BRIDGEWATER TOWN COUNCIL

Tuesday, April 26, 2016
7:30 PM
BTV Studios
80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) March 22, 2016

b) April 5, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

a) Energy Committee
- Carlton Hunt
- Tom Hall

F. HEARINGS

G. LICENSE TRANSACTION

a) Petition #P-2016-013: Transfer of Lodging House License to The Iron Fence Trust, LLC dba Iron Fence Inn, 46 Main Street

b) 7:40 P.M. Public Hearing: Petition #P-2016-015 - Transfer of Wine & Malt Package Store License, GO, 155 Broad Street

c) Petition P-2016-017: Transfer of Common Victualler License, GO, 155 Broad Street

H. PRESENTATIONS

a) Bridgewater Veterans Council

b) FY2017 Budget Update *(Town Manager)*

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) General Bylaw Update (*Councilor Losche*)

b) Inspectional Services and Bylaw/Ordinance Enforcement *(Councilor Colombotos)*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) T-2016-003: CPC Transfer – Music Alley
At their meeting held 4/5/16 The Budget & Finance Committee voted to recommend approval. The Finance Committee meets 4/25/16. Their disposition will be available for 4/26/16.

M. OLD BUSINESS

N. NEW BUSINESS

a) Ordinance D-2016-006: Revocation of General Bylaws and Adoption of Ordinances (Councilors)

b) Order O-2016-009: Acceptance of a Gift – Bridgewater State University for Music Alley *(Town Manager)*

c) FY2017 Budget Orders:

- Order O-2016-010: FY17 Annual Town Budget *(Town Manager)*

- Order O-2016-011: FY17 Sewer Enterprise Fund Budget *(Town Manager)*
- Order O-2016-012: FY17 Water Enterprise Fund Budget *(Town Manager)*
- Order O-2016-013: FY17 Transfer Station Enterprise Fund Budget *(Town Manager)*
- Order O-2016-014: FY17 Olde Scotland Links Golf Course Enterprise Fund Budget *(Town Manager)*

d) Order O-2016-015: Authorization of Revolving Funds *(Town Manager)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, April 26, 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:	April 26, 2016
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee • • Requires consideration by Finance Committee	• 4/5/16: vote unanimous to recommend approval • Finance Committee meets 4/25/16. Disposition will be available for 4/26/16.

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

Bridgewater Town Council

In Town Council, Tuesday April 26, 2016

Council Ordinance: D-2016-006

Introduced By:	Councilors Aisha Losche and William Wood
Date Introduced:	April 26, 2016
First Reading:	April 26, 2016
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2016-006

REVOCATION OF GENERAL BYLAWS AND ADOPTION OF ORDINANCES

Ordered that, that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to revoke in their entirety the Town of Bridgewater Massachusetts General Bylaws, and to adopt the attached Town of Bridgewater General Ordinances.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

NOT FOR ACTION: FIRST READING ONLY

Part III
Chapter 1
Article II. Non Criminal Enforcement of Violations

Section 1. Alternative method of enforcement.
Noncriminal disposition shall be an alternative method of enforcement of Town ordinances. Any fine issued under this Chapter may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

Section 2. Enforcing officials designated.

A. Any ordinance of the Town of Bridgewater, or rule or regulation of its boards, commissions and committees, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in §21D of Chapter 40 of the General Laws.
B. "Enforcing person," as used in this article, shall mean:
    (1) The Town Manager or any police officer of the Town of Bridgewater, with respect to any offense; and
    (2) The Building and Zoning Official and his designees;
    (3) The Conservation Agent and his designees;
    (4) The Health Agent and his designees;
    (5) The Tree Warden and his designees;
    (6) The Animal Control Officer and his designees;
    (7) The Fire Chief and his designees;
    (8) The DPW Director and his designees; and
    (9) Such other officials as the Town Manager may from time to time designate, each with respect to violation of ordinances and rules and regulations within their respective jurisdictions.
C. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Section 3. Schedule of Fines.
The following shall be the schedule of fines for the method of enforcement authorized by Section 2.A.:

Chapter/Section Subject	**Fine**
Ch. 14. Canine Control	First Offense $75, Second Offence $100, Third Offence $150, and Forth and subsequent Offenses $200
Ch. 74/Section 1. Numbering on Dwelling	$20
Ch. 157/Article I. Parades and Public Gatherings	First Offense $20, Second Offence $50, Third and Following Offenses $100
Ch. 160. Peace and Good Order	First Offense $20, Second Offence $50, Third and Following Offenses $100
Ch. 220. Water and Sewer	First Offense $100, Second Offence $200, Third and Following Offenses $300
Ch. 260, Streets and Sidewalks	First Offense $100, Second Offence $200, Third and Following Offenses $300

Chapter 60. Elections
Article I. Hours
Section 1.
At Annual Town Elections polls shall be open at seven o'clock in the morning and shall remain open until eight o'clock in the evening. At Special Town Elections the polls may be open no earlier than seven o'clock a.m., no later than 12 o'clock noon and may remain open no later than 8 o'clock in the evening.

