



BRIDGEWATER TOWN COUNCIL

Tuesday, September 17, 2013

7:30 PM

BTV Studios, 80 Spring Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) September 3, 2013

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

- a) 7:45 p.m.: Petition #P-2013-030: Transfer of a Class II License from Cycle Pros, Inc., dba Auto Pros to the Garage Cars, LLC
- b) 7:50 p.m.: Reconsideration of Lodging House Application: 28 School Street

G. LICENSE TRANSACTIONS

- a) Petition #P-2013-031: Transfer of a Common Victualler License – 59 Broad Street, LLC
- b) Petition #P-2013-032: Transfer of Common Victualler Licenses – Gen II, LLC, dba Dunkin' Donuts (7 locations)

H. PRESENTATIONS

- a) Master Plan Implementation Committee Update

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION –

- a) Ordinance #D-2013-012: Medical Marijuana Moratorium Ordinance
This measure was referred to the Planning Board and the Council Rules and Procedures Committee who held a joint public hearing on 8/19/13. Both Boards voted to recommend approval with one proposed amendment. This measure has been duly advertised and may be finally considered at this evening's meeting.

M. OLD BUSINESS

- a) Ordinance #D-2013-002: Repeal SFI Ordinance #D-2012-007
This measure was referred to the Council SFI Committee who met on 8/6/13 and recommend proposed amendments. This measure requires advertising and may not be finally considered at this evening's meeting.
- b) Ordinance #D-2013-013: Zoning Change – Walnut Street
This measure was referred to the Planning Board and the Council's Community and Economic Development Committee. After being duly advertised, on 9/10/13 a joint public hearing was held and both boards voted to recommend approval of the measure. This measure requires further advertising pending any amendments offered and accepted by the Council, therefore may not be finally considered this evening
- c) Order #O-2013-030: Laying Out and Accepting a Road – Aldrich Place
This measure was referred to the Planning Board and the Council's Community and Economic Development Committee. At their meeting held 9/10/13, the Planning Board voted to recommend acceptance. The Community and Economic Development Committee voted 2-0 to recommend acceptance. This measure requires advertising and a public hearing, therefore may not be finally considered at this evening's meeting.
- d) Order #O-2013-033: Oliver Place - Chapter 61B – Intent Not to Exercise Right to Purchase Land
This measure was not referred to any committee. 14 days has elapsed per Section XVIII of the Council Rules and Procedures, therefore this measure may be finally considered.

N. NEW BUSINESS

- a) Transfer #T-2013-022: Year-End Transfers (Town Manager)

O. CITIZEN COMMENTS

- P. COUNCIL COMMENTS
- Q. EXECUTIVE SESSION
- R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, September 17, 2013

Council Ordinance: D-2013-012

Introduced By:	Councilor Timothy Fitzgibbons
Date Introduced:	July 2, 2013
First Reading:	July 2, 2013
Second Reading:	September 3, 2013
Amendments Adopted:	September 3, 2013
Third Reading:	September 17, 2013
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2013-012

MEDICAL MARIJUANA MORATORIUM ORDINANCE

To Amend the Town's Zoning Ordinance by adding a new Section ___, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS, that would provide as follows:

Section 21.1: PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date.

Currently under the Zoning Ordinance, a Medical Marijuana Treatment Center is not a permitted use in the Town pursuant to Section 6 Use Regulation and any regulations promulgated by the State. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana.

The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact Ordinances in a manner consistent with sound land use planning goals and objectives.

Section 21.2 DEFINITION:

"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

Section 21.3 TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through January 1, 2014.

During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana. Treatment Facilities and related uses, and shall consider adopting new Zoning Ordinances to address the impact and operation of Medical Marijuana treatment centers and related uses.

Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure received a first reading 7/2/13. • This measure was referred to the Planning Board • This measure was referred to the Council Rules & Procedures Committee • A joint public hearing was conducted on 8/19/13 • Public Hearing notices were published and posted as required by MGL • This measure was duly advertised in the Enterprise 9/7/13 and may be finally considered.	• 8/19/13 – vote approve with one recommended amendment. • 8/19/13 – vote 2-0 to recommend approval with amendment.



