

BRIDGEWATER TOWN COUNCIL

Tuesday, September 11, 2018

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) August 7, 2018

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Elder Affairs Commission – Regina Cohen
- b) Open Space Committee – Nicole Holmes
- c) Planning Board (Alternate) – Steven Geller
- d) Board of Health – Katie Hammond

F. HEARINGS

- a) 7:40 p.m.: License Revocation Hearing: Skips Liquors

G. LICENSE TRANSACTIONS

- a) Petition P-2018-017 – Granting of a One-Day Alcohol & One Day Entertainment Permit – Black Hat Brew Works – South Shore Brewfest 3

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) November 13, 2018: Next Meeting of the General Public – Invite Senator Pacheco and State Representative D'Emilia for public Q&A (*Councilor George*)

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) 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 has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered.
- b) Order O-FY19-016: Transfer Order – Sewer & Water Reserve Special Purpose for Loan Paydown
Budget & Finance Committee meet 9/11/18. Their disposition will be provided to the full Council. Finance Committee meet 9/10/18. Their disposition will be provided upon receipt.
- c) Order O-FY19-017: Transfer Order – Town Manager Special Account to Capital Funds
Budget & Finance Committee meet 9/11/18. Their disposition will be provided to the full Council. Finance Committee meet 9/10/18. Their disposition will be provided upon receipt.
- d) Resolution R-FY18-004: Performance Appraisal – Town Council Clerk
At their meeting held 8/7/18, The Strategic Planning Committee voted 2-0 to recommend this measure to the full Council with proposed amendment.

M. OLD BUSINESS

- a) Ordinance D-FY18-008: Zoning Ordinance – Elm Street Retail Overlay
At the conclusion of joint hearings held by the Community & Economic Development Committee and Planning Board on 4/17/18 and 6/20/18, both committees voted to recommend with proposed amendments. At their meeting held 6/26/18, the Town Council voted to refer back to the Community & Economic Development Director for recommendations based on Council comments

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relative to testing facilities. Additional proposed amendments have been recommended based on that request. This measure requires further advertising, pending adoption of amendments, therefore may not be finally considered this evening.

- b) Ordinance D-FY18-015: Zoning Ordinance – Zoning Map Amendment – South Business District – Lyman Place Area

At a joint hearing held 8/15/18, the Planning Board voted unanimously not to recommend this ordinance and have the matter considered with the Zoning re-write. The Community & Economic Development Committee voted 2-0 to recommend this measure be withdrawn and the matter considered with the Zoning re-write.

- c) Ordinance D-FY18-016: General Ordinance – Amend Administrative Code – Zoning Board of Appeals Membership

At their meeting held 8/23/18, the Rules & Procedures Committee voted 3-0 not to recommend this measure. This ordinance may not be finally adopted this evening.

N. NEW BUSINESS

- a) Ordinance D-FY19-002: General Ordinance – Amend Administrative Code – Temporary Repairs on Private Ways (*Councilor Sousa*)
b) Order O-FY19-019: Rescind and Revote Order O-FY18-046: Ratification of American Tower Lease Agreement (*Town Manager*)
c) Order O-FY19-020: Prohibiting Retail Marijuana Tax Proceeds (*Councilor Wood*)
d) Order O-FY19-021: Establish Town Manager Goals (*Councilor Wood*)
e) Order O-FY19-022: Transfer Order – Bridgewater Police Association Contract Settlement Funding (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council Tuesday, September 11, 2018

Council Petition: P-2018-017

Date Introduced/Public Hearing: September 11, 2018

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of a One-Day Alcohol & One Day Entertainment Permit

WHEREAS, Paul Mulcahy from Black Hat Brew Works of Bridgewater has petitioned for a One-day Alcohol and One-day Entertainment permit for the following South Shore Farmer Brewfest 3 event:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	South Shore Farmer Brewfest 3	October 7, 2018	12:00 p.m. - 5:00 p.m.	Up to 1000

;and,

WHEREAS, Paul Mulcahy from Black Hat Brew Works has complied with the requirements of the Town of Bridgewater and has agreed to work with the Public Safety Departments to take appropriate security measures; 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 Bridgewater Building Inspector, Fire, Police, and Health 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 Chapter 138 - section 14 and Chapter 140- Section 183A respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Paul Mulcahy of Black Hat Brew Works to be granted a one day alcohol and one day entertainment permit for the aforementioned event to be held on the grounds of 25 Scotland Blvd.



