



# BRIDGEWATER TOWN COUNCIL

Tuesday, May 21, 2013

7:30 PM

BTV Studios, 80 Spring Street

## AGENDA

**\*\*Reorganization of Town Council\*\***

**\*\*Presentation to the Town Council\*\* - Mrs. Wood**

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) May 7, 2013

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

a) Brian Lynch Day

D. CITIZEN OPEN FORUM

E. APPOINTMENTS – None

F. HEARINGS –

a) 7:50 p.m., Petition #P-2013-021: Class II Auto Dealer License – Enos Landscape and Supply, Inc. dba Practical Pre-Owned

G. LICENSE TRANSACTIONS

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) Council Committee Memberships, Plymouth County Advisory Board Representative, School Committee Liaison (*Councilor Fitzgibbons*)

b) New Councilor Orientation (*Councilor Wood*)

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Order #O-2013-017: Library Contract Ratification

*This measure was referred to the Council Contracts Committee on 5/7/13. The Contracts Committee will provide their disposition to the full council at the 5/21/13 Council Meeting.*

b) Transfer #T-2013-005: CPA Funds – Iron Works

*This measure was "Tabled Pending Additional Information" by the Council on 4/2/13. This measure may be finally considered pending an affirmative vote to "Remove From The Table".*

M. OLD BUSINESS

N. NEW BUSINESS

- a) Resolution #R-2013-002: Town Manager Goals (*Councilor Whitaker*)
- b) Order #O-2013-016: Special State Senator Election Warrant (*Council President and Vice President at the request of the Town Clerk*)
- c) Order #O-2013-019: Dissolve Town Manager Search Committee (*Councilor Fitzgibbons*)
- d) Order #O-2013-020: Dissolve Council Partnership Committee (*Councilor Fitzgibbons*)
- e) Ordinance #D-2013-002: Repeal SFI Ordinance #D-2012-007 (*Councilor Wright*)
- e) Order #O-2013-021: USW Contract Ratification
- f) Transfer# T-2013-013: Funding of USW Contract

Zoning Ordinances:

- g) Ordinance #D-2013-003: Amend Zoning Bylaw: Article A. CBD Mixed Use Buildings
- h) Ordinance #D-2013-004: Amend Zoning Bylaw: Article B. CBD Mixed Use Buildings
- i) Ordinance #D-2013-005: Amend Zoning Bylaw: Article C. CBD Mixed Use Buildings
- j) Ordinance #D-2013-006: Amend Zoning Bylaw: Article D. CBD Mixed Use Buildings
- k) Ordinance #D-2013-007: Amend Zoning Bylaw: Article E. CBD Mixed Use Conversion
- l) Ordinance #D-2013-008: Amend Zoning Bylaw: Article F. Bed and Breakfast
- m) Ordinance #D-2013-009: Amend Zoning Bylaw: Article G. Bed and Breakfast
- n) Ordinance #D-2013-010: Amend Zoning Bylaw: Article H. Bed and Breakfast

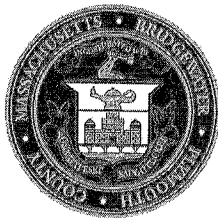
O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

*Pursuant to M.G.L., Section 21A (3): To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.*

R. ADJOURNMENT



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Petition: P-2013-021

Date Introduced/Public Hearing: May 21, 2013

Date Adopted:

Date Effective:

Relative to:

### **THE GRANTING OF A CLASS II USED AUTO DEALERS LICENSE**

WHEREAS, Eno's Landscape & Supplies, Inc. dba Practical Pre-Owned has submitted all applicable documentation as required for a license to operate an auto dealers establishment at 1278 Bedford Street, Bridgewater, Massachusetts; and

WHEREAS, Michael J. Enos will serve as the establishment's manager of record; and

WHEREAS, Eno's Landscape & Supplies, Inc. dba Practical Pre-Owned proposes to operate the business during the following hours:

|                   |                       |
|-------------------|-----------------------|
| Monday - Saturday | 7:00 a.m. - 7:00 p.m. |
| Sunday            | 9:00 a.m. - 5:00 p.m. |

and;