Chapter 74. Fire Department
Article I. Numbering on Dwelling
Section 1.

Every structure in the Town used or occupied for dwelling purposes shall have permanently affixed to it, in a manner so as to be visible from the street, the number assigned to said structure. At the time of the sale or transfer of ownership of any such structure, the Fire Department, while in the conduct of the inspection of the premises as required by Mass General Laws, Chapter 248, Section 26F, shall verify that such numbers are present and visible. Letters or numerals shall be visible from the street side of the property and be a minimum of three (3) inches tall. Script is not acceptable. If the building is set back on the property, a number mounted on a mailbox or lamppost will be acceptable.

~~May 2, 1989 - Town Meeting~~

Chapter 120. Historic Properties

Article III. Bridgewater Historic District

In accordance with the provisions of Chapter 40C of the Massachusetts General Law ~~as hereafter limited to~~ a Historic District Commission is to be established and the Bridgewater ~~Center~~ Historic District is also to be established.

Section 1. ~~Amended~~ District Bounds

1. Beginning with open lot at junction of Main Street and Central Square all properties on west side of Central Square.
2. On west side of South Street properties to the south side of Church Street to and including old library.
3. The Academy Building at south end of Central Square located between South and Bedford Streets.
4. New Jerusalem Church located at junction of Bedford and School Streets.
5. All properties on east side of Central Square between School and Summer Street.
6. Properties on. North of Central Square currently occupied by Rico's Market and Plymouth Home National Bank.
7. Property at North side of junction of Main and Broad Streets known as the Saccocia Block.
8. Beginning at the easterly side of Central Square proceeding in a southerly direction on Summer Street to include those two (2) parcels known as The Colonel Abram Washburn House, 9 Summer Street and the Nahum Stetson House, 19 Summer Street together with any and all righs of way extending therefrom to School Street.
9. Including the following properties:

~~The following properties not on principle streets but having limited access:~~

Map 34, Lots ~~plot~~ 207, ~~north of Summer Street behind plot 274~~.
~~plot~~ 219, ~~north of Summer Street behind plots 218 and 220.~~
~~plot~~ 62, ~~west of Central Square, behind plots 61, 63, 64.~~
~~plot~~ 68, ~~west of Central Square, behind plot 69.~~
~~plot~~ 86, ~~west of South Street, accessed by Library Place.~~

~~plots~~ 12, 13, 15, and 16, ~~west of South Street, accessed by Porter Place.~~
~~NOTE: Plot numbers above are those found on Town Assessor's Map 34.~~

Section 2. Powers of the Commission

No building or structure within the District shall be removed, constructed or altered in any way that affects the exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, non-applicability, or hardship with respect to such removal, construction, or alteration. Any person who desires to obtain any one such certificate shall file with the Commission an application therefore in such form as the Commission may reasonably determine, together with such plan, elevations, material or other information (including, in the case of demolition or removal, a statement of the proposed condition of the property thereafter) as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

No permit for the construction of a building or structure or for alteration of an exterior architectural feature within the District and no permit for the demolition or removal of a building or structure within the District shall be issued by any officer or department of the Town until the certificate required by this section has been issued by the Commission.

Section 3. Factors to be Considered by the Commission

In passing upon matters before it, the Commission shall consider among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. The Commission shall not consider interior arrangements or architectural features not subject to public view.

Section 4. Limitations

Notwithstanding anything to the contrary contained herein or in any statute of the Commonwealth of Massachusetts, no authority is hereby granted to restrict or otherwise impair requirements for construction or lot placement more stringent than those required by zoning by-law or other by-laws of the Town of Bridgewater.

Except to the extent specifically prohibited by General Laws, Chapter 40C, the authority of the Commission shall be limited in that:

It shall not have the power to review the following:

(a) Terraces, walks, driveways, sidewalks and other similar structures, any and all of them, provided that the structure is at grade level. (A change of grade level requires Historic District Commission review)

(b) Storm doors and windows, screen doors and windows, window air conditioners, lighting fixtures, and ordinary television and radio VHF, UHF and FM antenna, but will review large scale C.B., Ham Radio, or Satellite Dish antenna.

