



BRIDGEWATER TOWN COUNCIL

Tuesday, November 5, 2013

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) October 15, 2013 (Meeting of the General Public)
- b) October 15, 2013 (Regular Meeting)

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Interim Town Treasurer – Nancy Wolfson
- b) Associate Planning Board Member – Jean Guarino

F. HEARINGS

- a) 7:40 p.m.: Order # O-2013-030: Laying Out and Accepting a Private Way – Aldrich Place
This measure was referred to the Planning Board who voted to recommend acceptance on 9/10/13. At their meeting held on 9/10/13, the Council's Community and Economic Development Committee voted 2-0 to recommend acceptance. As required, this measure has been duly advertised and abutters notified via mail (excluding duplicates). This measure may be finally considered this evening after the close of the public hearing.

G. LICENSE TRANSACTIONS

- a) 7:45 p.m. Hearing: Petition #P-2013-038: Transfer of All Alcohol Restaurant License – JEH Restaurants, Inc., 425 Bedford Street
- b) 7:50 p.m. Hearing: Petition #P-2013-039: Transfer of All Alcohol Package Store License – Patelsons, Inc. dba Skipps Liquors,
- c) Petition #P-2013-040: Change of Hours for Alcohol Licensee – JMC, Inc. dba Pattaya Restaurant, 98-100 Plymouth Street
- d) Petition #P-2013-041: One-Day Alcohol Licenses (2) – Sodexo

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Gaming Mitigation Committee (*President Fitzgibbons*)
 - Gaming Taskforce Update – Joe Gillis, Jr.

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

M. OLD BUSINESS

- a) Ordinance #D-2013-014: Zoning Ordinance – Medical Marijuana Treatment Facilities
At a duly advertised, posted joint public hearing held on October 21, 2013, the Planning Board and Community and Economic Development Committee voted to recommend the Ordinance with proposed amendments. This measure requires further advertising pending amendments accepted by the Council, therefore may not be finally considered at this evening's meeting.

b) Order #O-2013-029: Establish Charter Review Committee

At their meeting held 10/16/13, the Council's Rules and Procedures Committee voted 3-0 to return the measure to the full council with proposed amendments. This measure may be finally considered at this evening's meeting pending any amendments accepted.

c) Order #O-2013-034: Loan Order – Academy Building Funding

This measure was voted approved 7-0 by the Finance Committee on 9/18/13. The Council's Budget & Finance Committee voted 2-0 to recommend approval on 9/17/13. This measure requires advertising and a public hearing, therefore may not be finally considered this evening.

N. NEW BUSINESS

a) Order #O-2013-037: Ratification of Town Accountant Contract

b) Order# O-2013-038: FY 2014 Classification Tax Allocation-Adoption of Residential Factor

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

Pursuant to MGL Chapter 30A, Chapter 21 (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, November 5, 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
Third Reading:	November 5, 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 Falconeiri, 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;

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE

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.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE

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.

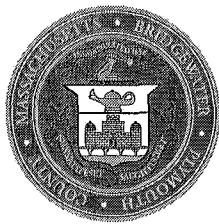
Explanation:

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 was duly advertised for a public hearing in the Enterprise on 10/21 and 10/28. It was filed with the Town Clerk’s office on 10/18/13 and posted on Town bulletin boards. Notification to abutters mailed on 10/24.	• 9/10/13: Vote to recommend acceptance. • 9/10/13: Vote to recommend approval (2-0).

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Petition: P-2013-038

Date Introduced/Public Hearing: November 5, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2013-038

Relative to:

GRANTING of an ALL ALCOHOL RESTAURANT and ATTENDANT LICENSES

WHEREAS, JEH Restaurants Inc. has submitted all applicable documentation as required for transfer of All Alcohol Restaurant and attendant licenses from Bridgewater Restaurants, Inc. dba Barrett's Alehouse; and

WHEREAS, the petitioner has described the service premises at 425 Bedford Street as:

A block building 40'x80' with front foyer; main room approximately 30'x40' with bar; function room with service bar 40'x65'; kitchen, walk-in cooler, liquor room, 4 bathrooms and enclosed outside area rear of building with enclosed deck. Main entrance in front foyer and two right side entrances/exits.