Bridgewater Town Council

In Town Council, Tuesday, September 11, 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
Third Reading:	September 11, 2018
Amendments Adopted:	August 7, 2018
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

ROLL CALL VOTE – REQUIRES 2/3 VOTE OF FULL COUNCIL (6)

within the Project and in relation to streets, property or improvements outside the Project.

- (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.

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.

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.
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.

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12. Projects designed under this section shall have no minimum lot size, frontage requirement or setback requirement.
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.

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;; 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: 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.
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. 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.
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).
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.

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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.
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.
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 pursued 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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board • Amendments adopted by Council 8/7/18. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered.	• 7/23/18: Public hearing conducted. Vote unanimous to recommend measure. • 7/23/18: Public hearing conducted. Vote unanimous to recommend adoption.



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Order: O-FY19-016

Introduced By: Town Manager
Date Introduced: August 7, 2018
First Reading: August 7, 2018
Second Reading: September 11, 2018
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)
- Budget & Finance Committee - Finance Committee	- Meet 9/11/18. Will provide disposition to full Council. - Meet 9/10/18: Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Order: O-FY19-017

Introduced By: Town Manager
Date Introduced: August 7, 2018
First Reading: August 7, 2018
Second Reading: September 11, 2018
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 ENGINEERIN	\$ 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)
- Budget & Finance Committee - Finance Committee	- Meet 9/11/18. Will provide disposition to full Council. - Meet 9/10/18: Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Resolution: R-FY18-004

Proposed Amendment

Introduced By: Councilor Dennis Gallagher

Date Introduced: December 19, 2017

First Reading: December 19, 2017

Second Reading: September 11, 2018

Amendments Adopted:

Date Adopted:

Effective Date:

Resolution R-FY18-004

TOWN COUNCIL CLERK PERFORMANCE APPRAISAL

BE IT RESOLVED: The Town Council assembled approves the distribution of the Town of Bridgewater Performance Appraisal to each Council member for the purposes of evaluating the Town Council Clerk. The completed form should be returned to the Council President no later than ~~January 23~~ September 30, 2018.

Explanation: The purpose of this is to look at the Performance, Hours and Salary of the Council Clerk and to recommend any adjustments.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Strategic Planning Committee	8/7/18: Vote 2-0 recommend approval with amendment.



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Ordinance: D-FY18-008

Introduced By: Councilor Aisha Losche
Date Introduced: November 7, 2017
First Reading: November 7, 2017
Second Reading: June 26, 2018
Third Reading: September 11, 2018
Amendments Adopted: June 26, 2018
Date Adopted:
Date Effective:

Edits in RED and GREEN represent proposed amendments voted by Community & Economic Development Committee and Planning Board

Edits in BLUE, highlighted in YELLOW are secondary amendments proposed as a result of Council comments.