(c) Color of paint. Provided that the colors are appropriate for the building's historic period or architectural style.

(d) Signs used for residential occupation or professional purposes which are not more that one foot square in area, provided that:

(1) Only one sign is displayed for each building or structure.
(2) The sign consists of letters painted on solid material without a symbol or trademark; and
(3) If illuminated, is illuminated only indirectly.
(4) Sign use in connection with non-residential purpose, which are not more than twelve feet in area, provided that:

a. only one sign is displayed for each building or structure
b. the sign consists of letters painted on solid material without a symbol or trademark; and
c. if illuminated, is illuminated only indirectly.

Reconstruction of a building, structure or architectural feature which has been damaged or destroyed by fire, storm, or other disaster, provided that:

(1)The exterior design is substantially similar to the original.

(2)The reconstruction is begun within one year after the damage occurred and is carried on with "due diligence".

Chapter 135. Licensing

Article I. Denial for Non-payment of Municipal Charge

Section 1.

The Tax Collector ~~or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector,~~ shall annually furnish to each department, ~~board, commission or division, hereinafter referred to as the licensing authority,~~ that issues licenses or permits including renewals and transfers, hereinafter the "licensing authority," a list of any person, corporation, or business enterprise, ~~hereinafter referred to as the party,~~ that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 2.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provide, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension, shall be made only for the purposes of such proceeding and shall not be relevant to or introduced into any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

~~June 27, 1995 — Town Meeting~~

Section 3.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 4.

The ~~Board of Selectmen~~ Town Manager may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Sec. 1 of C. 268A of the MGL in the business or activity conducted in or on said property.

Section 5.

~~The above~~ This Chapter shall not apply to the following licenses and permits: Open Burning; MGL c. 38, sec. 13; ~~Bicycle Permits; Sec. 11A of C. 85 of MGL;~~ Sales of Articles for Charitable Purposes; MGL c. 101, sec. 33; Children Work Permits; MGL c. 149, sec. 69; Clubs, Associations Dispensing Food or Beverage License; MGL c. 140, sec. 21E; Dog License; MGL c. 140, sec. 137; Fishing, Hunting, Trapping License; MGL c. 131, sec. 12; Marriage License; MGL c. 2017, sec. 28; and Theatrical Events, Public Exhibition Permits; MGL c. 140, sec. 181. ~~May 7, 1990 - Town Meeting~~

Chapter 157. Parades and Public Gatherings
Article I. Permit Required
Section 1.
No person shall form or conduct any parade in any public street, public sidewalk or public way within the town, or form or conduct for the purpose of display or demonstration, any procession or assembly of people, except a military funeral or funeral parade or procession, within such public street, sidewalk or way, without first obtaining a written permit from the Chief of Police; and no person shall take part in any such parade, procession or assembly which is not authorized by such a permit.

Section 2.

No person shall give any public address, speech or harangue in any public street, public square or public park within the town, without a written permit from the Chief of Police.

Chapter 160 Peace and Good Order
Article I. Profane or Obscene Language
Section 1.
No person shall behave himself in a rude or disorderly manner, nor use any indecent, profane or insulting language, in any public way or place in the town.

Article II. Public Nudity
Section 1.
No person shall bathe in any water of this town, in a state of nudity, in places exposed to public view, or in immediate sight of the occupants of any dwelling.

Article III. Public Nuisance
Section 1.

No person shall throw balls, snowballs, or other missiles nor unnecessarily make any alarming or tumultuous noise, not make or light bonfires, or other fires, not ride upon the hind part of any vehicles without leave, not play at football or other games in any street, public way or square of this town.

Article IV. Impeding a Public Way
Section 1.
No person shall loiter or continue to stand on any sidewalk or public place in the town as to obstruct the passage of or to impede or in any matter annoy other persons; nor shall any person in a street or way stand or loiter after being directed by a police officer to move on. No person ~~Whoever,~~ being a member of an assembly of three or more persons shall ~~is~~ disturb the peace by using obscene or profane speech in any public place ~~disturbing the peace~~, or ~~who is~~ obstruct~~ing~~ and interfere ~~ing~~ with the free passage of foot traffic. ~~and who fails to disperse after having been ordered to do so by a police officer, shall be fined not more than twenty-five dollars ($25.00).~~

Article V. Tampering with Lights
Section 1.
No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, without such person being authorized by those having charge of such lights, or of the street or way, so to do.