WHEREAS, approval of request to sell alcoholic beverages is required by Massachusetts General Law – Chapter 138, section 12 prior to the final submission to the Commonwealth's Alcohol Beverages Control Commission (ABCC) who must ratify the action; and

WHEREAS, the hours of operation for the food establishment and for the sale of alcohol will be:

Weekdays: 8:00 a.m. – 1:00 a.m. and Sundays: 10:00 p.m. – 1:00 a.m.

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority, with the affirmative recommendations of the 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 12 and Chapter 140 - section 2 and section 6 respectively of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of JEH Restaurants Inc. to operate an establishment and sell alcohol on the premises of 425 Bedford Street, Bridgewater, Massachusetts as requested.

PETITION: NEW RESTAURANT ALL ALCOHOL LICENSE

APPLICANT: JEK RESTAURANTS, INC., 425 Bedford Street

State Documents

- 1 ✓ ABCC Retail Application Form
- 2 ✓ Form 43
- 3 NO License to be pledged? If yes, is agreement attached? _____
- 4 ✓ Vote of the Corporate Board
- 5 ✓ Articles of Organization
- 6 ✓ Certificate of Good Standing from MA DOR
- 7 ✓ Document proving legal right to occupy premises: LEASE
- 8 N/A Business Certificate (issued by the Town Clerk)
- 9 ✓ Newspaper Advertisement
- 10 N/A Abutter Notification w/ receipts
- 11 ✓ Stockholder Personal Information Forms
- 12 ✓ Manager Information Form
- 13 ✓ Floor Plan
- 14 ✓ \$ 200.00 - ABCC Application Fee

Town Documents

- 15 ✓ \$ 150.00 - Town Application Fee (*non-refundable*)
- 20 ✓ Certificate of Insurance Liability

Recommendations

- 21 ✓ Tax Office
- 22 ✓ Fire Department
- 23 ✓ Police Department
- 24 ✓ Building Department
- 25 ✓ Health Department (*If applicable - For transfer of Common Victualler Licenses only*)

NOTES:

1) Affirmative recommendations for approval been provided by all relevant town departments.



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Petition: P-2013-039

Date Introduced/Public Hearing: November 5, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

TRANSFER OF ALL ALCOHOL BEVERAGES PACKAGE STORE LICENSE

WHEREAS, Patelsons, Inc. dba Skips Liquors has petitioned for a transfer of the Package Store All Alcohol beverages license currently exercised by Shree Ambe Corp dba Skip's Liquors at 98-100 Plymouth Street; and

WHEREAS, the hours of operation for alcohol sales will be established as - Weekdays: 8:00 a.m. – 11:00 p.m.; Sundays: 12:00 Noon – 11:00 p.m.

WHEREAS, approval of such request is permitted by Massachusetts General Law – Chapter 138, section 15; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Police Department and Fire Department who has 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 15 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition to transfer the license to Patelsons, Inc., doing business as Skips Liquors to sell Package Store All Alcohol beverages during the hours previously specified at the 98-100 Plymouth Street location as requested.

Explanation:

The grant of application by the local licensing authority is the first step in the license process. The second step is approval by the Alcoholic Beverages Control Commission (ABCC). If the ABCC approves, the final step is issuance of the license by the local licensing board.

Should the Town Council deny this petition, a written Statement of Reasons must be provided to the applicant and the ABCC along with Right to Appeal notice to the applicant. The applicant may appeal this decision to the ABCC, within five (5) days of the receipt of the local licensing authority's Statement of Reasons; which has final approval of all licenses and may affirm or reject the local licensing authority's decision.

