended by the Roadways Department, the Police Department and the Fire Department;

Now, therefore, in accordance with Chapter 44, §53A of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the gift of $55,000.00 from Bridgewater State University to expend the gift in accordance with stated purpose thereof.

Explanation:

Bridgewater State University has donated monies to be distributed equally between the Fire, Police, and Roadways Departments. These funds may be expended without further appropriation. Acceptance of this gift will allow the town to expend the funds for their stated purpose as part of the University's Community Partnership's Office and continued support of the Town of Bridgewater

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 8/7/18. Disposition will be provided to full Council.
• Finance Committee	• Meet 8/6/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY19-014

Introduced By:	Town Manager
Date Introduced	July 10, 2018
First Reading:	July 10, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	July 10, 2018
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-014

TRANSFER ORDER – FUNDING FOR PROPERTY APPRAISAL FOR 46 SUMMER STREET AND 38 SOUTH STREET

ORDERED pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer **from** below schedule Source of Funds **to** below schedule of Use of Funds in order to fund the appraisals and other due diligence for possible eminent domain takings of 46 Summer Street and 38 South Street:

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Trust Fund	80105-596010	Transfer to GF Capital Project Fur	$ 10,000.00
Total:			$ 10,000.00
Use of Funds	Account No.	GL Account Description	Amount
FY 2019 Capital Items 2019	tbd	tba	$ 10,000.00
Total			$ 10,000.00

Explanation: Transfer of Funding for the Appraisals of two properties in preparation for a possible eminent domain taking. The two properties are 38 South Street and 46 Summer Street. Property appraisals are the first step in the process of any taking, but does not bind the Town to following through with a taking.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 8/7/18. Will provide disposition to full Council.
• Finance Committee	• Meet 8/6/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES 9/10 OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council Tuesday, August 7, 2018

Council Petition: P-2018-016

Date Introduced: August 7, 2018

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to: Petition P-2018-016

2018 State Primary Warrant

ORDERED: That the Town Council of the Town of Bridgewater, Massachusetts, assembled accepts, as a matter of record, the attached 2018 State Primary Election Warrant as provided by the Town Clerk.

Explanation: It is required that the Town Council accepts and approves the attached Warrant as a matter of record.

ROLL CALL VOTE

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

2018 STATE PRIMARY

SS.
To the Constables of the Town of Bridgewater

GREETINGS:
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at:

Precincts 1,2,3,4,5,6 & 7
(precinct numbers)
Mitchell at the Middle School, 166 Mount Prospect Street
(polling location)

on **TUESDAY, THE FOURTH DAY OF SEPTEMBER, 2018,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

SENATOR IN CONGRESS. . . . . .FOR THIS COMMONWEALTH
GOVERNOR. . . . . .FORTHIS COMMONWEALTH
LIEUTENANT GOVERNOR. . . . . .FORTHIS COMMONWEALTH
ATTORNEY GENERAL. . . . . .FOR THIS COMMONWEALTH
SECRETARY OF STATE. . . . . FOR THIS COMMONWEALTH
TREASURER AND RECEIVER GENERAL. . . . . .FOR THIS COMMONWEALTH
AUDITOR. . . . . FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS. . . . . .EIGHTH CONGRESSIONALDISTRICT
COUNCILLOR. . . . . FIRST COUNCILLOR DISTRICT
SENATOR IN GENERAL COURT . . . . . .FIRST PLYMOUTH & BRISTOL SENATORIAL DISTRICT
REPRESENTATIVE IN GENERAL COURT. . . EIGHTH PLYMOUTH REPRESENTATIVE DISTRICT
DISTRICT ATTORNEY . . . . . .PLYMOUTH COUNTY DISTRICT
CLERK OF COURTS. . . . . .._PLYMOUTH COUNTY DISTRICT
REGISTER OF DEEDS. . . . . PLYMOUTH COUNTY DISTRICT
COUNTY COMMISSIONERS (if applicable) . . . . .PLYMOUTH COUNTYDISTRICT

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2018.
(month)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Town Council of: Bridgewater

Posting: Academy Building, Senior Center & Bridgewater Public Library
Online viewing: www.bridgewaterma.org
(Indicate method of service of warrant.)

_____ _____, 2018.
Constable (month and day)

Warrant must be posted by **August 21, 2018,** (at least *fourteen days prior* to the **September 4, 2018** State Primary).

