



BRIDGEWATER TOWN COUNCIL

Tuesday, March 22, 2016

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) February 23, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

a) Petition P-2016-010: Transfer of Common Victualler's License – Lou Lou's Cafe

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) FY2017 Budget (*Town Manager*)

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

M. OLD BUSINESS

a) Ordinance D-2016-001: Zoning Ordinance – Downtown Zoning

b) Ordinance D-2016-002: Zoning Ordinance – Open Space Conservation

N. NEW BUSINESS

a) Transfer T-2016-003: CPC Transfer – The Music Alley (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, March 22, 2016

Council Petition: P-2016-010

Date Introduced/Public Hearing: March 22, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE TRANSFER OF A COMMON VICTUALLER LICENSE

WHEREAS, JJS Breakfast, LLC dba Lou Lou's Cafe has submitted all applicable documentation as required for a transfer license to operate a food establishment at 2107 Plymouth Street in Bridgewater, Massachusetts:

WHEREAS, JJS Breakfast, LLC dba Lou Lou's Cafe proposes to operate the businesses during the following hours:

Monday – Sunday: 5:00 a.m. – 5:00 p.m.

WHEREAS, JJS Breakfast, LLC dba Lou Lou's Cafe has complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector, Fire, Police, and Health Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of JJS Breakfast, LLC dba Lou Lou's Cafe be granted a license to operate a food establishment within the Town of Bridgewater.



Bridgewater Town Council

In Town Council, Tuesday, March 22, 2016

Council Ordinance: D-2016-001

Introduced By:	Councilor Peter Colombotos
Date Introduced:	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	March 22, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2016-001

ZONING ORDINANCE – AMEND DOWNTOWN ZONING

ORDERED that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, by amending the Zoning Map, creating Town Center Overlay District, as follows:

Amend the Zoning Map creating Town Center Overlay District.

SEE ATTACHED PDF MAP.

Section 3.10 Zoning Boundary Descriptions

ADD:

Town Center Overlay District

3.30 Purpose Statements

ADD:

3.36 Town Center Overlay District

Town Center Overlay District – An overlay district consisting of down town Bridgewater and entirely within the Central Business District encouraging mixed uses while allowing relatively expansive commercial uses supported by increased residential density. The Town Center Overlay District promotes uses harmonious with the Central Business District while simultaneously benefitting from an advantageous physical proximity to the university campus. The Town Center Overlay District encourages a mix of uses that create residential density, promote service provision and furnishing of goods while supporting increased bicycle and pedestrian circulation, as well as transit utilization and therefore allowing reduced parking requirements.

3.36.10 Plan Requirements

A project in the Town Center Overlay District requires submission and approval of a Site Plan. The Site Plan must outline project details, phasing, scheduling and conditions of approval. Further, the Site Plan must include: existing conditions, proposed site plan, stormwater management plan, landscaping plan, parking plan, siting of public

amenities, lighting plan, and circulation patterns. The Site Plan should be accompanied by narrative describing parking schemes, ride sharing facilities, bicycle facilities and similar transportation infrastructure and traffic impact analysis. Site Plans should incorporate Complete Streets infrastructure improvements, e.g. pedestrian amenities, bicycle parking. For building projects that exceed 12,000 gross square feet of development, the SPGA may require a traffic, parking impact analysis or study. Finally, the Site Plan submission materials must include architectural renderings, elevations, building material specifications and other pertinent details regarding the project architecture.

Section 2 – Definitions

DELETE:

Common Driveway. (Current definition)

ADD:

Common Driveway means a travel way that accommodates vehicular and pedestrian circulation between a public way and pre-existing adjoining lots. Such a way shall not be less than 24 feet in continuous width (minimum 18 foot travel way and a five foot sidewalk).