PETITION: TRANSFER OWNERSHIP OF ALL ALCOHOL BEVERAGE PACKAGE STORE

APPLICANT: Patelsons, Inc, dba Skip~~ps~~ Liquor, 98-100 Plymouth Street

State Documents

- 1 ✓ ABCC Retail Application Form
- 2 ✓ Petition for Transfer of Ownership
- 3 ✓ Form 43
- 4 NO License to be pledged? If yes, is agreement attached? _____
- 5 ✓ Vote of the Corporate Board
- 6 ✓ Articles of Organization
- 7 ✓ Document proving legal right to occupy premises: FINAL LEASE
- 8 N/A Business Certificate (issued by the Town Clerk)
- 9 ✓ Newspaper Advertisement
- 10 N/A Abutter Notification w/ receipts
- 11 ✓ Personal Information Forms
- 12 ✓ Manager Information Form
- 13 N/A Floor Plans
- 14 ✓ Supporting Financial Records (*on file*)
- 15 ✓ \$ 200.00 - ABCC Application Fee

Town Documents

- 15 ✓ \$ 150.00 - Town Application Fee (*non-refundable*)
- 17 ✓ Delinquent Tax Certification
- 18 ✓ State Tax Affidavit
- 19 ✓ Workmans' Compensation Insurance Affidavit

Recommendations

- 20 ✓ Tax Office
- 21 ✓ Fire Department
- 22 ✓ Police Department
- 23 ✓ Building Department
- 24 N/A Health Department (*If applicable - For transfer of Common Victualler Licenses only*)

NOTES:

1) Hours of operation for alcohol sales: Weekdays: 8:00 a.m. – 11:00 p.m. and Sundays: 12:00 Noon – 11:00 p.m.

2) The relevant offices have submitted affirmative recommendations for aproval of license request.



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Petition: P-2013-040

Date Introduced/Public Hearing: November 5, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

CHANGING OF HOURS OF BUSINESS OPERATIONS for an ALCOHOL LICENSEE

WHEREAS, JMC. Inc. dba Pattaya Restaurant, 70 Broad Street has petitioned to modify the hours of operation to:

- Monday - CLOSED
- Tuesday - Saturday: 11:00am-9:30 p.m.
- Sunday: Noon - 9:00 p.m.

WHEREAS, currently the business is licensed to operate: Monday – Sunday: 11:00 a.m. – 12:00 a.m.; and

WHEREAS, approval of such requests for an alcohol licensee must be approved by the local licensing authority pursuant to permitted by Massachusetts General Law – Chapter 138; and

WHEREAS, JMC. Inc. dba Pattaya Restaurant has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Police Department and Fire Department who has 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 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of JMC. Inc. dba Pattaya Restaurant to reduce the establishment's hours as requested.

PETITION: CHANGE OF HOURS FOR ALL ALCOHOL RESTAURANT LICENSE

APPLICANT : JMC, Inc. dba Pattaya Restaurant, 70 Bedford Street

State Documents

- | | | |
|---|------------|---------------------------------|
| 1 | <u>N/A</u> | ABCC Application |
| 2 | <u>N/A</u> | Vote of the Corporate Board |
| 3 | <u>✓</u> | Form 43 |
| 4 | <u>N/A</u> | Newspaper Advertisement |
| 5 | <u>N/A</u> | Abutter Notification |
| 6 | <u>N/A</u> | \$200.00 - ABCC Application Fee |

Town Documents

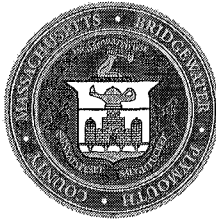
- | | | |
|---|----------|---------------------------------|
| 7 | <u>✓</u> | \$150.00 - Town Application Fee |
|---|----------|---------------------------------|

Recommendations

- | | | |
|----|------------|--|
| 11 | <u>N/A</u> | Tax Office |
| 12 | <u>✓</u> | Fire Department |
| 13 | <u>✓</u> | Police Department |
| 14 | <u>N/A</u> | Building Department |
| 15 | <u>N/A</u> | Health Department (<i>If applicable - For transfer of Common Victualler Licenses only</i>) |

NOTES:

- 2 The Police and Fire Departments both recommend approval of these licenses.