Article VI. Open Container
Section 1.
No person shall drink alcoholic beverages as defined in Chapter 138 Section I of the General Laws while on, or upon any public way or upon any way to which the public has a right or access or any place to which members of the public have access as invitees or licensees, park or playground or private land or place without the consent of owner of person in control thereof. All alcoholic beverages being used in violation of this ordinance shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the Court. ~~Whoever violates any provisions of this by-law shall be liable to a penalty of not more than $50.00 for each violation.~~
~~November 18, 1974~~

Chapter 220. Water and Sewer
Article I. Use of Water
Section 1.
No person shall without permission of the Water Supply Director ~~Commissioners of the Water Department of the Town of Bridgewater,~~ make an opening in or connection with, or turn off or draw off water from, a water pipe, stand pipe, well or reservoir owned by the Town, or in accordance with a written permit from the Water Supply Director ~~Commissioners~~ in case of fire in the neighborhood, allowing water to be taken from the premises, or use the water for any purpose other than that for which he pays; or unscrew or open a hydrant attached to the water pipes of the Town; or, excepted in accordance with the regulations of the Department of Public Works discharge water through a hand held hose; nor shall any person interfere with the registering apparatus of water meter put in by the Town or damage or injure such meter. ~~Violations hereof upon conviction may be punished by a fine not exceeding two hundred ($200.00) dollars.~~

Article II. Water Systems, Malicious Interference With
Section 1.
If any person or persons shall wantonly, maliciously, intentionally or negligently divert the water, or any part thereof, of any of the water source or sources, used by the Town of Bridgewater for water supply purposes, or shall corrupt the same or render it impure, or destroy or injure any dam, aqueduct, well, stand pipe, conduit, hydrant, machinery or other property held, owned or used by the said Town, every such person or persons shall forfeit and pay to the Town, three times the amount of the damages that shall be assessed therefore, to

be recovered by any proper action. And every such person may, on complaint and conviction of either of the wanton and malicious, negligent or intentional acts aforesaid, be punished by a fine, not exceeding that allowed by law ~~two hundred ($200.00) dollars~~.
~~Unanimous~~
~~Amendment - Any other Town department is excluded from Section 1 and 2 in the ordinary course of their duties upon a phone call notice to the Water Department officers,~~
~~March 1981~~

Chapter 240. Soils, Sand and Gravel Pits

Article I. Removal

The removal, commercial or otherwise, of earth from any premises, shall be prohibited except when incidental to and in connection with the construction of a building or street.

Article II. Definitions

(1) "Earth" shall include soil, sand, clay, gravel and rock.

(2) "~~Board~~ Council" shall mean the Town Council ~~Board of Selectmen~~ or any legally authorized representative thereof.

Article III. Procedures

All applications for permits shall be accompanied by exhibits and documentation deemed necessary by the Council ~~Board~~ for the proper issuance of a permit. ~~, which may include but are not limited to the following:~~
The application shall include the following specific information and supporting documentation:

(1) The location of the proposed excavation.
(2) The legal name and address Of the owner of the property involved.
(3) The legal name and address of the petitioner.
(4) Names and addresses of all abutting property owners including those across any streets.
(5) Plan of land involved prepared by a registered land surveyor or professional engineer, showing All man-made features, property lines, vegetative cover, and the topography by five foot contours 100' beyond the limits of the property where the proposed excavation is to take place.
(6) A plan of land showing five foot contours of the site after the proposed completion of excavation.
(7) Estimated quantity of material to be removed and topsoil to be replaced, to be calculated by a registered land surveyor or professional engineer.
(8) A proposed form of bond to be used which must be approved as to form, style and substance by the Board.

The permit issued by the Council ~~Board~~ shall state all the conditions imposed, including but not limited to:

(1) The finished level and grading (no slope to exceed a grade of two feet horizontal distance and one foot vertically).
(2) No excavation below the natural grade of any boundary line shall be permitted closer than fifty feet to such boundary. Boundaries of the property and the proposed excavation shall be set on the ground.
(3) The placing of topsoil to a depth of not less than six inches, seeding, and planting necessary to restore the area.
(4) The applicant agrees by acceptance of the permit to allow the Town ~~Board~~ access to the property to conduct inspections to determine compliance with the conditions of the permit.
(5) The duration of the removal operation (renewable annually with a hearing).
(6) The construction of necessary fencing and other protections against nuisances may be required.
(7) Method of removal.
(8) Temporary structures.
(9) Hours of operation.
(10) Routes of transportation of material.
(11) Control of temporary and permanent drainage.
(12) Disposition of boulders, tree stumps and other waste material.
(13) Vegetation to remain as visual barrier.
(14) Posting of security or bond.