Bridgewater Town Council

In Town Council, Tuesday, September 17, 2013

Council Ordinance: D-2013-002

Proposed Amendments

Introduced By: Councilor Sandra Wright
Date Introduced: May 21, 2013
First Reading: May 21, 2013
Second Reading: September 3, 2013
Third Reading: September 17, 2013
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-2013-002

REPEAL-AMEND 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-amended~~ Pursuant to Section 2-7(a) of the Bridgewater Home Rule Charter and the newly revised associated form be implemented. 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-amend and replace~~ the original Ordinance voted in 2012, ~~thus halting the distribution and required collection of citizen information.~~

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- This measure received a first reading 5/21/13. - This measure was referred to the Council's SFI Committee - This measure requires advertising pending acceptance of any amendments offered/accepted, therefore may not be finally considered.	Committee met on 7/9/13 and 8/6/13 to put forward proposed amendments and a new draft form.



TOWN OF BRIDGEWATER

For Official Use Only

STATEMENT OF FINANCIAL INTERESTS FOR THE CALENDAR YEAR

This form is prepared pursuant to Article IX, Section 9-1
of the Bridgewater Town Charter

When properly stamped by the Bridgewater Town
Clerk, this will constitute receipt of the filing.

Filing period
January 1, 20__ -December 31, 20__

Name: _____

Address: _____

Title: _____

Phone: _____ E-Mail: _____

Instructions:

- All questions must be completed. Attach additional pages if more space is needed.
- If a question does not apply, check the “not applicable” box on the bottom line of the question box. If any questions are left blank, the form will be sent back to you.
- Sign the last page.
- Return your form to:
Bridgewater Town Clerk
64 Central Square
Bridgewater, MA 02324
- If you have any questions, please call 508-659-1220 or email RAdams@BridgewaterMA.org

Due Dates:

Municipal Employees: Your form must be returned to the Town Clerk by **June 1, 2013**.

All Other Reporting Officials: If an elected official, your form must be returned **on or before the date your nomination papers are due**. Write-in candidates are required to file no later than 15 days prior to the date of the election. If you are an appointed official, your form is due **upon appointment**.

1. State the name and address of each business (defined as any legal entity organized for profit, non-profit or charitable purposes) from which income in excess of one thousand dollars (\$1,000.00) is received and the nature of your or your family's association with each business.

This information need not be provided unless the business has matters pending before, does any business with, or is subject to regulation, supervision or oversight by the agency, department, board, election commission or other city office which employs you, or over which you have administrative or legislative control.

Payer	Address	Association
[] not applicable		

2. State the name and address for each business transacting business in Bridgewater for which more than one percent (1%) of the beneficial ownership is held directly or indirectly by a family member.

[] not applicable

3. State the name and address of each creditor located within or doing business with the Town of Bridgewater to which more than one thousand dollars (\$1,000.00) was owed on December 31 of the reporting year, the original amount owing, the amount outstanding, the general nature of the security pledged for each obligation, and the terms of repayment (the annual interest rate and either the year final repayment is due).

The following need not be reported: mortgages on the primary residence, obligations on retail installment transactions, educational loans, medical and dental expenses, debt incurred in the ordinary course of an active ongoing business, alimony or support obligations, and any obligation in which the creditor is related within the third degree of consanguinity or affinity.

Creditor	Address	Original amount	Amount owing	Terms Rate/time	Security
[] not applicable					

4. If you are a member of a municipal body (defined to include any agency, committee, council, board, department or other legal entity within Town government), state the name and address of any person who reimbursed you for any expense aggregating more than one hundred dollars (\$100.00) during the reporting period and the cash value of such reimbursement.

This information need not be reported unless the reimbursor has an interest that is distinguishable from the public generally in legislation, legislative action, administrative action, or a matter before that municipal body.