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Petition: P-2013-041

Date Introduced/Public Hearing: November 5, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2013-041

Relative to:

THE GRANTING OF ONE-DAY ALCOHOL PERMITS

WHEREAS, Sodexo, Inc. has petitioned for two (2) One-Day Wine and Malt Beverages Permits for the following events to be held on the campus of Bridgewater State University (B.S.U.):

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE	LOCATION
1	English Language Collaborative	November 7, 2013	7:00 p.m. - 8:00 p.m.	40	Burnell Hall – Room 13213
2	Visiting Authors	November 21, 2013	5:30 p.m. - 6:30 p.m.	30	Davis Alumni House

; and

WHEREAS, Gary Boothby – Director of Sodexo Food Service for B.S.U. will serve as the manager of record for the events; and

WHEREAS, Sodexo, Inc. has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and in accordance with the affirmative recommendations of the Police and Fire departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - section 14 and Chapter 140 - section 183A of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that Sodexo, Inc. be granted two (2) One-Day Wine and Malt Beverages Permits for the aforementioned events to be held on the campus of Bridgewater State University.

Meeting Date: November 5, 2013

ONE-DAY ALCOHOL LICENSE

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE	LOCATION
1	English Language Collaborative	November 7, 2013	7:00 p.m. - 8:00 p.m.	40	Burnell Hall – Room 13213
2	Visiting Authors	November 21, 2013	5:30 p.m. - 6:30 p.m.	30	Davis Alumni House

Town Documents

1 ✓ One-Day Alcohol Request (*email attached*)

2 _____ All Alcohol _____ or Wine & Malt **X**

\$150.00 - Town License Fees
(\$75.00 per license collected upon approval of the license)

Recommendations

3	<u>✓</u>	Fire Department
4	<u>✓</u>	Police Department

NOTES:

1) *Favorable recommendations received from both Police and Fire departments.*

2) Sodexo will pay its fees prior to picking up the approved licenses.



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Ordinance: D-2013-014

Proposed Amendments

Introduced By:	Councilors Timothy Fitzgibbons and William Wood
Date Introduced:	October 1, 2013
First Reading:	October 1, 2013
Second Reading:	November 5, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2013-014 (Proposed Amendments)

ZONING ORDINANCE – MEDICAL MARIJUANA TREATMENT CENTER(S)

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 Bylaws as follows:

Article A: To add a new section to the by-law.

19.0. Medical Marijuana Treatment Center

19.01 Purpose and Intent

A Medical Marijuana Treatment Center is hereby allowed by special permit in the Industrial E district of the town. The intent of this section is to:

- establish specific zoning standards and regulations for medical marijuana treatment centers, and medical marijuana growing and cultivation operations;
- protect the public health, safety and welfare of Bridgewater residents;
- regulate the siting, design, placement, safety, monitoring, modification, and removal of a Medical Marijuana Treatment Center (RMD); and marijuana cultivation; and
- to minimize the adverse impacts of a RMD on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities.

19.2 Special Permit Granting Authority:

For all purposes pursuant to this bylaw of the Medical Marijuana Treatment Center the ~~Zoning Board of Appeals~~ **Planning Board** is hereby designated as the Special Permit Granting Authority (SPGA). All Special Permit applications made pursuant to this bylaw shall conform to the standards and criteria and procedural provisions as required by the rules and regulations of the **Planning Board**. ~~Zoning Board of Appeals.~~

19.3 Standards and Criteria

In addition to the specific criteria contained within this section the SPGA shall consider the following criteria, where relevant before issuing a special permit for development within the Medical Marijuana Treatment Center:

1. Must comply with all requirements of 105 CMR 725.000;
2. Adequacy of the site in terms of the size of the proposed use(s);
3. Suitability of the site for the proposed use(s), a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD;
4. Suitability of security for the proposed use(s);