Any permit issued by the Council ~~Board~~ shall automatically expire upon the termination date stated therein. A special permit for any earth removal shall not be issued for more than one year's duration and may be renewed thereafter.
only after a public hearing legally advertised 14 days prior to the hearing at the expense of the applicant.

No permit for earth removal shall be issued if such removal will:
(1) endanger the general health or safety or constitute a nuisance;
(2) result in detriment to the normal use of adjacent property by reason of noise, dust or vibration.

No permit for earth removal shall be approved by the Council ~~Board~~ if the work extends within 300 feet of a way open to public use, whether public or private, nor will a permit be issued if there is an insufficient vegetative barrier to remain on the property upon completion of the project to prevent view of this project from a way.

The ~~Board of Selectmen~~ Council shall not issue an Earth Removal Permit until a public hearing has been held upon the application for a permit to remove earth materials. Within thirty (30) days after the receipt of any such application the Council ~~Selectmen~~ shall cause a notice of the time and the place of such hearing thereof and of the subject matter sufficient for an identification to be published in a newspaper of general circulation in the town at least once, the first publication to be not less than fourteen (14) days before the day of such hearing and also send notice by mail, postage prepaid, to the abutters of said property and owners of land across the way where the permit is intended to be exercised at the expense of the applicant.

A permit shall not be required when the earth removal is incidental to and in conjunction with the permitted construction of a building or street. ~~(Amended Special Town Meeting, June 21, 1999 – Unanimous vote)~~

Article IV. Validity
The invalidity of any section or provisions of this Ordinance ~~By-law~~ shall not invalidate any other section or provisions thereof.

Article V. Penalty

Penalties shall be in accordance with Chapter 40, Section 21, Paragraph 17, as amended. The Council ~~Board~~ may revoke or suspend the permit of any person, firm or corporation holding a permit under this ordinance ~~by-law~~ if such person, etc., violates, disobeys, or fails to comply with any of the provisions of this by-law.

Chapter 260. Streets and Sidewalks.

Article I. Work on Sidewalks and Streets

Section 1.

No person shall break or dig up any public sidewalk, street, or highway, or place thereon any staging or other temporary structure, without a written permit from the Department of Public Works Director ~~Board of Selectmen or the board having charge of the streets in such cases~~. Any alterations to drainage structures or to natural run-off on public or private property that affects Town property or the traveled way be resolved by the private party to the satisfaction of the Town Engineer and the Department of Public Works Director ~~Highway Superintendent~~. Any person having such a permit shall, before the expiration of the same, restore such sidewalk, street or highway to its original condition or to a condition satisfactory to the Department of Public Works Director ~~such Board~~. Any permit issued under the provisions of this section shall be in force for such time as the ~~Board~~ permit may specify and shall be subject to such other conditions as the permit ~~Board~~ may prescribe, and especially in every case upon condition that during the whole of every night from sunset to sunrise, lighted lanterns and proper barriers shall be so placed as to secure travelers from danger. No person having obtained such a permit shall fail to comply with the conditions thereof. The ~~Board granting such permit~~ Department of Public Works Director shall have the right to revoke the same at any time, and may require a bond either before or after the commencement of work or during its progress, to secure its proper performance.

Article II. Discharge of Weapons on Public Ways

Section 1.

No person shall fire or discharge any gun, pistol or other firearms in or across any of the streets or public places within the town, but this section shall not apply to the use of such weapons in the lawful defense of one's person, family or property, or in performance of any duty required or authorized by law. ~~, nor upon such days as may be designated by the Board of Selectmen.~~

Article III. Dangerous Articles in Streets

Section 1.

No person shall throw or place or cause to be thrown or placed upon any public street or highway of the town, any nails, spikes, screws, glass, tin cans, or other similar articles.

Article IV. Sidewalk Openings

Section 1.

No person shall suffer a platform, or grate of an entrance or opening to a cellar or basement in any public street or sidewalk to rise above the surface of any such street or sidewalk, and every such entrance or opening shall at all times be covered by a suitable covering. Such entrances or openings, when in use, shall be properly guarded.

Article V. Use of Sidewalks

Section 1.