WHEREAS, Eno's Landscape & Supplies, Inc. dba Practical Pre-Owned have complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the zoning requirements, Building and Fire Codes governing the operation of such licenses; and

WHEREAS, Eno's Landscape & Supplies, Inc. dba Practical Pre-Owned appeared before the Planning Board; and

WHEREAS, Eno's Landscape & Supplies, Inc. dba Practical Pre-Owned will operate with the following stipulations that (1) All parking and storage of autos and any other vehicles contain gas or oil products shall be contained within properly paved and drained areas; (2) No seasonal or year round outside storage of boats, campers and/or trailers other than ones for sale shall be allowed outside of the building; (3) No outside storage of junk cars, parts, tires, or any salvage materials shall be allowed outside the building; (4) No off loading of vehicles will be allowed on Bedford Street; all vehicles shall be off loaded within the site; (5) A maximum of forty-three (43) sale spaces shall be allowed; (6) Hours of operation of shall be Monday - Saturdays 7:00 AM to 7:00 PM, Sundays 9:00 AM to 5:00PM; (7) No waivers of applicable rules and regulations shall be authorized unless formally voted for and approved in writing by the applicable town authority; 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 with consensus from the Fire and Police 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 140 - section 58 specifically; and also sections 57 and 59 generally, of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Eno's Landscape & Supplies, Inc., doing business as Practical Pre-Owned, be granted a license to operate as a Class II - Used Car Dealer within the Town of Bridgewater.

**AUTO DEALER'S LICENSE - New Class II License**

**APPLICANT :** Eno's Landscape & Supplies, Inc. dba Practical Pre-Owned, 808 Bedford Street

**Proposed Hours:** Monday - Saturday: 7:00 a.m. - 7:00 p.m.  
Sunday: 9:00 a.m. - 5:00 p.m.

**Required Documents**

- 1 ✓ Application
- 2 ✓ Articles of Incorporation
- 3 ✓ DBA Certificate
- 4 ✓ Copy of one of the following: Lease Agreement, Purchase & Sales Agreement, or Deed (if property owner)
- 5 ✓ Newspaper Advertisement
- 6 ✓ Certified Abutter List and Receipts
- 7 ✓ Plot Plan (ON FILE)
- 8 ✓ Delinquent Tax Certification
- 9 ✓ State Tax Affidavit
- 10 ✓ Workmans' Compensation Insurance Affidavit
- 11 ✓ \$25,000 Proof of Bond (Class II License holders only)
- 12 ✓ Town Fees
  - ✓ \$100.00 - Application Fee
  - ✓ \$200.00 - License Fee

**Recommendations**

- 13 ✓ Tax Collector's Office
- 14 ✓ Fire Department
- 15 ✓ Police Department
- 16 ✓ Building Department

**NOTES:**

1) Favorable recommendations have been received by the Tax Office, Fire, Police and Inspectional Services departments.



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Order: #O-2013-017

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Introduced By: Town Manager  
Date Introduced: May 7, 2013  
First Reading: May 7, 2013  
Second Reading: May 21, 2013  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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### **Proposed Order #O-2013-017**

#### **LIBRARY CONTRACT RATIFICATION**

**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 with the Library Staff.

**Explanation:**

*The Town Manager negotiated an agreement with the Library Staff. An affirmative vote of the Council will approve the contract as presented.*

**Committee Referrals and Dispositions:**

| <b>Referral(s)</b>                                                                                                                                                                                                                                                                                      | <b>Disposition(s)</b>                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• This measure received a first reading 5/7/13.</li><li>• Referred to the Council Contracts Committee.</li><li>• 14 day requirement (per Council Rules &amp; Procedures XVIII - Readings) has elapsed, therefore this measure may be finally considered</li></ul> | <ul style="list-style-type: none"><li>• Contracts Committee meets 5/20 and will provide disposition to full council on 5/21.</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Transfer: #T-2013-005

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Introduced By: Town Manager  
Date Introduced: February 5, 2013  
First Reading: February 5, 2013  
Second Reading: February 26, 2013  
Third Reading: April 2, 2013  
Fourth Reading: May 21, 2013  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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### **Proposed Transfer: #T-2013-005**