Proposed Ordinance D-FY18-008

ZONING ORDINANCE – ELM STREET ~~RETAIL~~ RECREATIONAL OVERLAY USAGE

WHEREAS, MGL Chapter 94G Section 3 allows local control; and

WHEREAS, the Elm Street Retail Overlay was established to allow Bridgewater to limit and restrict Retail Marijuana businesses to the location of the Medical Marijuana Establishments; and

WHEREAS, MGL 94G Section 3(2)(a)(iii) allows local control to limit the number of ~~Retail~~ Recreational Locations equal to the number of Medical Locations, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Amend Zoning By-Laws by

adding Marijuana Cultivation and, Marijuana Product Manufacturing, and Marijuana Testing Facility as uses allowed by Special Permit to the Elm Street Retail Overlay (ERO) District and No for all other zones in the Use Table and to limit the number of special permits allowed to two (2), and to allow no more than two (2) marijuana establishments per special permit as allowed by MGL 94G Section 3(2)(a)(iii) and to add Marijuana Testing Facility as a use allowed by Special Permit to the Following Districts: CBD, SBD, BUS B, Gateway Business, East Gateway Business, IND A, IND B and IND E and No for all other zones in the Use Table with no limit to the number of special permits allowed for Marijuana Testing Facilities; also to add the following definitions

:MARIJUANA: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "marijuana" shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or

(iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. ~~adding Retail Marijuana Establishments to Elm Street Retail Overlay (ERO) District as a Special Permit and No for all other zones in the Use Table and to limit the number of special permits to the number of Medical Marijuana Establishments, as allowed by MGL 94G Section 3(2)(a)(iii).~~

MARIJUANA ESTABLISHMENT: a marijuana cultivator, marijuana testing facility, marijuana product manufacturer.

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

NOT FOR ACTION – REQUIRES FURTHER ADVERTISING PENDING THE ADOPTION OF AMENDMENTS.

MARIJUANA TESTING FACILITY: a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

And that the Town Council assembled votes to amend the Bridgewater Amend Zoning By-Laws by adding the following criteria:

Administration

Special Permit Granting Authority (SPGA) shall be the Planning Board.

Use Regulations

1. No special permit shall be granted for any Marijuana Establishment sited within a radius of five hundred feet of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground. The 500-foot distance under this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment. Each applicant for a special permit under this section shall submit a plan signed by a licensed surveyor, depicting compliance with the linear distance requirements set forth herein.
2. All aspects of a Marijuana Establishment relative to the cultivation, possession, processing, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. A Marijuana Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure.
3. No outside storage of marijuana, marijuana products, or related supplies is permitted.
4. The Marijuana Establishment shall provide an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the facilities. All resulting odors, smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution.
5. The Marijuana Establishment shall provide for adequate and proper security at the premises so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises.
6. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises. All Marijuana Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.

Dimensional Requirements

NOT FOR ACTION – REQUIRES FURTHER ADVERTISING PENDING THE ADOPTION OF AMENDMENTS.

1. A Marijuana Establishment shall comply with the dimensional controls set forth in The Town of Bridgewater Zoning By-laws.

Abandonment or Discontinuance of Use

1. A special permit grant under this section shall lapse if not exercised within one year of issuance.
2. A Marijuana Establishment shall be required to remove all materials, plants, equipment and other paraphernalia within ninety days of ceasing operations or immediately following revocation of its license issued by the Cannabis Control Commission.
3. The SPGA may require the Marijuana Establishment to post a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling and winding down of the Marijuana Establishment.

Special Permit Approval Criteria

1. After notice and public hearing, and after due consideration of the evidence submitted, including the reports and recommendations of other Town departments, the SPGA, may grant such a special permit provided that it finds that:
 - a) The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance.
 - b) The application information submitted is adequate for the SPGA to consider approving the special permit request.
 - c) The proposed establishment is designed to minimize any adverse impacts on abutting properties.
 - d) The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
 - e) The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.
 - f) The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

Application Requirements

1. All applicants are encouraged to contact the Community and Economic Development Director to schedule a pre- application meeting.
2. In addition to all the application requirements related to special permits the applicant shall include the following at the time of application:
 - (a) Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission.
 - (b) A security plan showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. The security plan shall detail how the property will be monitored so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises and shall show the location of any walkway structures, lighting, gates, fencing and landscaping.