ROLL CALL VOTE

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Ordinance: D-FY18-016

Introduced By:	Councilor Francis Sousa
Date Introduced:	May 22, 2018
First Reading:	May 22, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-016

GENERAL ORDINANCE – AMEND ADMINISTRATIVE CODE – ZONING BOARD OF APPEALS MEMBERSHIP

WHEREAS, Bridgewater has been known as unfriendly to do business in; and

WHEREAS, this in part was due to the actions of the Zoning Board of Appeals; and

WHEREAS, the makeup of the Board of Appeals with three members allowed one member to disapprove issues before them with their vote; and

WHEREAS, A Board of five members would eliminate the ability of one member to reject an item before the Board

IT IS THEREFORE ORDERED, that the Town Council assembled votes to amend the Bridgewater Administrative Code, Chapter 1, Article 111, Section 29, Subsection 1A to read as follows:

There shall be a Zoning Board of Appeals consisting of five members and three associate members. Members and Associate Members shall serve for a three year terms

Explanation: Adoption of this Ordinance would increase the membership of the Zoning Board of Appeals from three to five members.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board	• 7/23/18: Joint hearing conducted. Vote unanimous not to recommend measure • 7/23/18: Joint hearing conducted. Vote unanimous not to recommend measure.

NOT FOR ADOPTION – MEASURE WOULD REQUIRE ADVERTISING PRIOR TO A VOTE TO ADOPT

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Ordinance: D-FY18-018

Introduced By:	Councilor Francis Sousa
Date Introduced:	May 22, 2018
First Reading:	May 22, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-018

ZONING ORDINANCE – AMEND ZONING BYLAW 7.4 - SIGNS

WHEREAS, Section 7.4 of the Town's zoning Bylaws requires a business sign to be placed 12 feet in from the front lot line; and

WHEREAS, this can be an unnecessary expense and delay to a business wanting to build in Bridgewater; and

WHEREAS, this is one of the issues making Bridgewater unfriendly to businesses.

IT IS THEREFORE ORDERED, that Section 7.4 Signs be amended to read as follows:

In only businesses, industrial and mixed use districts where buildings are required to maintain a front setback of at least thirty feet, one free stating sign per lot is permitted. The top edge of any such freestanding sign shall be no higher than twenty feet vertical measure above the ground between the support of each side. Any such freestanding sign must be located within the front yard space of said lot and must not be nearer than four feet of the front lot line and twelve feet to the side and rear lot lines.

Explanation: Adoption of this Ordinance would allow for sign placement in mixed use districts and decrease footage from 12 feet to 4 feet.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board	• 7/23/18: Joint hearing conducted. Vote unanimous not to recommend measure. • 7/23/18: Joint hearing conducted. Vote unanimous not to recommend measure.

NOT FOR ADOPTION – MEASURE WOULD REQUIRE ADVERTISING PRIOR TO A VOTE TO ADOPT

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Ordinance: D-FY18-001

Introduced By:	Councilor William Wood
Date Introduced:	June 26, 2018
First Reading:	June 26, 2018
Second Reading:	August 7, 2018
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY19-001

ZONING ORDINANCE – AMEND SECTION 19, MIXED USES – CBD OF ZONING BYLAWS

ORDERED, pursuant to MGL, Chapter 40A that the Town Council assembled votes amend Section 19 of the Town of Bridgewater Zoning Bylaws as follows:

19.01 Purpose:

The purpose of this section is to allow for the redevelopment of the Central Business District to expand small retail and restaurant uses while providing flexibility to respond to changing household sizes and needs.

19.02 Powers and Administrative Procedures

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Mixed Use Development. The SPGA shall adopt rules relative to the issuance of special permits **for** Mixed Use Development and file a copy with the Town Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A.

In all matters in which it has jurisdiction to issue use Special Permits pursuant to the provisions of this Section, the Planning Board may issue such Special Permits only upon a finding that the proposed use is in harmony with the general purpose and intent of this Section. Any such Special Permit shall be subject to such conditions and safeguards as the Planning Board may prescribe and shall include design guidelines applicable to development of the site. In reviewing any application for such a Special Permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

Approval criteria. No Special Permit under Section 19 shall be granted unless the Planning Board finds that:

(a) The Plan complies with the provisions of this Article.

(b) The impact of the development activities shown on the Plan is anticipated to be of benefit to the Town.

(c) The intersections and roadways providing access to the project will operate at an acceptable level of service based on the anticipated impact of vehicular traffic from all proposed development.

(d) The Plan provides adequately for the convenience and safety of vehicular and pedestrian movement within the Project and in relation to streets, property or improvements outside the Project.

NOT FOR ADOPTION – MEASURE WOULD REQUIRE ADVERTISING PRIOR TO A VOTE TO ADOPT.