#### **CPA TRANSFER – IRON WORKS**

ORDERED, in accordance with Section 6-4 (d) of the Bridgewater Home Rule Charter, the Town Council vote to appropriate and transfer the sum of \$37,200.00 for the purpose of funding phase I of a multi-phase project to preserve and restore the Iron Works building from the following account(s):

| Accounting Information: |                        |                                |                     |
|-------------------------|------------------------|--------------------------------|---------------------|
| From Account:           | Number                 | Name                           | Amount              |
|                         | 201-000-00-0000-324200 | Reserve for Historic Resources | \$ 37,200.00        |
|                         |                        |                                |                     |
| To Account:             | Number                 | Name:                          | Amount              |
|                         | 201-172-27-1025-530033 | Project Management/Historian   | \$ 4,900.00         |
|                         | 201-172-27-1025-530006 | Design/Engineer                | \$ 4,900.00         |
|                         | 201-172-27-1025-582003 | Bldg/Improv - Restoration      | \$ 27,400.00        |
|                         |                        |                                | <u>\$ 37,200.00</u> |

#### Explanation:

*Preservation and restoration of the Iron Works building will be conducted in a three-tier approach. This transfer will fund Tier I. The CPC has voted to recommend this transfer.*

*Committee Referrals and Dispositions:*

| <b>Referral(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Disposition(s)</b>                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• This measure received a first reading 2/5/13.</li><li>• Referred to Council Budget &amp; Finance Committee.</li><li>• Requires consideration by Finance Committee</li><li>• 2/26/13: vote “table pending further information” by Council. Requires vote to remove from “table” before considering.</li><li>• 4/2/13: vote “table pending further information” by the Council. This measure requires a vote to remove from table prior to consideration</li></ul> | <ul style="list-style-type: none"><li>• 2/25/13: Vote 3-0 “Table” pending further information</li><li>• 3/18/13: Vote 2-1 approve.</li><li>• 2/13/13: Vote 7-0 approve</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, Tuesday, May 21, 2013

Council Resolution: R-2012-002

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|                     |                           |
|---------------------|---------------------------|
| Introduced By:      | Councilor Sheila Whitaker |
| Date Introduced:    | May 7, 2013               |
| First Reading:      | May 7, 2013               |
| Second Reading:     |                           |
| Amendments Adopted: |                           |
| Date Adopted:       |                           |
| Effective Date:     |                           |

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### Resolution #R-2012-002

#### **ESTABLISH TOWN MANAGER GOALS**

**WHEREAS;** Section 4-9 of the Bridgewater Home Rule Charter sets forth "Annually, the council president shall cause the town council to prepare and deliver to the town manager a written evaluation of the town manager's performance"

**WHEREAS;** criteria for conducting a proper and meaningful evaluation includes, but is not limited to, goals set and agreed to by and between the Town Council and Town Manager.

**BE IT RESOLVED:** That the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the following Town Manager goals for the year 2013.



## Town of Bridgewater DRAFT Town Manager Goals and Objectives

|                                   |                                                                                                                                                                                                                                                                                                                                               |  |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>1. Financial Management</b>    | Provider leadership, timely updates and prudent advice on financial matters, give effective assistance to the Council and other committees as appropriate, promote coordination and cooperation among the Town's financial departments, and develop capital and operating budgets in line with sound municipal practices and Town ordinances. |  |
| <b>2. Communications</b>          | Maintain and improve communications with the public and among the Town committees and departments, identify and pursue opportunities for effective public communication, and be responsive to public and official inquiries.                                                                                                                  |  |
| <b>3. Operations</b>              | Identify opportunities to improve productivity, innovation, staff development and cost efficiencies; promote a positive work environment, encourage accountability and cooperation within and between departments, and provide status reports while working to further major projects and initiatives.                                        |  |
| <b>4. Long Range Planning</b>     | Develop a strategic planning process, and act in a way to protect the long-term financial, social, economic and environmental interests of the community.                                                                                                                                                                                     |  |
| <b>5. Short Term Response:</b>    | Respond appropriately to unexpected and unforeseen conditions and events.                                                                                                                                                                                                                                                                     |  |
| <b>6. 2013-2014 Project Goals</b> | The Town Manager makes progress and provides updates on specific projects which include:                                                                                                                                                                                                                                                      |  |
|                                   | a. Administrative Code: Providing the Council and its Rules and Procedure Committee a draft Administrative Code,                                                                                                                                                                                                                              |  |
|                                   | b. Business Growth Improvement Plan: Developing a business growth improvement plan;                                                                                                                                                                                                                                                           |  |
|                                   | c. Implementing a performance evaluation system                                                                                                                                                                                                                                                                                               |  |
|                                   | d. Developing a performance dashboard                                                                                                                                                                                                                                                                                                         |  |
|                                   | e. Developing and implementing a town building plan                                                                                                                                                                                                                                                                                           |  |
|                                   | f. Developing a new Town web site                                                                                                                                                                                                                                                                                                             |  |
|                                   | g. Developing an improvement plan for the Golf Course and Transfer Station.                                                                                                                                                                                                                                                                   |  |
| <b>7. Partnership:</b>            | The Town Manager manages and cultivates partnership relationships between the Town and local University, Department of Corrections, and other local agencies.                                                                                                                                                                                 |  |