- (c) A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.
- (d) A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.
- (e) Proof that the Marijuana Establishment is registered to do business in the Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 and is in good standing with the Secretary of the Commonwealth and Department of Revenue.
- (f) Documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling or winding down of the Marijuana Establishment, if required.
- (g) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.
- (h) An applicant who is not the property owner shall submit evidence in the form of a deed, an executed lease or valid purchase and sale agreement documenting the applicant's contingent property interest and legal right to operate a Marijuana Establishment at the property.

Explanation:

1. This measure is in keeping with the original strategy discussed in the Council and implements limits and controls.
2. Prior to the intervention of the State for Question 4, Question 4 allowed local control over the location and number of Retail Stores. Local control can be established by the Town Council since we are a City and not a Town form of government.
3. Should the Council decide to allow the Town to vote on a Ban, as now allowed by the revised Question 4 language, and should the ban fail, this measure will protect Bridgewater from having too many shops in unrestricted areas (e.g. Downtown)

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board • 6/26/18: Town Council votes to change sponsor to and have CED Director assess testing facilities and councilor comments.	• Hearings Conducted 4/20/18 and 6/20/18. At the conclusion of 6/20/18 hearing, vote 3-0 recommend ordinance with proposed amendments. • Hearings Conducted 4/20/18 and 6/20/18. At the conclusion of 6/20/18 hearing, vote 3-0 recommend ordinance with proposed amendments.



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Ordinance: D-FY18-015

Introduced By: Councilor Aisha Losche
Date Introduced: May 8, 2018
First Reading: May 8, 2018
Second Reading: September 11, 2018
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY18-015

ZONING ORDINANCE – ZONING MAP AMENDMENT SOUTH BUSINESS DISTRICT – LYMAN PLACE AREA

ORDERED that pursuant to M.G.L., Chapter 40A, Section 5; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Map in the Lyman Place Area as follows:

- Adjust the Zoning designation of the South Business District (SBD) adjacent to Lyman Place to better separate residential use land from that with potential for business development.
- Reduction in the depth of the SBD will result in an increase in the area identified as Residential A/B.
- The proposed change to the SBD from a 1,600-foot depth to a 1,200 foot depth extends from the Taunton River to Map 112, Lot 39 where it transitions back to the 1,600 foot depth.
- Parcels of land which will be impacted by this proposed zoning change are as follows:
 - Map 126, Lot7
 - Map 119, Lot 21
 - Map 119, Lot 36
 - Map 119, Lot 64
 - Map 119, Lot72
 - Map 119, Lot 54
 - Map 119, Lot 55
 - Map 119, Lot 56
 - Map 119, Lot 58
 - Map 112, Lot 2
 - Map 112, Lot 39

Explanation:

There are significant wetlands along the Saw Mill Brook watershed which provide a natural divide and separation of zoning uses. The proposed changes are illustrated on the attached "Exhibit: Proposed Zoning Change from South Business to Residential A/B" dated March 30, 2018, as prepared by Silva Engineering Associates, P.C.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee Planning Board	• 8/15/18: After public hearing, vote 2-0 not to recommend adoption. Recommend it be considered with full zoning review. • 8/15/18: After public hearing, vote unanimously not to recommend adoption. Recommend it be considered with full zoning review.