DELETE: 9.90 Common Driveways

ADD:

9.90 COMMON DRIVEWAYS

9.91 Purpose and Intent

The purpose of this section is assuring safe and adequate means of vehicular access to public ways for no more than two adjoining lots with existing minimum frontage on a public way. Common driveways are allowed in commercial or industrial zoning districts only and shall not substitute for the construction of streets or roadways under the Subdivision Control Law or the Subdivision Regulations of the Town of Bridgewater. For commercial and industrial lots and uses, Common Driveways provide a means for access management by minimizing curb cuts. Common driveways are not intended or permissible for residential lots or residential uses.

9.92 Special Permit Required

The Planning Board shall serve as the Special Permit Granting Authority under this section. The Planning Board may approve through a Special Permit the construction of a common driveway in a commercial or industrial district.

9.93 Requirements

Common driveways are allowed by Special Permit for commercial and industrial lots or uses only. Residential lots or uses are not permitted common driveways.

A common driveway shall not serve as required minimum frontage distance for any lot.

A common driveway shall be located entirely within the lots served by the common driveway.

The approval or endorsement of any plan of land under the Subdivision Control Law showing lots served by a common driveway shall not constitute an approval of a Special Permit under this section.

9.94 Design Standards

The centerline of a common driveway in commercial or industrial zoning districts shall be located upon and along the shared property line of the lots served by the common driveway.

Common Driveways shall have a minimum continuous width of twenty-four feet (24'). Unless otherwise noted herein, the layout and method of construction of a Common Driveway shall not differ from other driveway standards including permissible curb cuts and required line of sight standards.

The length of a Common Driveway shall not exceed 400 linear feet as measured from the right of way or street furnishing access to the Common Driveway, unless the Special Permit Granting Authority determines a greater length would not adversely impact public safety.

Bedroom means any area in a dwelling unit that is or could be used for the provision of private sleeping accommodations for residents of the premises, whether such area is designated as a bedroom, guest room, maid's room, dressing room, den, loft, study, library, or by another name. Any room intended for regular use by all occupants of the dwelling unit such as a living room, dining area, or kitchen shall not be considered a bedroom, nor shall bathrooms, halls, or closets.

Incubator means a flexible office building designed to accelerate the growth of entrepreneurial endeavors by providing an array of business, medical, technology or research support resources and services that may include flexible physical space, access to capital, common services, and computer networking connections.

Live Work Units means the conversion of an existing commercial, industrial or institutional building into a building used jointly for commercial and residential purposes whereby the residential use of the space is secondary or accessory to the principle use as a place of work.

Section 6, Use Regulations, 6.11 Multiple Use, to the end of the paragraph

ADD:

In mixed use development projects providing bike or auto sharing or rental facilities the combined parking requirement may be reduced by 25%.

Residential units in mixed use development projects.

For a mixed use development in the Central Business District, a maximum of up to 24 bedrooms per acre are permitted regardless of configuration. In the Town Center Overlay District mixed use development projects are permitted up to a maximum of 40 bedrooms per acre, regardless of configuration.

Section 6 Use Regulations, 6.30 Table of Use

ADD:

Section A. Residential Uses, (renumber subsequent residential uses).

A	RESIDENTIAL USES	Res. A/B	Res. C	Res. D	CBD	SBD	Bus B	Gateway	E. Gateway	IND A	IND B	IND E	PD	MHEC
1	Detached dwelling on a separate lot occupied by not more than one family	Y	Y	Y	SP	N	N	Y	Y	N	N	N	N	Y
2	One two-family or one duplex on a separate lot	N	Y	Y	SP	N	N	SP	SP	N	N	N	N	N
5	Multi-family dwellings, mixed use (see Section 19)	N	N	N	SP	N	N	N	N	N	N	N	SP	N
6	Conversions to live-work units	N	N	SP	SP	N	N	N	N	N	SP	N	N	N
10	Lodging Houses	N	N	N	N	N	N	N	N	N	N	N	N	N

ADD:

Section D. Office and Laboratory Uses

D	OFFICE AND LABORATORY USES	Res. A/B	Res. C	Res. D	CBD	SBD	Bus B	Gateway	E. Gateway	IND A	IND B	IND E	PD	MHEC
6	Incubator	N	N	SP	SP	N	N	N	N	N	SP	N	N	N

ADD:

Section 9.55. Incubator Development Standards.