(e) The Plan provides for the adequacy of the methods of disposal of sewage, refuse and other wastes, provision of utilities, and the methods of drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes.

After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable conditions as the SPGA finds reasonably appropriate to improve the site design, housing, traffic flow, safety and or otherwise serve the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

19.03 Applicability:

No Mixed Use Development special permit shall be granted unless the application and site plan meet the requirements contained in Section 19.4 and the SPGAs Rules and Regulations for Mixed Use Development applications.

19.04 Requirements (Amended 7/22/2016 D-2016-001)

A Mixed Use Development shall be allowed by special permit, subject of the following requirements:

1. The proposal shall meet all the land space requirements table (Section 8.40);
2. The location, size and proposed uses of the development are properly located on the site;
3. Adjacent properties are protected from nuisance caused by noise, fumes, drainage, shading, traffic and/or glare of lights;
4. Significant natural features are preserved as much as possible;
5. Preservation of historic features or buildings;
6. Properties located within the Historic District shall comply with the rules and regulations of the Historic District Commission.
7. Commercial uses shall be required on the first floor in its entirety. No residential uses are allowed at ground floor, or first floor, in mixed use development;
8. The allowed residential density under this Section is 18 units per acre. The Planning Board may allow for density bonuses up to 26 units per acre for the following:
    a. Transfer of Development Rights (TDR) – 1.5 units for every 1 TDR
    b. Preservation of Historic Structures – 2 units for the preservation of 1 Structure
    c. Donation of Open Space or the Preservation of Land through a Conservation Restriction – 1 unit for every 2 acres protected
    d. Payment to the Affordable Housing Trust Fund – a 1 bedroom unit for each donation of $30,000 and a 2 bedroom unit for each donation of $60,000. These amounts will be adjusted annually for inflation at a rate of 2% beginning in 2020.
    e. Public Streetscape Improvements (i.e. plantings, sidewalk improvements, crosswalks, bike lanes, traffic amenities, benches, public art, pocket parks,etc.) – Developer's Agreement with the Town Manager in consultation with the Community & Economic Development Director shall be completed prior to Special Permit application. The Developer's Agreement shall recommend the appropriate density bonus.
    f. Providing Solar Energy or Green Roofs if allowed under the Town's zoning ordinance – 1 unit for the construction of solar energy or green roof for each building.

~~7.~~ Density Bonuses are solely at the discretion of the Planning Board, if the Board finds that the bonus provides a significant benefit to the Town of Bridgewater or public at large.

~~8.~~9. Architectural details of new buildings and additions, textures of wall and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the character of the surrounding area and meet Design Guidelines as established herein.

~~9.~~10. The mass, proportion and scale of the building, proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area and meet Design Guidelines established herein.

11. Parcels in contiguous ownership shall be designed as and considered one project.
12. Projects designed under this section shall have no minimum lot size, frontage requirement or setback requirement.

NOT FOR ADOPTION – MEASURE WOULD REQUIRE ADVERTISING PRIOR TO A VOTE TO ADOPT.

13. Each project submitted under this section must provide the commercial development on the first floor of each building or the commercial development shall equal 30% of the gross floor area of the project. In all instances the first floor of and street facing building shall be commercial development. The SPGA may reduce this requirement with a finding of exceptional circumstances. Exceptional circumstance may include: topography, environmental conditions, soil conditions and shape of the lot.

~~10.1. The building's location shall be parallel or perpendicular to the street. The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.~~

~~11.1. Buildings should be placed close to the road and sidewalk to encourage pedestrian traffic; parking areas should be placed to the side or rear of buildings; long horizontal facades should be avoided by incorporating recesses and projections, of a minimum of two feet in depth; entrance ways should be emphasized by use of rooflines, changes in materials, landscape treatments or other architectural elements; franchise architecture with highly contrasting color scheme, non-traditional forms, reflective siding and roof materials should be avoided; drive-through elements should be architecturally incorporated into the building; drive-through elements generally should not face the street; the material used for additions should complement the materials of the original structure.~~

~~12.1. Rooflines: the use of flat roofs should be avoided, A-frame roofs are preferred; roof colors should be earth tones or a color that is darker than the facade and garish roof colors should not be used; visible roofing materials should complement the color and texture of the building's facade; roof mounted mechanical equipment should be screened from public view or grouped at the rear of the structure where visibility is limited. To prevent a canyon effect along the street scape, proposed structures achieving the maximum building height must utilize terracing of the structure, or creating architectural elements (including angled roofs, dormers and gable elements) above the second story.~~