NOT FOR ADOPTION

GREEN SHADED
AREA TO BECOME
RESIDENTIAL A/B

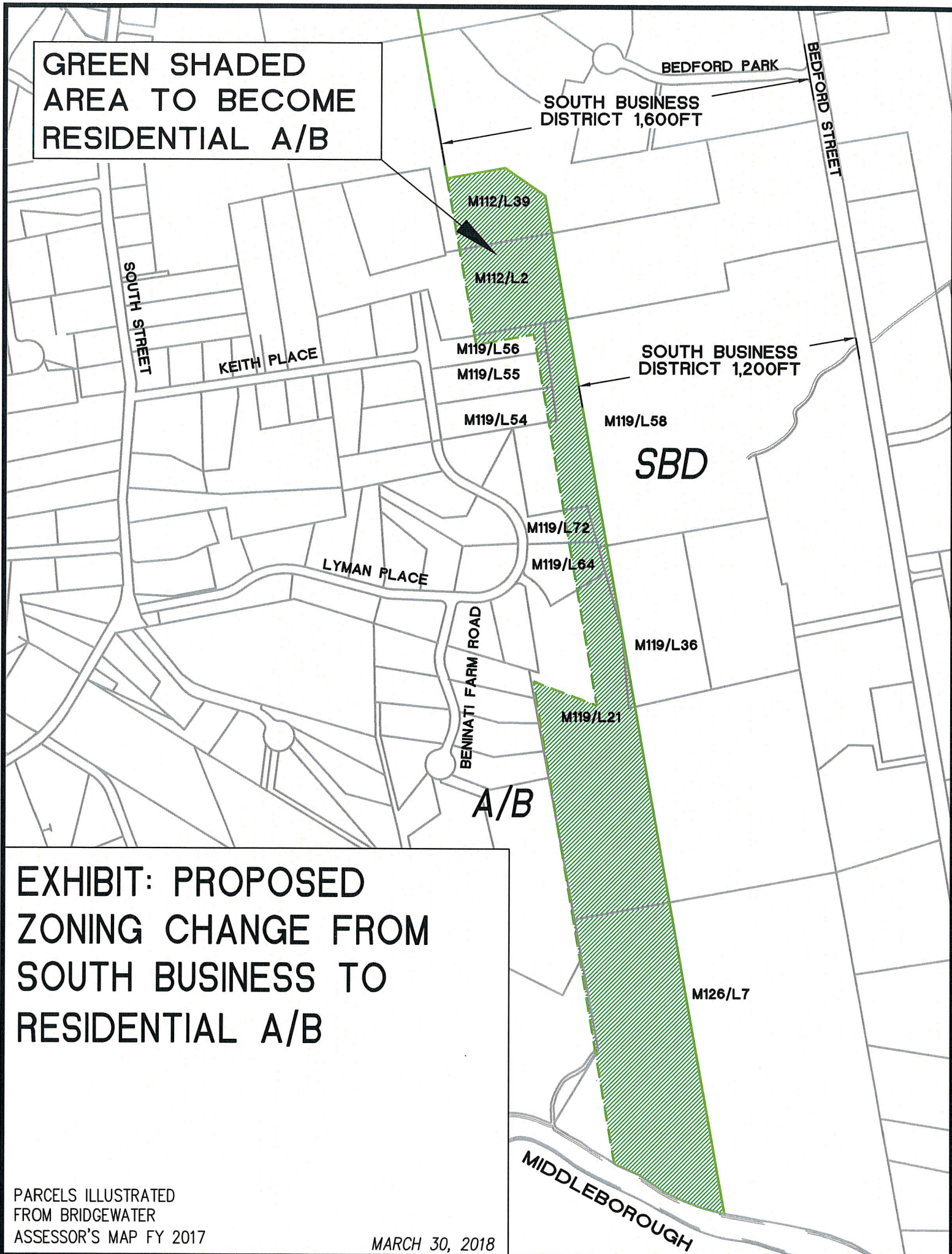


EXHIBIT: PROPOSED
ZONING CHANGE FROM
SOUTH BUSINESS TO
RESIDENTIAL A/B



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Ordinance: D-FY18-016

Introduced By: Councilor Francis Sousa
Date Introduced: May 22, 2018
First Reading: May 22, 2018
Second Reading: September 11, 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)
Rules & Procedures Committee	8/23/18: Vote 3-0 not to recommend adoption.