Visual Screening.

In residential districts design and construction of driveways and parking lots must include a vegetative screen or buffer to shield neighboring properties. All compactors, dumpsters, generators or transformers must be suitably screened from neighboring properties.

Parking Requirements.

The Planning Board may permit incubators allowed in any district through Special Permit a reduction of total parking spaces by up to 20% if low impact development best practices are utilized in reducing stormwater runoff and ride sharing or bicycle infrastructure is included in the development plan.

Section 16.5. Live Work Units.

16.51. Purpose.

The purpose of this section is:

1. Providing for the appropriate development of uses that incorporate both living and working space;
2. Providing flexibility for development of live work units by encouraging the rehabilitation, redevelopment, and reuse of existing commercial, industrial and institutional buildings;
3. Providing a regulatory framework that allows creative new businesses to start up and thrive;
4. Providing opportunities for people to live in mixed use industrial and commercial areas whenever it is compatible with existing uses;
5. Protecting existing and potential industrial uses as well as nearby residential uses from conflicts with one another; and
6. Ensuring that live work buildings are compatible and complementary with existing commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings.

16.52. Conversion to Live Work Units.

Live Work Units are the result of the conversion of an existing commercial, industrial or institutional building or structure or portion of a building or structure:

- (A) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business and that person's household; and,
- (B) Where the resident owner is largely responsible for the commercial or manufacturing activity performed; and

(C) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

(D) Promote appropriate mixed uses by allowing only studio, one and two-bedroom unit configurations for live work space.

16.53. Business License Required

At least one resident in each live work unit shall maintain a valid business license for a business operating on the premises.

16.54. Standards and allowable commercial uses.

Live work units at street level are subject to specific development standards. Ground floor retail, office, incubator, commercial, or non-residential uses must comprise a minimum of 55% of the total gross floor area of the ground floor.

Any commercial use permitted in the zoning district applicable to the property is permitted in the live work unit. Only existing commercial, industrial and institutional buildings and structures are allowable conversions through the Special Permit process. In a residential district only the following commercial uses are permissible for live work space: professional services, technology (including light manufacturing), retail, art, craftsman, and artisan activities (including food preparation).

Parking standards may be reduced to one parking space per live work unit through the Special Permit process. Live work units may be required to provide minimal visitor parking as established in the Off Street Parking and Loading Chapter of this ordinance.

A special permit to convert an existing commercial, industrial and institutional building to live work space requires the existing structure or building have a minimum gross floor area of 10,000 square feet and be located on a lot with a minimum of 40,000 square feet of area within the designated zoning districts. Through the Special Permit process the Planning Board may allow the existing building an addition or expansion of up to 100% of existing gross floor area.

Through the Special Permit the Board may permit live work space a maximum residential density of 25 residential units per upland acre or 1,742 sq ft per unit. Foster the necessary flexibility to promote live work space development through a maximum of 40 bedrooms per acre allowed regardless of configuration (three or more bedrooms are not permitted).

Section 8, Land Space Requirements, 8.40

DELETE: Central Business District requirements.

ADD:

Zoning District	Minimum Lot Size	Minimum lot area per dwelling unit	Minimum Lot Frontage	Minimum Depth Front/Rear/Side	Maximum Building Height Story/Feet	Maximum % Building Coverage	Maximum % Lot Coverage	Minimum % Open Space	Maximum % Impervious
Central Business District	No Minimum lot size for existing non conforming lots. Newly created lots require 10,000 sq. ft.	2,904 sq ft (through Special Permit).	No Minimum lot frontage for existing non conforming lots. New lots require 100 feet	No setback front or side requirements for existing non conforming lots. New lots require 5' front and 5' side setbacks . All lots require 15 feet rear setback.	3.5 /40'	(8)	80%	20%	
Town Center Overlay District	20,000	1,742 sq ft			4/45' in Town Center Overlay District with Mixed Use Development Special Permit		80%		

Section 19, Mixed Uses (CBD) 19.04 Requirements

DELETE existing number 15.