Reimbursor	Address	Amount
[] not applicable		

5. If you are a member of a municipal body, state the name and address of any donor of gifts aggregating more than one hundred dollars (\$100.00) during the reporting period and the fair market value of such gifts as best determinable.

This information need not be reported unless the donor is a person with direct interest in legislation, legislative action, or a matter before that municipal body.

Donor	Address	Value
[] not applicable		

6. Describe (using the description on the most recent tax bill), including address, all real property in which direct or indirect financial interest was held which has an assessed value greater than one thousand dollars (\$1,000.00). If the real property was transferred during the reporting period, state the name and address of the person furnishing consideration to, or receiving it from, you.

Realty	Transferor/transferee (if during reporting period)
[] not applicable	

7. If a legislative agent (a person who is compensated for acting to promote, oppose or influence local legislation) is the source of honoraria aggregating more than one hundred dollars (\$100.00), state the agent's name and address and fair market value of the honoraria.

If you are a member of a municipal body, such honoraria shall only be reported if the source is a person having a direct interest in legislation, legislative action, or a matter before that municipal body.

Agent paying honoraria	Address	Value
[] not applicable		

8. State the name and address of any creditor who voluntarily forgave a debt of over one thousand dollars (\$1,000.00) and the amount forgiven.

This information need not be provided if the creditor is your relative within the third degree of consanguinity or affinity, or your spouse.

Creditor	Address	Amount forgiven
[] not applicable		

9. State the name and address of any business from which you are taking a leave of absence.

[] not applicable

- 10.** Identify the equity (defined as any stock, interests in capital or profits and losses, or similar ownership interest) in any business with which you are associated that has been transferred to a member of your family. A family member who transfers equity to you need not report such an intra-family transfer.

Equity transferred	Recipient family member
☐ not applicable	

- 11.** State the nature, amount, and date of any commercial or business transaction worth two hundred and fifty dollars (\$250.00) or more between any municipal official and you.

Transaction	Amount	Name of official	Date
☐ not applicable			

I swear under the pains and penalties of perjury that the information in this Statement of Interests, and on any attached pages, is true to the best of my knowledge. I understand that filing a deficient or false Statement of Interests may result in disciplinary or legal action being taken against me.

Signature

Date



Bridgewater Town Council

In Town Council, Tuesday, September 17, 2013

Council Ordinance: D-2013-013

Introduced By:	Sandra Wright
Date Introduced:	August 6, 2013
First Reading:	August 6, 2013
Second Reading:	September 17, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2013-013

ZONING MAP AMENDMENT: Residential C and Business B Districts in the Plymouth Street and Walnut Street Area