NOT FOR ADOPTION



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Ordinance: D-FY19-002

Introduced By: Councilor Frank Sousa
Date Introduced: September 11, 2018
First Reading: September 11, 2018
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY19-002

GENERAL ORDINANCE – AMEND ADMINISTRATIVE CODE - TEMPORARY REPAIRS ON PRIVATE WAYS

WHEREAS, In accordance with M.G.L. c40, Section 6N, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Town Code by adding the following:

Chapter 260, Article XVI.
Temporary Repairs on Private Ways

Section 1. General

The maintenance and repair of all public and private ways being of utmost importance to the economic development of the Town; to the control of pollutants entering Town waters; to the preservation of Town property; and to the accessibility of public safety vehicles from public ways to residences, Town facilities, and conservation land; the Department of Public Works is authorized to make temporary repairs to private ways which have been open to the public for a period of at least five (5) years.

Section 2. Type and Extent of Repairs

The repairs made must be temporary in nature, such as filing, grading, patching and surface coating, and may include such repairs to drainage swales or structures, installation of water or sewer, and conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway. The temporary repair shall have a minimum expected life equal to twenty (20) years. Temporary repairs may be undertaken in a way subject to this ordinance, or to a continuous portion of such way, which portion begins and ends at an intersection or conjunction with another way.

Section 3. Petition

Two-thirds of the ownership interests on a private way may petition for temporary repair under this ordinance. Each lot abutting the private way shall count as one ownership interest, unless the Town Manager finds it is impractical, in which case the Town Manager is authorized to waive or amend this calculation.

NOT FOR ACTION – FIRST READING ONLY

Section 4. Betterment Charges

The owners of such land abutting such private way who derive benefit from said repairs shall be assessed betterment charges by the Town Manager. Betterment charges, in an amount of 100% of the aggregate cost of the planning, preparation, and repair of the private way shall be assessed on a per lot basis or on the proportion of lot frontage on the way or portion of the way to be repaired, or other proportional method as may be required by the Town Manager.

The Town may be considered an abutter if property under care, custody and control of the Town abuts said way to be repaired.

Section 5. Status of Way

This ordinance does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.

The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being “maintained and used as a public way” under Massachusetts Subdivision Control Law.

Any private way repaired under the provisions of this ordinance need not be brought up to full Town standards and may continue to remain a private way.

Section 6. Liability

The Town of Bridgewater, in making repairs under this section, shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

Section 7. Indemnity Agreement

No repair of a private way shall be undertaken until the Town Manager and the abutting two-thirds of the property owners have executed agreements holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- a. The Town assumes no liability to such owners by making the repairs;
- b. Jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorney’s fees and other costs of defense;
- c. That should the town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- d. That such repairs shall not constitute “maintenance” of such way, so as to give the way the status of a way “maintained and used as a public way” under Massachusetts Subdivision Control Law, and;
- e. That if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over a number of years of the expected lifetime of the repair to be determined by the Town Manager.

Section 8. Continuous Public Use

The indemnity agreement required in Section 7 shall provide that any private way for which repairs and maintenance are performed and maintenance are performed pursuant to the ordinance shall remain open to public use for a period not less than the expected lifetime of the repair as determined by the Town Manager.

Reference, M.G.L. c. 40, section 6N

Explanation:

Adoption of the above ordinance will amend the Bridgewater Administrative Code by adding Section XVI to Chapter 260. Historically, the Town has improved private ways (most commonly with the installation of water and sewer) and has usually charged assessments to the abutters to cover the expenditures. However, through the work with the First Street property owners to sewer that area, staff has determined that there is not the proper blanket authority to do such work. This ordinance would resolve this issue now and for all future projects.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Order: O-FY19-019

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	September 11, 2018
First Reading:	September 11, 2018
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-019

RESCIND & REVOTE ORDER O-FY18-046: RATIFICATION OF AMERICAN TOWER LEASE AGREEMENT

Whereas, the prior approval of a lease agreement contained typographical errors and did not reflect the vote of the Finance Committee and the Budget and Finance Committee;

Whereas, due to the length of time the agreement shall be in effect, the parties have agreed to a non-exclusive term easement;