ADD:

15. The Planning Board, as part of a Special Permit, may increase residential density up to 15 units per upland acre (2,904 square feet per unit) with a minimum 15% gross floor area commercial development. The 15% gross floor area is computed from the total gross floor area of the project. No residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

For any mixed use development within the Town Center Overlay District, the Planning Board, through the Special Permit, may increase the residential density up to 25 residential units per upland acre (1,742 sq ft per unit) with minimum 30% gross floor area commercial development. The 30% gross floor area is computed from the total gross floor area of the project.

The requirement for commercial development can be accommodated on an adjacent parcel or parcels, but must be constructed in conjunction and coordination with the residential development. An approved site plan of the entire development project must outline project phasing and scheduling as well as conditions of approval. Unless otherwise permitted elsewhere in this section, no residential units are allowed on the ground floor of a mixed use development within the Town Center Overlay zone.

Section 10.30, Off-Street Parking and Loading Requirements *Re-letter current d. to e.*

ADD:

d. In Central Business District all on-site parking shall be located to the side or behind the building.

DELETE:

LODGING HOUSE REGULATIONS [p.104-105]

Sidewalk Café Ordinance

ADD:

Section 2 Definitions:

Sidewalk. Sidewalk means that portion of the street between the curb lines or the lateral lines of roadway and the adjacent property lines intended for use by pedestrians.

Sidewalk Cafe means the serving food or beverage from a cafe or restaurant located in an adjacent building to patrons seated at tables located within the Sidewalk area adjacent to the cafe or restaurant.

Area of Operation means the area of Sidewalk established by the permit granting authority and demarcated on the sidewalk according to the specifications on an approved plan within which the adjacent business is allowed to operate a Sidewalk Café.

Section 6 Use Regulations

E. Retail, Business

E.	Business	Res. A/B	Res. C	Res. D	CBD	SBD	Bus B	Gateway	E. Gateway	IND A	IND B	IND E	PD	MHEC
17.	Sidewalk Cafe	N	N	N	SP	N	N	N	N	N	N	N	N	N

Section 22 – Sidewalk Café

22.01 Permit Necessary. A person shall not construct, maintain, use or operate a sidewalk cafe without first obtaining a permit as provided in this section. The side walk café permit application consists of submitting a completed application form, payment of the annual licensing fee, and:

1. A scaled plan showing the width of the applicant's cafe or restaurant facing the sidewalk indicating the proposed area of operation requested including locations of doorways, and the width of sidewalk (distance from curb to building facade), location of tree wells, parking meters, bus shelters, sidewalk benches, trash receptacles, driveway (including curb cuts), or any other semi-permanent sidewalk obstruction. The plan shall also show remaining sidewalk width.
2. A signed letter from the property owner, consenting to a sidewalk cafe adjacent to the property on which the restaurant is located.
3. Proof of insurance with a minimum \$1,000,000 liability coverage specifically applicable to the operation of the sidewalk cafe.

22.02 Permit Granting Authority. An application for a sidewalk cafe permit shall be made to the Town Council, in this case the designated permit granting authority.

22.03 Permit Duration. A sidewalk cafe permit shall be valid for one calendar year from January 1st each year until the following December 31st. The holder of a permit shall pay an annual fee according to the schedule of fees. The annual fee shall be paid with the original permit application and with subsequent requests for permit renewals.