~~13.1. Building Signs: sign colors should complement the colors on the building; carved wooded signs are encouraged; internally illuminated signs are not allowed; lighting fixtures illuminating signs should be located so light is directed only onto the sign facade.~~

~~14.1. A minimum of 60% of the building's street side facade shall contain windows. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building facade; metal awnings are discouraged.~~

~~15. The Planning Board, as part of a Special Permit, may increase residential density up to 18 units per upland acre (2,420 square feet per unit) with a minimum 30% gross floor area commercial development. The 30% gross floor area is computed from the total gross floor area of the project. No residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.~~

BDesign Guidelines

14. The building's location shall be parallel or perpendicular to the street. The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.
15. Buildings should be placed close to the road and sidewalk to encourage pedestrian traffic; ~~parking areas should be placed to the side or rear of buildings~~; long horizontal facades should be avoided by incorporating recesses and projections, of a minimum of two feet in depth; entrance ways should be emphasized by use of rooflines, changes in materials, landscape treatments or other architectural elements; franchise architecture with highly contrasting color scheme, non-traditional forms, reflective siding and roof materials should be avoided; drive-through elements should be architecturally incorporated into the building; drive-through elements generally should not face the street; the material used for additions should complement the materials of the original structure.
16. Building styles do not necessarily have to be identical to existing styles or mimic historic styles, but should be complimentary and enhance the appearance of the area.
17. Buildings may be 4 stories tall or 45' in height.
18. Rooflines: ~~the use of flat roofs should be avoided,~~ A-frame roofs are preferred, but flat roofs may be allowed for taller building and when green roofs are proposed; roof colors should be earth tones or a color that is darker than the facade and garish roof colors should not be used; visible roofing materials should complement the color and texture of the building's facade; roof mounted mechanical equipment should be screened from public view or grouped at the rear of the structure where visibility is limited. To prevent a canyon effect along the street scape, proposed structures achieving the maximum building height must utilize terracing of the structure, or creating architectural elements (including angled roofs, dormers and gable elements) above the second story.
19. 20% of the gross square feet of each lot shall be vegetated. A landscaping plan stamped by a Registered Landscape Architect shall be submitted to the SPGA for review and approval.

NOT FOR ADOPTION – MEASURE WOULD REQUIRE ADVERTISING PRIOR TO A VOTE TO ADOPT.

20. Street facades should ensure that the building and landscaping enhances the streetscape and does not detract from the character of the area.
21. Building Signs: sign colors should complement the colors on the building; carved wooded signs are encouraged; internally illuminated signs are not allowed; lighting fixtures illuminating signs should be located so light is directed only onto the sign facade.
22. A minimum of 60% of the building's street side facade shall contain windows. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building facade; metal awnings are discouraged.

CThe requirement for commercial development may be accommodated on an adjacent parcel or parcels, providing the commercial development is constructed in conjunction and coordination with the residential development and reflects the character of a village or town center. An approved site plan of the entire development project must outline project phasing and scheduling as well as conditions of approval. Unless otherwise permitted elsewhere in this section, no residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

23. No units larger than 2 bedrooms will be allowed. All projects should provide a balanced mix of 1 & 2 bedrooms.
24. ~~Two~~ One parking spaces per unit plus one visitor parking space for every three units shall be provided.
25. The Planning Board may allow for shared parking between the Commercial and Residential uses on site.
26. All parking areas shall be designed behind the buildings and not adjacent to the street. The SPGA may waive this requirement if topography or other extenuating circumstances warrant it.

~~16.~~27. All drive aisle widths shall be a minimum of 18' unless one-way traffic is proposed and all parking areas shall maintain a minimum of 10% of the gross area as landscaping in addition to the requirement in section B (19).

~~17.~~28. A properly screened dumpster shall be located that meets the following requirements; buffer adjacent residential uses, provides easy access for removal service, doesn't conflict with parking or interior vehicle access, plastic tops to reduce noise.

~~18.~~29. A suitable snow storage area shall be provided without loss of any of the required parking spaces or displacement of drainage basin, swales, etc. The snow storage area shall accommodate a six (6) inch storm event for the driveways and access ways, parking, loading and sidewalk areas contained within the development.

~~19.~~30. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed.

~~20.~~31. A Traffic Impact Assessment, Traffic Impact Statement and Regional Traffic Analysis shall be submitted as required by the Traffic Impact Study By-law.

19.05 Compliance:

An as -built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved special permit shall be submitted to the SPGA for review and approval prior to issuance of permanent occupancy permit.