NOT FOR ACTION – REQUIRES ADVERTISING PENDING AMENDMENTS ACCEPTED BY COUNCIL

5. Impact on traffic and safety;
6. Impact on the visual character and security the surrounding neighborhood;
7. Adequacy of parking; **a RMD shall provide 1 space for each 400 gross square feet of floor area used for treatment, dispensing and processing and 1 space for each 2,000 gross square feet of floor area used for cultivation;**
8. Adequacy of utilities, including sewage disposal, water supply and stormwater drainage;
- 9. Shall provide free home delivery qualifying patients within the Town of Bridgewater.**

19.4 Cultivation Activities

Cultivation, as defined in this bylaw, by any qualifying patient, personal care-Giver, or Medical Marijuana Treatment Center in any location other than where specifically permitted shall be disallowed. This disallowance shall include cultivation, even where proposed as an accessory use, by any qualified patient, personal caregiver, or Medical Marijuana Treatment Center.

19.5 Conformance to Zoning Requirements

A Medical Marijuana Treatment Center shall be designed and constructed in accordance with the underlying zoning district and the requirements of all applicable provisions of the Bridgewater Zoning Bylaw including Section 8 Land Space Requirements.

19.6 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 ~~Zoning Board of Appeals~~ **Planning Board** 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.

19.7 Appeals:

Any person aggrieved by a decision of the ~~Zoning Board of Appeals~~ **Planning Board** 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.

Article B: To be added to Section II Definitions of the Zoning By-Law **Definitions:**

Dispensary Agent: means a board member, director, employee, executive, manager, or volunteer of a RMD, who is at least 21 years of age. Employee includes a consultant or contractor who provides on-site services to a RMD related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

Duress Alarm: means a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system.

Edible Marijuana-Infused Products: (edible MIPs) means a Marijuana-Infused Product (MIP) that is to be consumed by eating or drinking.

Enclosed, Locked Area: means a closet, room, greenhouse, or other indoor or outdoor area equipped with locks or other security devices, accessible only to dispensary agents, registered qualifying patients, or personal caregivers.

Limited Access Area: means a building, room, or other indoor or outdoor area on the registered premises of a RMD where marijuana, MIPs, or marijuana by-products are cultivated, stored, weighed, packaged, processed, or disposed, under control of a RMD, with access limited to only those dispensary agents designated by the RMD.

NOT FOR ACTION – REQUIRES ADVERTISING PENDING AMENDMENTS ACCEPTED BY COUNCIL

Marijuana: means all parts of the plant Cannabis sativa L., 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. It does not include 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, except the resin extracted there from, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

Marijuana Agricultural: Marijuana agricultural any uses or activities associated with Medical Marijuana Treatment and Dispensing Facilities or Marijuana Cultivation.

Marijuana Cultivation: The process of propagation, including germination, using soil, hydroponics, or other mediums to generate growth and maturity. The intended process of bringing a plant or other grown product to maturity for harvesting, sale, refining or use as an ingredient in further manufacturing or processing. This definition encompasses marijuana cultivation related to medical marijuana treatment centers, personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients.

Marijuana-Infused Product (MIP): means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a RMD, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1.

Medical Marijuana Treatment Center: means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Production Area: means any limited access area within the RMD where marijuana is handled or produced in preparation for sale.

Qualifying Patient: means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

Registration Card: means an identification card issued by the Department to a registered qualifying patient, personal caregiver, or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Department: that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Department and is authorized to work at a RMD. The registration card allows access into appropriate elements of a Department-supported, interoperable database in which detailed information regarding certifications and possession criteria are stored. The registration card identifies for the Department and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and the Act.

Registered Marijuana Dispensary (RMD) means a not-for-profit entity registered under 105 CMR 725.100, to be known as a Medical Marijuana Treatment Center that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Sixty-Day Supply: means that amount of marijuana, or equivalent amount of marijuana in MIPs, that a registered qualifying patient would reasonably be expected to need over a period of 60 calendar days for his or her personal medical use, which is ten ounces, subject to 105 CMR 725.010(I).