22.04 Standards.

- A. No part of a sidewalk cafe area shall encroach upon any part of the sidewalk frontage of any adjacent premises, right-of-way, curb cut or alley.
- B. A sidewalk cafe must leave a minimum five-foot unobstructed passageway for pedestrians along the entire length of the café area.
- C. The holder of a sidewalk cafe permit shall fully insure, indemnify, defend and hold harmless the Town and its officers, agents, and employees in their capacity as such, from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder or its employees in the construction, operation, maintenance, use, placement or condition of the sidewalk cafe. An applicant for a sidewalk cafe shall provide proof of such insurance before a permit may be issued or renewed under this section.
- D. At the close of business daily/nightly for the Sidewalk Café, all seating must be removed from the cafe area. The cafe area shall be cleared of all other furniture, planters, ornamentation, debris and obstructions to the sidewalk.
- E. An operating establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk cafe without first receiving the required license from the alcohol licensing board. Alcoholic beverages shall not be solely served on the sidewalk café. Alcoholic beverages may be served in a sidewalk café only in conjunction with the service of food. Notwithstanding any contrary or differing hours of operations in its alcoholic beverages license, an establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk cafe after the sidewalk cafe's closing time.
- F. The following are prohibited in the cafe area: cooking of food, unshielded trash or refuse storage, advertisements/signage (exclusive of menus intended to be read for café patrons); unlicensed outdoor entertainment, music, speakers or public address systems (these require a special event license by the Town Council); exclusively carry out or take out transactions.
- G. A sidewalk cafe shall comply with all other applicable building, health, safety, fire, zoning, and environmental laws, rules, regulations and standards.
- H. The sidewalk café operator shall maintain a trash receptacle for the use of its patrons. The trash receptacle must be emptied regularly so as not to produce an unsafe and unsightly nuisance.

22.05 Revocation. The Town Council official may deny, revoke, or suspend the permit for any sidewalk cafe authorized in the Town of Bridgewater if it is found:

1. Any provisions of this Section have been violated.
2. The side walk café operator does not have insurance that is correct and effective in the minimum amount prescribed in Section 22.01.

Ordinances Section ? General Schedule of fees:

ADD: Annual Sidewalk Café Permit – \$100

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • Referred to Planning Board	• Joint meeting/hearing with Planning Board 3/21/16. Will provide disposition to full Council 3/22/16.



Bridgewater Town Council

In Town Council, Tuesday, March 22, 2016

Council Ordinance: D-2016-002

Introduced By: Councilor Peter Colombotos

Date Introduced: February 23, 2016

First Reading: February 23, 2016

Second Reading: March 22, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-2016-002

ZONING ORDINANCE – OPEN SPACE CONSERVATION DEVELOPMENT

ORDERED that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

ADD:

Section 2.00 Definitions

Retreat Lot a single large parcel of land created for the purpose of reasonable and safe residential use of backland.

ADD:

Section 6.12 Retreat Lot

No more than a single Retreat Lot shall be created for any size parcel held in common, or affiliate, ownership allowed in any residential zone. Under no circumstances shall a retreat lot create driveway curb cuts closer than 25 linear feet from another existing or proposed driveway curb cut.

A Retreat Lot shall meet the following minimum Standards:

1. The subject parcel shall have a minimum lot area of 150,000 square feet.
2. The subject parcel shall have a minimum of 40,000 square feet of upland area.
3. The minimum lot frontage shall be 30 linear feet.
4. The proposed lot shall maintain a minimum lot width of 30 linear feet.
5. A driveway length shall not exceed 300 linear feet without a hammer head or other method of reversing the direction of a vehicle.
6. The applicant shall submit an Approval Not Required (ANR) Plan under the Subdivision Regulations depicting the Retreat Lot and any conforming lots. The Approval Not Required Plan shall not take the place of the site plan otherwise required for the Special Permit application.

DELETE:

“6.30 TABLE OF USE REGULATIONS

A. RESIDENTIAL USES (11) Single family dwelling on property containing at least 150,000 sq ft of land area with a minimum of 30 ft. of frontage and maintaining a minimum width of 20ft. Throughout lot for access. (amended 11/10/2003)”

AMEND:

SECTION 8 LAND SPACE REQUIREMENTS

Notes:

DUPLEXES: Allowed in Residential D by Special Permit only.