No person shall throw or place upon any public sidewalk or street crossing, any banana skin, orange skin or other slippery substance. No person shall drive, wheel or draw any vehicle except a child carriage pushed or drawn by hand, upon any sidewalk, nor permit any horse or any cattle, swine or sheep under his care, to go upon or otherwise obstruct any sidewalk. This ordinance does not affect the right of travel or entrance into a driveway.

Article VI. Snow and Ice

Section 1.
No owner or person having the care of a building, abutting upon any brick, concrete or other curbed or finished sidewalk, the roof of which building slants toward such sidewalk, shall permit such building to be without a bather, snow-guard or other device to prevent the falling of snow or ice from such roof to the sidewalk.

Article VII. Removal of Vehicles Due to Snow Plowing / Damage to Property Within Town Layout
Section 1.
Whenever for the purpose of removing or plowing snow or removing ice from any way, it becomes necessary to remove or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, the Roadways Superintendent ~~superintendent of streets~~, or other officer having charge of ways, or duly authorized police officer, is hereby authorized to remove, or cause to be removed, the said vehicle and liability for the cost of such removal, and of the storage charges, if any resulting therefrom, shall be imposed upon the owner of such vehicle. The Town shall ~~is~~ not be responsible for damage incurred to mail boxes, fences, trees, shrubs and/or other obstruction located within the Town layout, resulting from snow removal.
~~March 12, 1976~~
~~Amended - Special Town Meeting, January 28, 1997~~

Article VIII. Pumping of Liquids onto Public Ways
Section 1.
No person shall pump water or other liquids onto any sidewalk, street or public way during the months of November to April so as to create a dangerous condition or damage to Town property ~~damage~~, unless granted written permission from the Department of Public Works Director to address an emergency which risks injury or property damage. ~~the Board of Selectmen grants a permit for an emergency.~~
~~March 12, 1976~~

Article IX. Snow Removal and Blocking of Sidewalks and Public Ways
Section 1.
No person shall remove snow or ice from any private property or ~~from Town property including~~ sidewalks, driveways, or driveway aprons and place said snow or ice so as to block a sidewalk or a Town way, or create a dangerous condition.
~~May 3, 1988~~

Article X. Removal of Signs
Section 1.
Any person who removes or defaces a sign or marker that has been placed along a public or private way by, or at the request of, a municipal or public agency, or any person who is found in the possession of the same, shall be fined $~~100.00~~ 300 or the replacement cost of the sign and the labor cost to reinstall it, whichever is greater.
~~November 9, 1992~~

Article XI. Crosswalks
Section 1.
A ladder style crosswalk shall be defined as a set of parallel lines marking the boundary of the crosswalk with perpendicular lines connecting the parallel lines to make the whole pattern appear to be similar to a ladder. The Central Business District is an overlay defined elsewhere by the Town of Bridgewater that includes Central Square, Broad Street, and parts of Main and Summer Streets.

Section 2.
Crosswalks contained within the Central Business District, and within 100 feet of the Central Business District, shall be painted in a ladder style pattern to make the crosswalk highly visible to vehicle traffic.

When the crosswalk is adjacent to a legal parking space, the gap between the crosswalk and the parking space shall be filled with a pattern so that no one shall confuse the gap with legal parking.
~~November 7, 2014~~

Article XII. Vehicle Parked or Interfering with Fire Lanes
Section 1.
Any vehicle in a duly established fire lane either parked or interfering with the travel of an emergency vehicle in such fire lane may be removed by or under the directions of the Police Chief or his designated representative to a public garage or any convenient place within the Town of Bridgewater. The Police Chief or his representative shall give notice to the registered owner of the vehicle of the location of the owner's vehicle. The owner, before being permitted to remove the vehicle, shall establish his/her right so to do and pay to the keeper of the place of storage the fee for removal and storage resulting therefrom as promulgated from time to time by the Town Manager ~~Board of Selectmen~~.

Article XIII. Non-criminal Fines
~~Any person violating any of the provisions of this article shall be liable to a fine of not more than twenty dollars; unless otherwise especially provided herein.~~ Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

Chapter 300. Vehicles
Article I. Parking of Unregistered Vehicles.
Section 1.
The owner or person in control of any private property shall not suffer or allow the parking or maintenance of more than two unregistered vehicles in the open, on any premises, or lot or parcel of land in any Residential Zoned District in the Town of Bridgewater.
~~This By-law shall be enforced by the Police Department under the direction of the Chief of Police.~~
~~Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding fifty ($50.00) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.~~
~~November 14, 1983~~

Chapter 320. Wetland Protection
Article I. Wetland Protection
Section 1.Purpose
The purpose of this ordinance ~~by-law~~ is to protect the wetlands, related water resources, and adjoining land areas in the Town of Bridgewater by controlling activities deemed by the Bridgewater Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics, and agricultural values (collectively, the "wetlands values protected by this by-law").