### Committee Referrals and Dispositions:

| Referral(s) | Disposition(s) |
|-------------|----------------|
| •           | •              |



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Order: O-2013-016

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|                     |                                                                                                     |
|---------------------|-----------------------------------------------------------------------------------------------------|
| Introduced By:      | President Timothy Fitzgibbons and Vice President William Wood<br>(At the request of the Town Clerk) |
| Date Introduced     | May 21, 2013                                                                                        |
| First Reading:      | May 21, 2013                                                                                        |
| Second Reading:     |                                                                                                     |
| Amendments Adopted: |                                                                                                     |
| Date Adopted:       |                                                                                                     |
| Date Effective:     |                                                                                                     |

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### Proposed Order O-2013-016

#### **2013 SPECIAL STATE ELECTION WARRANT – SENATOR IN CONGRESS**

**ORDERED:** that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for the 2013 Special State Election for Senator in Congress.

#### Explanation:

*It is required that the Town Council accepts and approves the attached Warrant for the Special State Election as a matter of record.*

**COMMONWEALTH OF MASSACHUSETTS**  
**WILLIAM FRANCIS GALVIN**  
**SECRETARY OF THE COMMONWEALTH**

**Plymouth, SS.**

To either of the Constables of the Town of Bridgewater:

**GREETING:**

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 the Special State Election to vote at

Precincts 1,2,3,4,5,6,& 7  
(precinct numbers)

Bridgewater Middle School, 166 Mount Prospect Street  
(polling locations)

on **TUESDAY, THE TWENTY-FIFTH OF JUNE, 2013**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidates for the following office:

**SENATOR IN CONGRESS. . . . FOR THIS COMMONWEALTH**

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 \_\_\_\_\_, 2013.  
(month)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Council of: Bridgewater

\_\_\_\_\_  
(Indicate method of service of warrant.)

\_\_\_\_\_, 2013.  
Constable (month and day)

(Warrant must be posted at least *seven days prior* to June 25, 2013.)



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Order: #O-2013-019

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Introduced By: Councilor Fitzgibbons

Date Introduced: May 21, 2013

First Reading: May 21, 2013

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order #O-2013-019**

#### **DISSOLVE TOWN MANAGER SEARCH COMMITTEE**

**WHEREAS;** Order #2012-020: Town Manager Selection establishes a Town Manager Search Committee to meet and bring forward candidates to fill the Town Manager vacancy

**WHEREAS;** A Town Manager has been successfully sourced and hired and the vacancy no longer exists,

It is therefore

**ORDERED,** that the Town Manager Search Committee be dissolved.

Explanation:

*The Town Manager Search committee is no longer necessary as the vacancy has been successfully filled.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Order: #O-2013-020

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Introduced By: Councilor Fitzgibbons

Date Introduced: May 21, 2013

First Reading: May 21, 2013

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order #O-2013-020**

#### **DISSOLVE COUNCIL PARTNERSHIP COMMITTEE**

**WHEREAS;** Order #2011-006: Mitigation Subcommittee (later changed to Partnership Committee) establishes a Council Partnership Committee to “consider issues relating to the financial impact of state institutions within the Town”