Article C: To Be added to Section Six Use Regulations of the Zoning By-laws

E. Retail, Business and Consumer Service Establishments

		RA/B	RC	RD	CBD	SBD	BusB	Gate-way	E. Gate-way	IA	IB	IE	PD	MHEC	
16.	Registered Marijuana Dispensary (RMD)	N	N	N	N	N	N	N	N	N	N	SP	N	N	

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Referred to Planning Board - Referred to Community and Economic Development Committee 10/21/13 A joint public hearing was duly advertised and held by the Planning Board and Community and Economic Development Committee - This measure may not be finally considered this evening as it requires advertising pending any amendments accepted by the Council.	10/21/13 Recommend with modifications 10/21/13



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Order: O-2013-029

Amendments Proposed by
Rules & Procedures Committee

Introduced By: Councilor Sheila Whitaker and Councilor William Wood
Date Introduced: August 6, 2013
First Reading: August 6, 2013
Second Reading: November 5, 2013
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2013-029 (Proposed Amendments)

ESTABLISHMENT OF BRIDGEWATER HOMERULE CHARTER REVIEW COMMITTEE

ORDERED: That pursuant to the Bridgewater Home Rule Charter, Section 9-4 (b) the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require that a Bridgewater Home Rule Charter Committee be established and shall have seven (7) members as set forth in the Charter.

FURTHER ORDERED; That the Town Council [President] shall appoint all members to the committee [to be ratified by the Town Council]. Each member shall be appointed by an affirmative vote of 2/3 (6) of the full Council.

~~The Town Council shall appoint~~ Members of the committee from the citizenry of the Town of Bridgewater ~~who possess~~ [should offer] skills in the following areas: planning, knowledge of the community, research oriented, and written/verbal communication skills. ~~Individuals with~~ Knowledge and or expertise in the areas of law, municipal management, town government, legislative experience/knowledge, contracting and negotiations, and others, at the discretion of the Town Council, are a plus.

~~No person, or family member of a person, who is a town employee, town officer (elected or appointed), regional school committee member, or regional school employee shall be appointed to the Charter Review Committee.~~

~~[No person who is a Town Employee, elected Town Officer, or Finance Committee member, shall be appointed to the Charter Review Committee.]~~

~~The Charter Review Committee may request subject matter experts, including Town Employees, Town Officials, and members of the Finance Committee, to participate on an ad hoc basis in providing information or opinion concerning their area of expertise.]~~

~~The Charter Review Committee may request that certain town and school employees participate, on an ad hoc basis, in providing information or opinions concerning their department (i.e., the task force will likely request the police chief to provide information, data, and his opinion relating to matters of public safety).~~

1. VOICE VOTE TO ACCEPT ANY PROPOSED AMENDMENTS
2. ROLL CALL VOTE TO PASS AMENDED LEGISLATION: REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

41 However in such circumstances, ~~{town and school employees}~~ the guest_{wdw} shall not be a member of the
42 Charter Review Committee, but rather as_{wdw} a consultant or expert for the limited purpose and time period
43 related to their expertise.

44
45 Town and school employees, just as members of the general public, are entitled to attend any Charter
46 Review Committee meeting for the purposes of observation.

47
48 ~~*For the purposes of this legislative order, the term "family member" shall mean:~~

49 ~~(A) a spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of a~~
50 ~~town and school employee, whether related by blood, marriage, or adoption;~~

51
52 ~~(B) A person who lives, or has previously lived, in a spousal relationship with a town and school~~
53 ~~employee;~~

54
55 ~~(C) A person who lives in the same household as a town and school employee.~~

56 The Town Council, or the Town Manager at the direction of the Town Council, shall provide the Charter
57 Review Committee with a meeting place and other resources that the Town Council determines to be
58 necessary and reasonable for the Charter Review Committee to conduct its work.

59 The committee meetings shall be open to the public. Each meeting shall include a period of public
60 comment.

61 The members of the committee shall be volunteers and shall not be considered to be employees or officials
62 of the town.