DELETE:

A. RESIDENTIAL USES (13) Open Space Community Development

ADD:

A.	PRINCIPAL USE	RES A/B	RES C	RES D	CBD	SBD	BUS B	GAT EWA Y	EAST GAT EWA Y	IND A	IND B	IND E	PD	MHE C
2	One two- family or one duplex on a separate lot	N	N	SP	N	N	N	N	N	N	N	N	N	N
11	Retreat Lot	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
13	Open Space Conservati on Developm ent	SP	SP	SP	N	N	N	N	N	N	N	N	N	N

DELETE:

Section 9.20 OPEN SPACE COMMUNITY DEVELOPMENT in its entirety.

ADD:

OPEN SPACE CONSERVATION DEVELOPMENT

Section 9.1 Intent

The purpose of this section is to preserve large tracts of open space for natural and historical resource protection. Moreover, the intent of this section is to protect and foster the Town of Bridgewater's rural and scenic character by promoting residential development that is in harmony with natural features and traditional landscapes. Finally, providing flexibility of residential development standards and procedures allows the Planning Board to protect, preserve and enhance the natural environment.

Section 9.2 Special Permit Required

In any residential district the Planning Board is the Special Permit Granting Authority for Open Space Conservation Development (OSCD) as an alternative to a Definitive Subdivision.

Section 9.3 Minimum Land Area

A minimum of five (5) acres of land area are necessary for OSCD. The parcel of land must have a minimum of fifty (50) feet of frontage on a public right of way.

Section 9.4 Development Standards

Residential building lots in an OSCD must have a minimum of 10,000 sq ft of lot area, and a minimum of frontage of 25 feet. No residential building shall be located within 25 feet of a public right of way, private way, or common driveway. No residential building shall be within 20 feet of a lot line or within 30 feet of a boundary line. No residential building shall be within 30 feet of common land. No side-by-side two-family or duplex units are allowed in an OSCD.

The Planning Board may require larger setbacks and may permit smaller setbacks in order to conform to the purposes and intent of the Open Space Conservation Development.

On tracts with pre-existing structures, the area and frontage of the lot retaining the preexisting structure shall not be reduced below the minimum lot size and minimum frontage required in the underlying zoning district.

Section 9.5 Maximum Number of Dwelling Units

The maximum number of dwelling units permitted in an OSCD shall be computed by dividing the total developable area of the tract by the minimum lot size required for single family development in the underlying zoning district. For the purpose of this computation, the “developable” area shall be the total area of the tract, including the open space and common land, but excluding all streams, ponds, wetlands, floodplains, stormwater basins, and areas subject to existing valid open space (the excluded area for computation does not include buffers).

Section 9.6 Streets and Utilities

All streets, sidewalks, sewage, water distribution, drainage and stormwater facilities shall be designed and constructed in compliance with the rules and regulations of the Town of Bridgewater. In all OSCD, rights of way must be 40 feet minimum width. Roads serving 10 or fewer dwelling units require travel lane pavement

minimum width of 20 feet. Roads serving 11-20 dwelling units require travel lane pavement minimum width of 22 feet. Roads serving 20 or more dwelling units require travel lane minimum width of pavement of 24 feet.

All OSCD projects will incorporate multimodal transportation approaches including Complete Streets into the project design; e.g. sidewalks, cross walks, and bicycle circulation facilities. Whenever feasible an OSCD project shall accommodate and encourage multimodal transportation networking opportunities facilitating Complete Streets network connectivity; e.g. walking trails, bicycle lanes, and related infrastructure.

Section 9.7 COMMON LAND

A. DIMENSIONAL REQUIREMENTS

In an OSCD, at least sixty percent (60%) of the total tract area shall be set aside as Common Land for the use of the OSCD residents or the general public.

The following are additional requirements:

1. The minimum required area of Common Land shall not contain a greater percentage of wetlands than the percentage of wetlands found in the overall tract of land on which the OSCD is located.
2. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for providing access to the Common Land from a public or private way, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of OSCD development.
3. Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.
4. If the tract of land abuts adjacent Common Land, undeveloped lots or open space, the Common Land, wherever possible, shall be connected with such adjacent Common Land, undeveloped abutting lots or open space.
5. The Common Land shall include adequate upland public access from a way or street.