Section 2. Jurisdiction
Except as permitted by the Bridgewater Conservation Commission or as provided in this ordinance ~~by-law~~, no person shall remove, fill, dredge, build upon, or alter the following areas:

a) Within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp;
b) Within 100 feet of any bank, lake, pond, stream;
c) Any land under said waters;
d) Within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

Section 3. Exceptions
A Notice of Intent required by this ordinance ~~by-law~~ shall not be required for maintaining, repairing, or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that:

a) The structure or facility is not substantially changed or enlarged;
b) Written notice, with detailed plans of the work to be performed has been given to the Conservation Commission prior to commencement of work;
c) The work conforms to performance standards and design specifications in regulations adopted by the Commission.

A Notice of Intent required by this ordinance ~~by-law~~ shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that any one of the following apply:

a) The work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;
b) Advance written notice, has been given to the Commission prior to commencement of work, within 24 hours or at the latest by the end of the following work day;
c) The Commission or its agent certifies the work as an emergency project;
d) The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency;
e) Within 21 days of commencement of an emergency project as determined by the Conservation Commission a Notice of Intent shall be filed with the Conservation Commission for review as provided in this by-law.

f) Normal operation and maintenance of agricultural land.

Upon failure to meet these and other requirements of the Commission, the Commission may after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. Other than as stated in this section, the exceptions provided in MGL C. 131, Sec. 40 (Wetlands Protection Act) shall not apply.

Section 4. Permit Applications and Requests for Determinations

A Notice of Intent under MGL C. 131, Sec. 40 (Wetlands Protection Act) shall be filed with the Conservation Commission to perform activities regulated by this ordinance ~~By-law~~ affecting resource areas protected by this ordinance ~~By-law~~. The Notice of Intent shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with an Order of Conditions issued pursuant to this ordinance ~~By-law~~ and MGL C. 131, Sec. 40.

Any person desiring to know whether or not proposed activity or any area is subject to this ordinance ~~By-law~~ may request a Determination from the Commission. A request for Determination of Applicability shall contain data and plans specified by the regulations of the Commission.

At the time of filing a Notice of Intent or request for a Determination, the applicant shall pay a filing fee specified in the regulations of the commission, or as specified in MGL C. 131, Sec. 40 (Wetlands Protection Act and 310 CMR 10, as amended August 1989 and November, 1989) , whichever is larger. The Commission may waive the filing fee for a Notice of Intent or request filed by a government agency.

Section 5. Notices and Hearings

At the same time any person files an application or a request for Determination with the Conservation Commission, he/she shall give written notice thereof, by certified mail, to all abutters according to the most recent records of the Assessors, including those across a traveled way, a body of water, or a town line. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined by abutters. When a person requesting a determination is other than the owner(s), the request, the notice of the hearing and determination itself shall be sent by the Commission to the owner(s) as well as to the person making the request. The Commission shall conduct a public hearing on any application or request for determination, with written notice given, by the applicant at the expense of the applicant, in a newspaper of general circulation in the Town at least five working days prior to the hearing.

The Commission shall commence the public hearing within 21 days of recorded receipt of a completed application or request for determination and shall issue its determination in writing within 21 days of the close of said public hearing. An application or request may be rejected as incomplete by the Commission if the application or request is not filed with, the applicable filing fee and advertising fee. In an appropriate case, the Commission may combine its hearing under this ordinance ~~By-law~~ with the hearing conducted under MGL C. 131, Sec. 40 (Wetlands Protection Act).

The Commission shall have authority to continue any hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant and deemed necessary by the Commission in its discretion, or comments and recommendations of other Town boards and officials. If the applicant objects to a continuation or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

Section 6. Permits, Determinations and Conditions

If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this ordinance ~~By-law~~, the Commission shall, within 21 days of the close of the hearing, issue or deny a permit for the activities proposed. If it issues a permit, the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for the following reasons:

a) Failure to meet the requirements of this Ordinance ~~By-law~~;
b) Failure to submit necessary information and/or plans requested by the Commission;
c) Failure to meet the design specifications, performance standards and other requirements in the regulations of the Commission;
d) Failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this ordinance ~~By-law~~;
e) Where no conditions would adequately protect the wetland values protected by this ordinance ~~By-law~~.