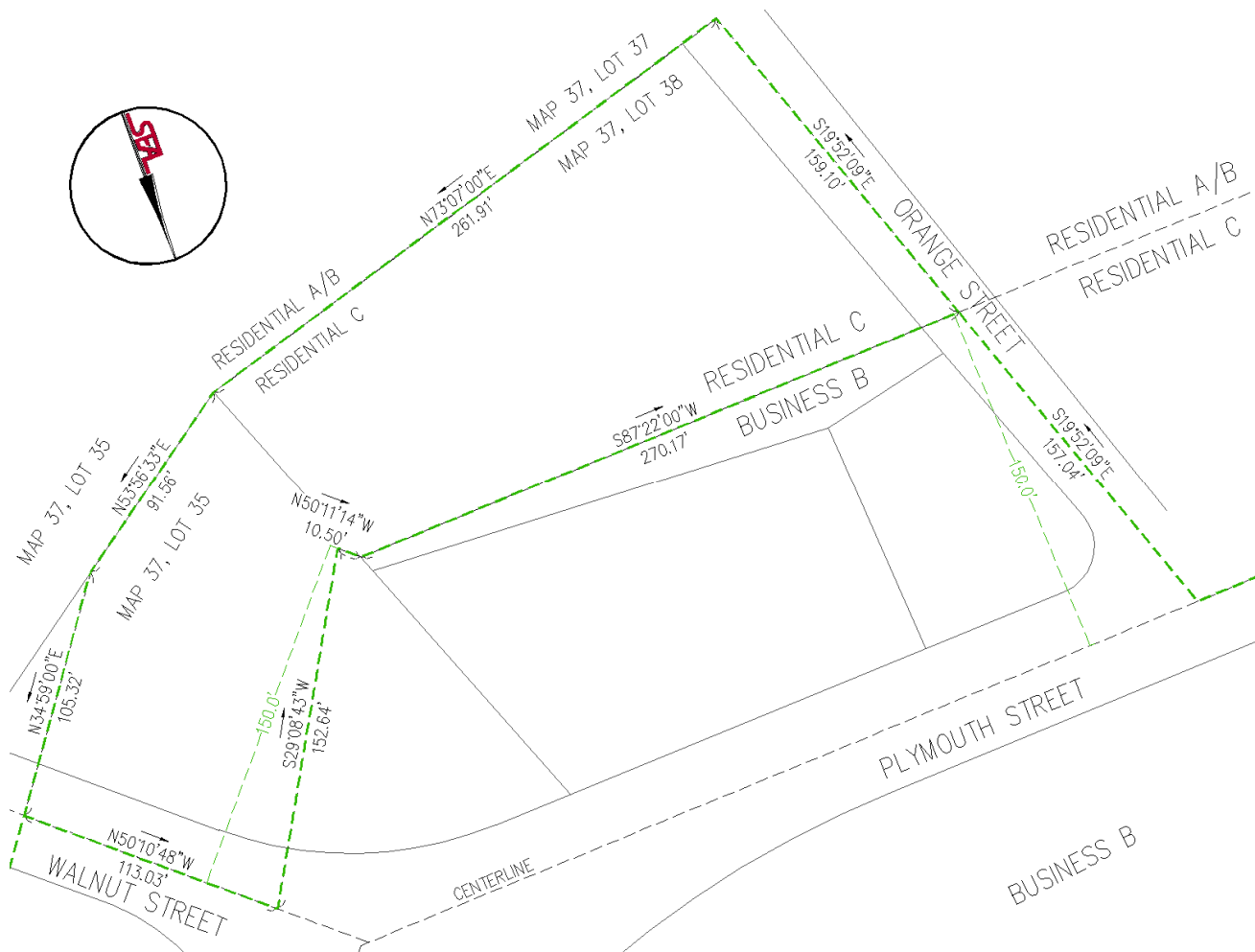
ORDERED that pursuant to M.G.L., Chapter 40A, Section 5; the Town Council of the Town of Bridgewater, Massachusetts, in Town Council, assembled to vote to amend the Bridgewater Zoning Map in the Plymouth, Walnut and Orange Street Area as follows:

- Add a Zoning designation of Residential C (R_C) in the area between Orange Street and Walnut Street to include portions of Assessor's Map 37, Lots 34 and 38.
- Amend the Business B (B_B) boundary to remove a triangular area within Assessor's Map 37, Lot 35.
- Amend the Business B DISTRICT to remove the existing residential dwelling on a portion of Map 37, Lot 34 and designate this area as Residential C.
- The Residential A/B District as amended will follow the northerly property line of Map 37, Lot 37 and a portion of Map 37, Lot 35.
- The proposed changes are illustrated on the attached "Proposed Zoning Change" overlay plan dated August 6, 2013, as prepared by Silva Engineering Associates.

Metes and Bounds

Residential C

Beginning at a point which is S19°52'03"E, 157.04 feet from the centerline Intersection of Orange Street and Plymouth Street; thence S19°52'09"E, 159.10 feet along the centerline of Orange Street; thence N73°08'18"E, 261.91 feet along the northerly property line of Map 37, Lot 37; thence N53°56'33"E, 91.56 feet; thence N34°59'00"E, 105.32 feet to the centerline of Walnut Street; thence along centerline N50°10'48"W, 113.03 feet; thence S29°08'43"W, 152.64 feet; thence N50°11'14"W, 10.50' feet; thence S87°22'00"W, 270.17 feet to the point of beginning. Containing more or less 1 acre.



Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure received a first reading 8/6/13. • This measure referred to the Planning Board • This measure was referred to the Council's Community & Economic Development Committee • A public hearing was conducted on 9/10/13 which was duly advertised in the Enterprise on 8/27/13 and 9/3/13 • This measure requires further advertising per Charter Section 2-9.	• 9/10/13: Vote to recommend approval. • 9/10/13: Vote to recommend approval (2-0).



Bridgewater Town Council

In Town Council, Tuesday, September 17, 2013

Council Order: # O-2013-030

Introduced By:	At the request of the property owner.
Date Introduced	August 6, 2013
First Reading:	August 6, 2013
Second Reading:	September 17, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2013-030

LAYING OUT AND ACCEPTANCE OF A PRIVATE WAY – ALDRICH PLACE

WHEREAS, the owners of the subdivision known as Aldrich Place, Matthew Falconeri, have requested the Town of Bridgewater lay out and accept Aldrich Place as a public way; It is therefore;

ORDERED: that the common necessity and convenience of the inhabitants of the Town of Bridgewater require the laying out of Aldrich Place, from Aldrich Road, northeasterly, and for that purpose it is necessary to take an easement for Highway purposes and lay out as a public street or way of said Town of Bridgewater, said easement passing by or over lands of those persons shown on "EXHIBIT A", attached hereto, and parties unknown.

Said layout of said street is bounded as described as follows:

BEING a 4.30 -acre tract of land situated in the Town of Bridgewater, County of Plymouth, Massachusetts. Beginning on the Northerly side of Aldrich Road a public way of variable width.

BEGINNING at a drill hole set at the point of intersection of the northerly right-of-way line of Aldrich Road with the westerly right-of-way line of Aldrich Place, said point being the point of curvature of a curve to the left having a radius of 15.00 feet, a central angle of 101°07'40", and an arc distance of 26.48 feet to a concrete bound with drill hole set for the point of tangency;

THENCE NORTH 33°05'36" EAST a distance of 260.00 feet to a concrete bound with drill hole set for the point of curvature to the left having a radius of 20.00 feet;

THENCE northwesterly along said curve to the left, through a central angle of 61°55'39", an arc distance of 21.62 feet to a concrete bound with a drill hole set for the point of reverse curvature to the right having a radius of 65.00 feet;

THENCE southeasterly along said curve to the right, through a central angle of $303^{\circ}51'18''$, an arc distance of 344.71 feet to a concrete bound with a drill hole set for the point of reverse curvature to the left having a radius of 20.00 feet

THENCE southwesterly along said curve to the left, through a central angle of $61^{\circ}55'39''$, an arc distance of 21.62 feet to a concrete bound with a drill hole set for the point of tangency;

THENCE SOUTH $33^{\circ}05'36''$ WEST a distance of 269.66 feet to concrete bound with drill hole set for the point of curvature to the left having a radius of 20.00 feet;

THENCE southeasterly along said curve to the left, through a central angle of $78^{\circ}52'20''$, an arc distance of 27.53 feet to a concrete bound with a drill hole set for the point of tangency in the northerly right of way line of Aldrich Road.

THENCE NORTH $45^{\circ}46'44''$ WEST a distance of 75.45 feet along the Northerly right of way line of Aldrich Road to the point of beginning.

Aldrich Place

All the land within the limits of a private way known as Aldrich Place, supposed to belong to Matthew Falconeiri, and others, or parties unknown, being a strip of land extending from Aldrich Road, northeasterly, containing about .58 acres, more or less.

and the following drainage parcels necessary for the proper functioning of the designed drainage system:

Drainage Lot

BEING a 0.25 -acre tract of land situated in the Town of Bridgewater, County of Plymouth, Massachusetts.

BEGINNING at a concrete bound with drill hole set at the westerly right-of-way line of Aldrich Place.