Section 9.8 USE OF COMMON LAND

1. The Common Land shall be dedicated and used for natural resource protection, recreation, park purposes, outdoor education, agriculture, horticulture, or forestry, or for any combination of such uses. No other uses shall be allowed in the Common Land, except as follows:
 - a. A portion of the Common Land may be also be used for the construction of leaching areas associated with septic disposal systems serving the OSCD or for water supply wells serving the OSCD, if the Planning Board determines that such use will enhance the specific purpose of Open Space Conservation Development and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary.

If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the OSCD.

b. A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the OSCD or adjacent land, only upon the determination of the Planning Board that such a use will enhance the specific purpose of Open Space Conservation Development and promote better overall site planning, and if the Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.

c. The Common Land may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the Open Space Conservation Development or adjacent parcels.

2. The Common Land shall remain vacant, provided that an overall maximum of five (5) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land or as otherwise permitted herein.

3. The proposed use of the Common Land shall be specified and appropriate dedications and restrictions shall be part of the deed to the Common Land.

4. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of Open Space Conservation Development, and to further efforts to equitably distribute a variety of open space benefits throughout the community.

Section 9.9 OWNERSHIP OF COMMON LAND

1 The Common Land, in whole or part, shall be conveyed to and accepted by the Town of Bridgewater; or to a suitable nonprofit organization dedicated to the preservation, conservation, stewardship, and management of the Common Land. The Bridgewater Town Council shall approve the form of ownership of the Common Land.

2. If any portion of the Common Land is not conveyed to the Town of Bridgewater, a perpetual conservation or use restriction, approved by the Planning Board and enforceable by the Town of Bridgewater, shall be imposed on the Common Land, providing that the land be kept in its open or natural state and that the land shall not be built upon or developed or otherwise utilized except in accordance with provisions of the OSCD as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual OSCD project.

3. The proposed ownership of all Common Land shall be specified on a plan required by the Planning Board.
4. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this ordinance.

Section 9.10 MAINTENANCE OF COMMON LAND

If the Common Land is to be held by a homeowners association, or other approved entity, a management plan shall be prepared establishing responsibilities and schedules for maintenance of the Common Land.

Section 9.11 ADDITIONAL DESIGN CRITERIA

A) FOUR-STEP DESIGN PROCESS.

Each plan for Open Space Conservation Development shall follow a four-step design process, as described below. Upon submitting an application, applicants shall demonstrate to the Planning Board that these four design steps were utilized in determining the layout of their proposed streets, house lots, and open space.

1. Designating the Open Space.

First, identify the open space to be protected.

The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic and cultural resources on the property.

2. Location of House Sites.

Second, locate the potential house sites.

House sites shall be located not closer than 100 feet to wetlands, but may be situated within 50 feet of open space areas (other than the wetlands), in order to enjoy views of the latter without negatively impacting the former.

3. Street and Lot Layout.

Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossings shall be discouraged, .

4. Lot Lines.

Fourth, sketch applicable lot lines, generally drawn midway between house locations.

B) IN ADDITION TO THE STANDARDS SET FORTH IN THE PREVIOUS SECTIONS OF THIS SECTION

The OSCD shall be designed with the following objectives, in order of priority:

1. Septic systems shall be placed on the most suitable soil for subsurface septic disposal.
2. Buildings shall be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland as to reduce any impact upon the site's natural, scenic and cultural resources, and to enable new construction to be visually absorbed by the natural landscape features.
3. Buildings shall be sited in locations where the greater number of units can be designed to take maximum advantage of solar heating opportunities.

4. Buildings shall be sited in locations where the greater number of units can be designated to take maximum advantage of solar heating opportunities.
5. Buildings shall be sited to avoid sensitive environmental features, including wildlife habitat, wetlands, water bodies, steep slopes or other important site features.
6. New structures may be sited in clusters close to an existing public road to reflect the traditional locations, patterns and setbacks of nearby buildings. Such roadside clusters shall be compatible with the scale of the surrounding neighborhood and shall maintain at least 75% of the existing undeveloped road frontage in conservation. Architectural design of new structures (proportions, roof pitches, exterior materials and fenestration) shall reflect the character of nearby existing structures.