63 The committee may invite as guest speakers, at its discretion, experts or any other persons, including public
64 officials from surrounding communities that the committee believes may be helpful or necessary to facilitate
65 its work.

66 The committee shall appoint from its members, a Chairperson, a Vice Chairperson, and a Recording
67 Secretary.

68 The committee shall prepare a study or report of its findings and recommendations to the voters of the Town
69 of Bridgewater and to the Town Council. .

70 Appointments [shall] expire at the end of ~~18~~ 12 months.

71 Explanation:

72 *This new form of government has been in effect since May 2010 with the first sitting council January 2012.*
73 *There have been many times where Councilors and others have pointed out opportunities to improve the*
74 *content of the charter. Gaps have also been identified. Where the Charter does support a regular review,*
75 *the time is right to move forward on it.*

76 Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules & Procedures Committee	• 10/16/13: vote 3-0 return to full council with recommended amendments.

77

1. VOICE VOTE TO ACCEPT ANY PROPOSED AMENDMENTS
2. ROLL CALL VOTE TO PASS AMENDED LEGISLATION: REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Order: #O-2013-034

Introduced By:	Town Manager
Date Introduced	September 3, 2013
First Reading:	September 3, 2013
Second Reading:	November 5, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2013-034

LOAN ORDER: ACADEMY BUILDING PRESERVATION & RESTORATION PROJECT

Ordered: That \$5,150,000 is appropriated to pay costs of renovating the Academy Building, so-called, located at 66 Central Square, Bridgewater, MA, for historic preservation purposes within the meaning of Chapter 44B of the General Laws (the "Community Preservation Act"); that the Town Manager is authorized to contract with an Owner's Project Management firm, an Architectural firm and a General Contractor, and to expend for any reason, including bonding costs, all funds necessary to complete this project; that to meet this appropriation, \$750,000 shall be transferred from the Undesignated Reserve Account established under the Community Preservation Act (Account #201-324400), \$137,000 shall be transferred from the Historical Reserve Account established under the Community Preservation Act (Account #201-324200), and the Treasurer, with the approval of the Town Manager, is authorized to borrow \$4,263,000 pursuant to the Community Preservation Act, Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Town Manager is authorized to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from The Commonwealth of Massachusetts, or the United States of America, under any private, state or federal programs including those in aid of Historic Preservation, any such grants or gifts received by the Town on account of the project shall be deposited in the Undesignated Community Preservation Fund balance.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure has been recommended by the CPC. • Referred to Finance Committee • Referred to Council Budget & Finance Committee • This measure may not be finally considered as it requires advertising and a public hearing.	• 9/18/13: Vote approve 7-0 • 9/17/13: Vote approve 2-0



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Council Order: #O-2013-037

Introduced By: Town Manager
Date Introduced/First Reading: November 5, 2013
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2013-037

RATIFICATION OF TOWN ACCOUNTANT CONTRACT

ORDERED, in accordance with section 6-4 (a) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement with the Town Accountant.

Explanation:

The Town Manager negotiated a three year agreement with the Town Accountant whose appointment was ratified by the Town Council on March 19, 2013. An affirmative vote of the Council will approve the contract as presented and the congruent appropriation thereof.



Bridgewater Town Council

In Town Council, Tuesday, November 5, 2013

Order #O-2013-038

Introduced By: Town Manager *(at the request of the Assessor's Office)*
Date Introduced: November 5, 2013
First Reading: November 5, 2013
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order# O-2013-038:

FY 2014 Classification Tax Allocation-Adoption of Residential Factor

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to adopt a residential factor of 1 for fiscal year 2014.

Explanation: The town council shall annually first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section two A of chapter fifty-nine and personal property for the next fiscal year. In determining such percentages, the town council, shall first adopt a residential factor. Said factor shall be an amount not less than the minimum residential factor determined by the commissioner of revenue in accordance with the provisions of section one A of chapter fifty-eight and shall be used by the board of assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property.