THENCE NORTH $32^{\circ}16'58''$ WEST a distance of 171.83 feet to an iron rod set for a point;

THENCE NORTH $33^{\circ}05'36''$ EAST a distance of 84.43 feet to a drill hole set for a point;

THENCE SOUTH $33^{\circ}55'25''$ EAST a distance of 148.00 feet to an iron rod set in the westerly right of way line of Aldrich Place;

THENCE southeasterly along a curve to the right, through a central angle of $100^{\circ}53'58''$, an arc distance of 114.47 feet to the point of beginning.

Said tract being shown as "Drainage Lot" on "Definitive Subdivision Plan – Aldrich Place, Lot Layout Sheet 1 of 6, Scale: 1"=40', Dated: 08/25/08, revised through 01/26/09", Prepared by Michael J. Koska & Associates Inc. and recorded at the Plymouth County Registry of Deeds in Plan Book 55, Page 156.

Drainage Easement Lot 1

Being a drainage easement being shown as part of Lot 1 on "Definitive Subdivision Plan – Aldrich Place, Lot Layout Sheet 1 of 6, Scale: 1"=40', Dated: 08/25/08, revised through 01/26/09", Prepared by Michael J. Koska & Associates Inc. and recorded at the Plymouth County Registry of Deeds in Plan Book 55, Page 156 and further described as follows.

BEGINNING 119.54 feet from a concrete bound with drill hole set along the westerly right-of-way line of Aldrich Place.

THENCE NORTH 45°46'44" WEST a distance of 19.98 feet to a point;
THENCE NORTH 33°05'36" EAST a distance of 12.23 feet to an iron rod;
THENCE NORTH 45°46'44" WEST a distance of 150.00 feet to a drill hole;
THENCE NORTH 34°02'17" EAST a distance of 144.22 feet to a drill hole;
THENCE NORTH 33°05'36" EAST a distance of 40.45 feet to a drill hole;
THENCE SOUTH 32°16'58" EAST a distance of 22.00 feet to point;
THENCE SOUTH 33°05'36" WEST a distance of 159.06 feet to a point;
THENCE SOUTH 45°46'44" EAST a distance of 149.60 feet to the westerly right of way line of Aldrich Place;
THENCE SOUTH 33°05'36" WEST a distance of 32.61 along the westerly right of way line of Aldrich Place to the point of beginning.

And we have considered and estimated that the damages sustained by all persons who have not waived damages in their several estates as follows:

NO AWARDS.

Explanation:

Approval of this Order would formally affect the layout and acceptance of Aldrich Place by the Town for future maintenance and ownership.

Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure was referred to the Planning Board • This measure was referred to the Council's Community & Economic Development Committee. • This measure requires advertising, abutter notification and a public hearing, therefore may not be finally considered.	• 9/10/13: Vote to recommend acceptance. • 9/10/13: Vote to recommend approval (2-0).



Bridgewater Town Council

In Town Council, Tuesday, September 17, 2013

Council Order: O-2013-033

Introduced By: Town Manager
Date Introduced: September 3, 2013
First Reading: September 3, 2013
Second Reading: September 17, 2013
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order O-2013-033

OLIVER PLACE – CHAPTER 61B – INTENT NOT TO EXERCISE RIGHT TO PURCHASE LAND

ORDERED: That pursuant to MGL Chapter 61B, Section 9 the Town Council of Bridgewater, Massachusetts in Town Council assembled vote not to exercise the right to purchase the parcel of land on Oliver Place, owned by Bedford Street Realty Trust (shown as “Parcel 5” on “Map 101” consisting of approximately 25.74 acres of land).

Explanation:

Based on sound recommendations by both the Planning Board and Board of Assessors (attached), the Town does not seek to exercise its right under MGL 61B, Chapter 9 to purchase the land.

Committee Referrals and Dispositions:

<u>Referral(s)</u>	<u>Disposition(s)</u>
• This measure received a first reading 9/3/13. • This measure was not referred to any committee. • 14 Days has elapsed per Section XVIII of the Council Rules & Procedures, therefore this measure may be finally considered.	

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.