Section 9.12 SPECIAL PERMIT APPLICATIONS AND PROCEDURES

An application for an Open Space Conservation Development special permit shall cover the entire Open Space Conservation Development.

1. Pre-Application Meeting

Prior to submission of the Special Permit application, applicants are strongly advised to meet with Town Offices or other Board designees to review the proposed development of the parcel of land to explore general conditions involving the site, and to discuss potential problems. Concept plans will assist in this discussion, and should show the critical features to be included in the special permit application as set forth in below.

2. OSCD REQUIRING SUBDIVISION APPROVAL

If the Open Space Conservation Development requires approval under the Subdivision Control Law, the "Open Space Conservation Development Site Plan" shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Bridgewater Subdivision Rules and Regulations. The applications for an OSCD Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by ordinance, the Planning Board shall consider both applications at the same time.

3. PLANNING BOARD ACTION

a. In evaluating the proposed OSCD, the Planning Board shall consider:

- 1) The general purpose and objectives of this ordinance;
- 2) The existing and probable future development of the surrounding areas;
- 3) The appropriateness of the proposed layout of streets, ways, lots and structures; and
- 4) The proposed layout and use of the Common Land in relation to the proposed dwelling units in the OSCD, adjoining public or private common land or open space or the topography, soils and other characteristics of the tract of land in question; and

5) To the extent reasonable, whether the areas designated as Common Land are consistent with the objectives stated in the Town of Bridgewater Open Space and Recreation Plans as well as the Master Plan.

b. The Planning Board may grant a special permit for an OSCD if it finds that the OSCD:

- 1) Complies with the requirements of this Section 9, other applicable requirements of the Zoning Ordinances and where applicable, the construction and design standards of the Bridgewater Subdivision Rules and Regulations.
- 2) Is consistent with the purposes of this section; and
- 3) Is in harmony with the existing uses of the area and with the character of the surrounding area and neighborhood.

c. In addition, in order to grant a special permit for an OSCD, the Planning Board must find that the number of housing units to be developed in the OSCD will not exceed by more than ten percent (10%) the number of house lots that could be developed under standard lot area frontage requirements.

Section 9.13 SPECIAL PERMIT CONDITIONS

As condition of approval, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this ordinance, and to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Bridgewater. The Special Permit shall specify the timing for conveyance of the Common Land.

Section 9.14 CHANGE IN PLANS UPON GRANTING OF SPECIAL PERMIT

No major or minor change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning Board. A revised special permit will be required if the Planning Board determines any proposed change to be major.

Section 9.15 BUILDING PERMITS

No building permit shall be issued for any structure within an OSCD unless said structure is in compliance with this ordinance and the terms and conditions of any special permit there under. The Planning Board is the Special Permit Granting Authority (SPGA) for this Ordinance.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • Referred to Planning Board	• Joint meeting/hearing with Planning Board 3/21/16. Will provide disposition to full Council 3/22/16.



Bridgewater Town Council

In Town Council, Tuesday, March 22, 2016

Transfer: T-2016-003

Introduced By: Town Manager *at the request of the Community Preservation Committee*
Date Introduced: March 22, 2016
First Reading: March 22, 2016
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Transfer: #T-2016-003

COMMUNITY PRESERVATION TRANSFER: MUSIC ALLEY

WHEREAS: The Community Preservation Committee, with a quorum of members present, rendered its unanimous recommendation to the Town Council to fund the proposal for a music venue in the alley between 50 Central Square and 64 Central Square. The request and the recommendation are for \$20,000.00.

Now, therefore, it is hereby:

ORDERED, pursuant to Section 6-4 (d) of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate as required by Massachusetts General Laws, chapter 44B, and to meet this appropriation, the sum of \$20,000.00 be taken from *Community Preservation Open Space/Recreation Reserve* and if there are insufficient funds in that account to draw the remaining amount from the Undesignated Reserve Account; or take any other action relative thereto.