**WHEREAS;** the Town Manager should be the primary point of contact with the state institutions in Town;

**WHEREAS;** the council expects the Town manager to keep it informed on all aspects of the relationships with the various state institutions in the Town;

**WHEREAS;** due to these considerations, a singular committee to perform this function is no longer necessary,

It is therefore

**ORDERED,** that the Council Partnership Committee be dissolved.

Explanation:

*The Partnership committee is no longer necessary as the Town Manager should be the primary point of contact partnership efforts.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-002

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Introduced By: Councilor Sandra Wright

Date Introduced: May 21, 2013

First Reading: May 21, 2013

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Ordinance D-2013-002**

#### **REPEAL SFI ORDINANCE #D-2012-007**

**ORDERED** that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote that Ordinance #D-2012-007: Town of Bridgewater Code of Conduct and Ethics Statement of Financial Interest and Financial Disclosure Form (SFI) is hereby repealed Pursuant to Section 2-7(a) of the Bridgewater Home Rule Charter until such time as a new Ordinance is properly introduced and adopted by the Town Council and that any further distribution of the SFI form associated with Ordinance D-2012-007 be immediately suspended.

*Explanation: The purpose of this ordinance is to repeal the original Ordinance voted in 2012, thus halting the distribution and required collection of citizen information.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Order: #O-2013-021

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Introduced By: Town Manager

Date Introduced: May 21, 2013

First Reading:

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order #O-2013-021**

#### **CONTRACT APPROVAL: UNITED STEELWORKERS UNION**

**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 with the United Steelworkers Union, Local 16031.

#### Explanation:

*The Town Manager negotiated a three-year agreement with the United Steelworkers Union, Local 16031. An affirmative vote of the Council will approve the contract as presented. A subsequent transfer request will fund the appropriation thereof.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Transfer: T-2013-013

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Introduced By: Town Manager

Date Introduced: May 21, 2013

First Reading: May 21, 2013

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Transfer - #T-2013-013**

#### **CONTRACT FUNDING: UNITED STEEL WORKERS**

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council vote to appropriate and transfer the sum of \$ 71,555.00 from Fund Undesignated Fund Balance (*account #001-000-00-0000-359000*), to varied departmental line accounts within the General Government budget, for the purposes of funding collective bargaining agreement with the United Steel Workers for the remainder of FY13, or take any other action relative thereto.

#### **And;**

ORDERED, pursuant to Section 4-2 (15) of the Town of Bridgewater Charter that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate \$2,683.20 to the Sewer Enterprise Fund budget to be represented in the accounts listed below and to meet said appropriation transfer \$2,683.20 from Sewer Enterprise retained earnings, account #601-000-00-0000-359000 for the purposes of funding collective bargaining agreements, or take any other action relative thereto.

#### **And;**

ORDERED, pursuant to Section 4-2 (15) of the Town of Bridgewater Charter that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate 2,683.20 to the Water Enterprise Fund budget to be represented in the accounts listed below and to meet said appropriation transfer \$2,683.20 from Water Enterprise retained earnings, account #602-000-00-0000-359000 for the purposes of funding collective bargaining agreements, or take any other action relative thereto.

*Explanation: The Town Manager settled a collective bargaining agreement with the United Steel Workers, professional union. The amounts of transfer requested fulfill the town's obligations for FY2013.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-003

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|                     |                                                 |
|---------------------|-------------------------------------------------|
| Introduced By:      | Councilors Timothy Fitzgibbons and William Wood |
| Date Introduced:    | May 21, 2013                                    |
| First Reading:      | May 21, 2013                                    |
| Second Reading:     |                                                 |
| Amendments Adopted: |                                                 |
| Date Adopted:       |                                                 |
| Date Effective:     |                                                 |

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### **Proposed Ordinance D-2013-003**

#### **ZONING BYLAW AMENDMENT: Article A. CBD Mixed Use Buildings**

**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 Bylaw, Article A as follows:

#### ***Replace existing language with the following:***

**Section 6.10** Except as provided by law or in this Ordinance in each district no building, structure or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations, Section 6.30. Any use not listed shall be construed to be not allowed. The use of lands within an aquifer protection district, shall in addition, be subject to section 15.40 of this Ordinance.