Now Therefore, it is ordered to rescind the Ratification of American Tower Lease Agreement (Order O-FY18-046) and replace it with the following:

Ratification of Property Easement between American Tower and the Town of Bridgewater

Whereas; through Order O-2017-012, the Town Council voted to make available for disposition a lot of land known as the Great Hill cell tower site, located off of Burrill Avenue and containing 3,000 square feet of land more or less and currently leased to American Tower;

Whereas, American Tower submitted a proposal to purchase a non-exclusive term easement on the property for 49 years that is beneficial to the Town of Bridgewater and conforms to the requirements of c.30B, sec. 16;

Whereas, the Town Manager has negotiated a mutually beneficial agreement with American Tower;

ORDERED, that the Bridgewater Town Council ratifies the easement purchase agreement as negotiated for the 49-year non-exclusive term easement to the property on Great Hill off Burrill Avenue as required by MGL c.30B, sec. 16, and authorized the Town Manager to execute all documents necessary to affect such transaction.

Explanation:

The Council's ratification O-FY18-046 contained typographical dated information errors and needs to be re-voted. The Budget and Finance Committee and the Finance Committee approved the terms of the agreement as submitted by American Tower Corp., but the order was never amended to reflect the easement option selected by the Town and approved by the committees.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Order: O-FY19-020

Introduced By: Councilor William Wood
Date Introduced: September 11, 2018
First Reading: September 11, 2018
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-020

PROHIBITING RETAIL MARIJUANA TAX PROCEEDS

WHEREAS, the Town of Bridgewater has banned all Recreational Marijuana Retail Stores; and

WHEREAS, the Commonwealth of Massachusetts taxes the retail sales of Recreational Marijuana at 17%; and

WHEREAS, the Commonwealth has estimated the first year revenue from this tax at \$62 Million and the second year revenue at \$154 Million*; and

WHEREAS, if the tax on Retail Marijuana is distributed as local aid, Bridgewater could receive \$246,700 and \$600,600 respectively; and

WHEREAS, it would be morally wrong to benefit from the proceeds of an activity the Town has banned;

THEREFORE, it is **ORDERED**, that the acceptance of local aid from the State resulting from the taxation of Retail Marijuana shall be prohibited and the Town of Bridgewater will refuse or return any proceeds tied to the sales tax on retail marijuana.

Explanation:

You can't ban retail marijuana but accept the proceeds from it. That's morally wrong; the cities and towns that accepted retail sales should benefit from their decision.

Footnote *

Massachusetts Department of Public Health, "Marijuana Baseline Health Study Report of Findings", 29-June-2018

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

NOT FOR ACTION – FIRST READING ONLY



Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Order: O-FY19-021

Introduced By: Councilor William Wood
Date Introduced: September 11, 2018
First Reading: September 11, 2018
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-021

ESTABLISH TOWN MANAGER GOALS

WHEREAS, the Town Manager needs Council direction in the form of Goals for FY19;

THEREFORE, the Goals of the Town Manager are:

[This space intentionally left blank.]

Explanation:

This measure should be sent to the appropriate committee of the Council for content recommendations and returned to the Council within a reasonable amount of time.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 11, 2018

Council Order: O-FY19-022

Introduced By: Town Manager
Date Introduced: September 11, 2018
First Reading: September 11, 2018
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-022

BPA POLICE UNION CONTRACT FUNDING TRANSFER

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	GL Account Description	Amount
OOTS (OTHER ONE TIME STABILIZATION)	80135-596100	TRANSFER TO GF	\$ 92,514.00
Total:			\$ 92,514.00
Use of Funds	Account Org	GL Account Description	Amount
FY 2019 BPA Police Union Contract	02105001	SALARIES & BENEFITS	\$ 92,514.00
Total			\$ 92,514.00

Explanation: Funding of the Police Union Contract Settled and approved 8/7/18 Order O-FY19-010 in the FY2019 CY Budget.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•