The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date, except for good cause shown and provided that said construction once begun shall be actively and continuously pursed to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

19.06 Appeals:

Any person aggrieved by a decision of the SPGA under this section may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

NOT FOR ADOPTION – MEASURE WOULD REQUIRE ADVERTISING PRIOR TO A VOTE TO ADOPT.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board	• 7/23/18: Public hearing conducted. Vote unanimous to recommend measure. • 7/23/18: Public hearing conducted. Vote unanimous to recommend adoption.

NOT FOR ADOPTION – MEASURE WOULD REQUIRE ADVERTISING PRIOR TO A VOTE TO ADOPT.

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY19-015

Introduced By:	Town Manager
Date Introduced	August 7, 2018
First Reading:	August 7, 2018
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-015

TRANSFER ORDER - CAPITAL TRANSFER – LED LIGHT CONVERSION PROJECT

ORDERED pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount	
Capital Stabilization Trust Fund	80105-596010	Transfer to GF Capital Project Fund	$	39,000.00
Total:			$	39,000.00

Use of Funds	Account No.	GL Account Description	Amount	
FY 2019 Capital Items 2019	tbd	tba	$	39,000.00
Total			$	39,000.00

Explanation: Transfer of Funding for the Town's Portion of LED Project

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

NOT FOR ACTION – FIRST READING ONLY

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY19-016

Introduced By:	Town Manager
Date Introduced	August 7, 2018
First Reading:	August 7, 2018
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-016

TRANSFER ORDER – SEWER & WATER RESERVE SPECIAL PURPOSE FOR LOAN PAYDOWN

ORDERED pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
SWR Reserved for Special Purpose	6100-358000	SWR Reserved Special Purpose	$ 60,396.00
WTR Reserved for Special Purpose	6200-358000	WTR Reserved Special Purpose	$ 120,794.00
Total:			$ 181,190.00
Use of Funds	Account No.	GL Account Description	Amount
FY19 MCWT 12-06 PAYOFF	tbd	tba	$ 181,190.00
Total			$ 181,190.00

Explanation: Payoff of Storm water MCWT Project which is necessary for MCWT to close out loan.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

NOT FOR ACTION – FIRST READING ONLY

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY19-017

Introduced By:	Town Manager
Date Introduced	August 7, 2018
First Reading:	August 7, 2018
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-017

TRANSFER ORDER – TOWN MANAGER SPECIAL ACCOUNT TO CAPITAL FUNDS

ORDERED pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount	
GF TM SPECIAL ACCOUNT	01235013-530050	T-2015-023 CARVERS ENGINEERING	$	80,800.00
GF TM SPECIAL ACCOUNT	01235013-530505	O-2016-029 STRATEGIC PLAN	$	15,000.00
Total:			$	95,800.00

Use of Funds	Account No.	GL Account Description	Amount	
CAPITAL FUND 1000	tbd	tba	$	80,800.00
CAPITAL FUND 1000	tbd	tba	$	15,000.00
Total			$	95,800.00

Explanation: To properly segregate special or capital related accounts that historically has been encumbered in the General Fund in the Town Manager's Department.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

NOT FOR ACTION – FIRST READING ONLY

Bridgewater Town Council

In Town Council, Tuesday, August 7, 2018

Council Order: O-FY19-018

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	August 7, 2018
First Reading:	August 7, 2018
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-018

TRANSFER ORDER – APPROPRIATION FOR STREET ASSESSMENT

ORDERED, in accordance with Section 6-4 of the Bridgewater Home Rule Charter, that the Town Council assembled vote to transfer and appropriate the following funds for the purposes of obtaining a town-wide street assessment.

Source of Funds	**Account No.**	**GL Account Description**	**Amount**
Capital Stabilization Fund	80105-596110	Transfer to Capital Projects	$ 65,000.00
Total:			**$ 65,000.00**

Use of Funds	**Account No.**	**GL Account Description**	**Amount**
General Fund Capital	10420219-530000	Roadway & Sidewalk Assessment	$ 65,000.00
Total			**$ 65,000.00**

Explanation:
Approval of the above transfer will fund a detailed town-wide street and sidewalk assessment. In addition, it will map all storm drains, manholes, signage, and provide software to track and document street repairs and conditions, as well as document complaints concerning road conditions. The initial work will provide all the information and reporting by November 1 pursuant to the Council's order #0-FY18-031 Roadway and Sidewalk Maintenance and Improvement Plan.

Committee Referrals and Dispositions:

Referral(s)	**Disposition(s)**
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NOT FOR ACTION – FIRST READING ONLY