*Explanation: The purpose of this ordinance is to allow for mixed use development in the downtown area. The primary change is allowing residential usage in the downtown area as has been recommended since 2002 by Master Plan.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-004

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|                     |                                                 |
|---------------------|-------------------------------------------------|
| Introduced By:      | Councilors Timothy Fitzgibbons and William Wood |
| Date Introduced:    | May 21, 2013                                    |
| First Reading:      | May 21, 2013                                    |
| Second Reading:     |                                                 |
| Amendments Adopted: |                                                 |
| Date Adopted:       |                                                 |
| Date Effective:     |                                                 |

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### **Proposed Ordinance D-2013-004**

#### **ZONING BYLAW AMENDMENT: Article B. CBD Mixed Use Buildings**

**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 Bylaw, Article A as follows:

#### ***Create a new subsection below section 6.10***

**Section 6.11 Multiple uses** Mixed use building or multiple uses on a property in the Central Business District may be allowed through the special permit process. The special permit granting authority may allow for more than one principal and/or accessory use if the property meets the requirements of Section 19.4 of the Mixed Use Ordinance. The parking requirements for each use shall apply to the portion of the building or land so used.

*Explanation: The purpose of this ordinance is to allow for mixed use development in the downtown area. The primary change is allowing residential usage in the downtown area as has been recommended since 2002 by Master Plan.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-005

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Introduced By: Councilors Timothy Fitzgibbons and William Wood

Date Introduced: May 21, 2013

First Reading: May 21, 2013

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Ordinance D-2013-005**

#### **ZONING BYLAW AMENDMENT: Article C. CBD Mixed Use Buildings**

**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 Bylaw, Article A as follows:

#### ***Additional definitions to Section 2 Definitions***

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Ordinance. Only one principal use shall be allowed by-right for each lot.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, as identified in 6.30 Table of Use Regulations, i. Accessory Uses and Off-Street Parking. An accessory use by area shall not exceed 40 percent of the total area of the structure (s) and/or lot in which such use is located. Only one accessory use shall be allowed by-right for each lot.

*Explanation: The purpose of this ordinance is to allow for mixed use development in the downtown area. The primary change is allowing residential usage in the downtown area as has been recommended since 2002 by Master Plan.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-006

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|                     |                                                 |
|---------------------|-------------------------------------------------|
| Introduced By:      | Councilors Timothy Fitzgibbons and William Wood |
| Date Introduced:    | May 21, 2013                                    |
| First Reading:      | May 21, 2013                                    |
| Second Reading:     |                                                 |
| Amendments Adopted: |                                                 |
| Date Adopted:       |                                                 |
| Date Effective:     |                                                 |

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### **Proposed Ordinance D-2013-006**

#### **ZONING BYLAW AMENDMENT: Article D. CBD Mixed Use Buildings**

**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 Bylaw, Article A as follows:

#### ***To create a new Mixed Use (CBD) Section***

##### **Section 19 Mixed Use (CBD)**

###### **19.1 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.

###### **19.2 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. 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.