Due consideration shall be given to demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

A permit shall expire three years from the date issued. Any permit may be renewed once for an additional two year period, provided that a written request for renewal is received by the Commission at least 30 days prior to the expiration date.

Any permit issued under this ordinance ~~By-law~~ may be revoked or modified by the Commission for good cause after public notice, public hearings and notice to the holder of the permit.

In an appropriate case, the Commission may combine the permit or other action on an application issued under this ordinance ~~By-law~~ with the Order of Conditions issued under the Wetlands Protection Act.

Section 7. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to achieve the purposes and objectives of this ordinance ~~By-law~~. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this ordinance ~~By-law~~.

Section 8. Definitions

The following definitions shall apply in the interpretation and implementation of this ordinance ~~By-law~~:

The term, "person", shall include any individual, group of individuals, association, partnership, corporation,company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision thereof to the extent subject to Town By-laws, administrative agency, public or quasi-public corporation or body, the Town of Bridgewater and any other legal entity, its legal representatives, agents or assigns.

The term, "alter", shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this ordinance ~~By-law~~:

a) Removal, excavation or dredging of soil, sand, loam, peat, gravel or aggregate materials of any kind;
b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of flood retention characteristics;
c) Drainage or other disturbance of water level or water table;
d) Dumping, discharging or filling with any material which may degrade water quality;
e) Placing of fill, or removal of material, which would alter elevation(s);
f) Driving of piles, erection, alteration or repair of buildings or structures of any kind;
g) Placing of obstructions or objects in water;
h) Destruction of plant life, including cutting of trees;
i) Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

Section 9. Security

As part of a permit issued under this ordinance ~~By-law~~, in addition to any security required by any other Town or State board, agency or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission;
b) By a Conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Bridgewater whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

Section 10. Enforcement

The Conservation Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this By-law and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.

The Commission shall have the authority to enforce this By-law, its regulation, and permits issued thereunder by violation notice, cease and desist orders, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Town Manager ~~Board of Selectmen and the Town Counsel~~ shall take legal action for enforcement under Civil Law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under Criminal Law.

Town boards and officers, including any police officer or other officer having police powers, shall have authority to , assist the Commission in enforcement.

~~Any person who violates any provision of this By-law, regulations thereunder, or permits issued thereunder, shall be punished by a fine or not more than $300.00. Each offense, and each provision of the By-law, regulations or permit violated shall constitute a separate offense.~~

~~In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40 S 21D.~~

Section 11. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the

wetland values protected by this ordinance ~~By-law~~. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Section 12. Certificate of Compliance
A Certificate of Compliance shall be issued by the Conservation Commission upon the request of the applicant of property owner after construction has been completed in accordance with the applicable Order of Conditions. Request for such Certificate must be filed with the Commission in writing, at least fifteen (15) days prior to the actual date the Certificate is needed.

Section 13. Relation to the Wetlands Protection Act
This ordinance ~~by-law~~ is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of M.G.L. Ch. 131, S 40 (The Wetlands Protection Act) and regulations thereunder.

Section 14. Severability
The invalidity of any section or provision of this ordinance ~~By-law~~ shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.
~~Fall Town Meeting November 13, 1990~~

Bridgewater Town Council

In Town Council, Tuesday, April 26, 2016

Council Order: O-2016-009

Introduced By:	Town Manager
Date Introduced:	April 26, 2016
First Reading:	April 26, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2016-009

ACCEPTANCE OF GIFT – BRIDGEWATER STATE UNIVERSITY FOR MUSIC ALLEY

WHEREAS: Massachusetts General Laws, Chapter 44, §53A 1/2, states as follows:

"A city council, with the mayor's approval if the charter so provides, or a board of selectmen or town council may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the city or town from the federal government, a charitable foundation, private corporation, individual, or from the commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, use said gifts, without specific appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable;" and

WHEREAS: The Town of Bridgewater has received the gift of a $5,000.00 from Bridgewater State University.

Now, therefore, in accordance with Chapter 44, §53A ½ of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the gift of $5,000.00 from Bridgewater State University to expend the gift of in accordance with stated purpose thereof.

Explanation:
Bridgewater State University has donated $5,000.00 to help fund the summer music project – Music Alley. Acceptance of this gift will allow the town to expend the funds for their stated purpose.

NOT FOR ACTION – FIRST READING ONLY