### 19.3 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.

### 19.4 Requirements:

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 street frontage of the first floor;
8. 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.
9. 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.
10. 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. 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. 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.
13. 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. 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 maximum number of residential units shall be five (5) units per acre, provided, however, that the SPGA, as a part of the special permit, may allow up to eight (8) units per acre if 25% of the total units are affordable (ownership or rental) as established by the Commonwealth's Division of Housing and Community Development or as revised by the Town.
- a) Affordable housing units shall be integrated with the rest of the development and shall be compatible in exterior design, exterior appearance, construction and use the same quality of materials with as the other units.
  - b) The SPGA shall require the applicant to comply with local preference requirements, if any, as established by the Town Council
  - c) Applicants under this Ordinance shall submit a marketing plan or other method approved by the SPGA, which describes how the affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers.
  - d) Each affordable unit created in accordance with this Ordinance shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale/rent controls shall be established through a deed restriction on the property, recorded at the Plymouth County Registry of Deeds or the Land Court, and shall be in force for as long a period as is lawful.
  - e) The purchaser of an affordable housing unit developed as a result of this Ordinance shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town's (or assignee) right of first refusal for a period not less than one hundred and eighty (180) days to purchase the property of assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.
  - f) The SPGA shall require, as a condition for special permit approval under this Ordinance, that the deeds to the affordable housing units contain a restriction against renting, leasing or sub-leasing said affordable unit so that the rent does not exceed the maximum level as established by the Commonwealth's Division of Housing and Community Development (as may be revised) during the period for which the housing unit contains a restriction on affordability.
  - g) The SPGA shall require, as a condition for special permit approval under this Ordinance, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider. The Zoning Enforcement Officer shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded at the Plymouth County Registry of Deeds or the Land Court.
16. Two parking spaces per unit plus one visitor parking space for every three units shall be provided.
17. A properly screened dumpster shall be located that meet 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. 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. 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.** A Traffic Impact Assessment, Traffic Impact Statement and Regional Traffic Analysis shall be submitted as required by the Traffic Impact Study By-law.

#### 19.5 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.

#### 19.6 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.

*Explanation: The purpose of this ordinance is to allow for mixed use development in the downtown area. The primary change is allowing residential usage in the downtown area as has been recommended since 2002 by Master Plan.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-007

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Introduced By: Councilors Timothy Fitzgibbons and William Wood  
Date Introduced: May 21, 2013  
First Reading: May 21, 2013  
Second Reading:  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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### Proposed Ordinance D-2013-007

#### **ZONING BYLAW AMENDMENT: Article E. CBD Mixed Use Buildings**

**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 Bylaw, Article A as follows:

#### ***Add new line in Section 6.30***

**Section 6.30, Table of Use Regulations, I, Accessory Uses, 11, to allow the conversion of existing buildings into mixed use :**

| I   | Accessory Uses                                                                                                                      | Res A/B | Res C | Res D | CBD | SBD | Bus B | Ind A | IND B | PD | MHEC | GBD |
|-----|-------------------------------------------------------------------------------------------------------------------------------------|---------|-------|-------|-----|-----|-------|-------|-------|----|------|-----|
| 11. | Conversion of existing structure into a mixed use with a maximum of one commercial use on the first floor and two residential units | N       | N     | N     | Y   | N   | N     | N     | N     | N  | N    | N   |

\* **The conversion shall maintain the appearance of the existing structure.**

*Explanation: The purpose of this ordinance is to allow for mixed use development in the downtown area. The primary change is allowing residential usage in the downtown area as has been recommended since 2002 by Master Plan.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-008

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Introduced By: Councilors Timothy Fitzgibbons and William Wood  
Date Introduced: May 21, 2013  
First Reading: May 21, 2013  
Second Reading:  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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### Proposed Ordinance D-2013-008

#### **ZONING BYLAW AMENDMENT: Article F. CBD Bed and Breakfast**

**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 Bylaw, Article A as follows:

#### ***Add new line in Section 6.30***

*Section 6.30, Table Of Use Regulations, A, Residential Uses, 10A, Licensed Bed and Breakfast.*

| A    | Residential Uses                                  | Res<br>A/B | Res<br>C  | Res<br>D  | CBD | SBD       | Bus B | Ind A    | IND B    | PD | MHEC | GBD       |
|------|---------------------------------------------------|------------|-----------|-----------|-----|-----------|-------|----------|----------|----|------|-----------|
| 10A. | Licensed Bed<br>and Breakfast<br>(see section 20) | <b>SP</b>  | <b>SP</b> | <b>SP</b> | SP  | <b>SP</b> | SP    | <b>N</b> | <b>N</b> | N  | N    | <b>SP</b> |

*Explanation: The purpose of this ordinance is to allow for Bed and Breakfast operations in certain districts within Town. This Ordinance changes the current bylaw from "by right" to a Special Permit process with specific criteria in certain districts.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-009

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|                     |                                                 |
|---------------------|-------------------------------------------------|
| Introduced By:      | Councilors Timothy Fitzgibbons and William Wood |
| Date Introduced:    | May 21, 2013                                    |
| First Reading:      | May 21, 2013                                    |
| Second Reading:     |                                                 |
| Amendments Adopted: |                                                 |
| Date Adopted:       |                                                 |
| Date Effective:     |                                                 |

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### **Proposed Ordinance D-2013-009**

#### **ZONING BYLAW AMENDMENT: Article G. Bed and Breakfast**

**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 Bylaw, Article A as follows:

#### ***Add a Bed and Breakfast definition***

Bed and Breakfast: a private owner occupied residence with one to five guestrooms. The bed and breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than fourteen (14) days in any one-year period.

*Explanation: The purpose of this ordinance is to allow for Bed and Breakfast operations in certain districts within Town. This Ordinance changes the current bylaw from "by right" to a Special Permit process with specific criteria in certain districts.*



## Bridgewater Town Council

In Town Council, Tuesday, May 21, 2013

Council Ordinance: D-2013-010

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|                     |                                                 |
|---------------------|-------------------------------------------------|
| Introduced By:      | Councilors Timothy Fitzgibbons and William Wood |
| Date Introduced:    | May 21, 2013                                    |
| First Reading:      | May 21, 2013                                    |
| Second Reading:     |                                                 |
| Amendments Adopted: |                                                 |
| Date Adopted:       |                                                 |
| Date Effective:     |                                                 |

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### **Proposed Ordinance D-2013-010**

#### **ZONING BYLAW AMENDMENT: Article H. Bed and Breakfast**

**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 Bylaw, Article A as follows:

#### ***Add a new Section 20. Bed and Breakfast.***

##### **Section 20 Bed and Breakfast**

###### **20.1 Purpose:**

The purpose of this section is to preserve the existing housing stock and neighborhood character while providing efficient use of larger homes and providing flexibility to respond to changing household sizes and needs.

###### **20.2 Powers and Administrative Procedures:**

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Bed and Breakfast. The SPGA shall adopt rules relative to the issuance of special permits for Bed and Breakfast 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. 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 as the SPGA finds reasonably appropriate to improve the site design, 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.

###### **20.3 Applicability:**

No bed and breakfast special permit shall be granted unless the application and site plan meet the requirements contained in Section 20.4 and the SPGAs Rules and Regulations for Bed and Breakfast applications.

###### **20.4 Requirements:**

A bed and breakfast operation shall be allowed by special permit be subject of the following requirements:

- a. The Residential building hosting a bed and breakfast must be in existence prior to the approval of this by-law.
- b. In the R-A/B, SBD and GBD districts a bed and breakfast shall have a minimum lot size of 87,120 square feet and a minimum lot frontage of 300 feet
- c. In the CBD and Bus-B districts a bed and breakfast shall have a minimum lot size of 20,000 square feet and a minimum lot frontage of 120 feet.
- d. In the RC and RD districts a bed and breakfast shall have a minimum lot size of 37,000 square feet and a minimum lot frontage of 180 feet.
- e. The only meal to be provided guests shall be breakfast, and it shall only be served to guest taking lodging in the facility.
- f. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- g. Exterior alterations other than sign (see i below) shall be in keeping with the character of the structure.
- h. The operation shall not use more than sixty (60%) percent of the floor area of the principal residence. Common areas such as the kitchens are not included in this calculation.
- i. For each bed and breakfast, one small-unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.
- j. One parking space (gravel) per guestroom plus two parking spaces for residence shall be provided.
- k. Guest spaces shall be setback a minimum of twenty feet from any property line and located to the side and rear of the building and shall be screened from adjacent properties by a four-foot high wood or masonry fence or by sight- obscuring vegetation of the same height.
- l. No areas shall be floodlit. 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.

#### 20.5 Compliance:

- a. 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 developments conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.
- b. Any changes in the approved special permit shall be submitted to the SPGA for review and approval prior to issuance of permanent occupancy permit.
- c. 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.

#### 20.6 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.

*Explanation: The purpose of this ordinance is to allow for Bed and Breakfast operations in certain districts within Town. This Ordinance changes the current bylaw from "by right" to a Special Permit process with specific criteria in certain districts.*