



BRIDGEWATER TOWN COUNCIL

Tuesday, May 10, 2016

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

**** Reorganization of the Town Council****

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) April 26, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Affordable Housing Trust

- 1) Joan Neumeistez

- 2) William Callahan

- 3) Nancy Koczela

- 4) Pat Driscoll

- b) Open Space - Kevin Mandeville

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) **7:40 p.m. PUBLIC HEARING:** Petition # P-2016-016 - Alteration of Licensed Premises – A.M.B.. Corporation dba Bernier's Liquors, 905 Plymouth Street
- b) **7:45 p.m. PUBLIC HEARING:** Petition #P-2016-018: New Class II Auto Dealer – D&C Auto Exchange, 808 Bedford Street
- c) **7:50 p.m., PUBLIC HEARING:** Petition P-2016-019: Petition for Grant of Location to Install a Centralized Radio Access Network ("CRAN) by Cellco Partnership d/b/a Verizon Wireless ("Verizon") under MGL c 166 Sections 22 and 25A.
- d) Petition #P-2016-020: Annual Festival (3) One-day Alcohol and (3) One-day Entertainment Licenses, Portuguese Club, Inc.
- e) Petition P-2016-021: New Common Victualler's License (Food Truck) – Uncle Shwarma, 85 Plymouth Street

H. PRESENTATIONS

- a) FY2017 Budget Presentation (*Town Manager*)

I. TOWN MANAGER'S REPORT

- a) Inspectional Services and Bylaw/Ordinance Enforcement

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-2016-009: Acceptance of a Gift – BSU for Music Alley
The Budget & Finance Committee and Finance Committee meet 5/9/16. Dispositions will be provided 5/10/16.

M. OLD BUSINESS

- a) Ordinance D-2016-001: Zoning Ordinance – Downtown Zoning
A public hearing was held with the Planning Board and Community & Economic Development Committee on 3/21/16 and continued to 5/2/16. At their meeting held 5/2/16, the Planning Board unanimously voted to recommend the ordinance with proposed amendments. The Community & Economic Development Committee will provide their disposition 5/10/16.
- b) Ordinance D-2016-002: Zoning Ordinance – Open Space Conservation
A public hearing was held with the Planning Board and Community & Economic Development Committee on 3/21/16 and continued to 5/2/16. At their meeting held 5/2/16, the Planning Board unanimously voted to recommend the ordinance with proposed amendments. The Community & Economic Development Committee will provide their disposition 5/10/16.
- c) Ordinance D-2016-005: Zoning Ordinance – Demolition Delay Ordinance
A public hearing was held with the Planning Board and Community & Economic Development Committee on 4/4/16 and continued to 5/2/16. At their meeting held 5/2/16, the Planning Board unanimously voted to recommend the ordinance with proposed amendments. The Community & Economic Development Committee will provide their disposition 5/10/16.

N. NEW BUSINESS

- a) Resolution R-2016-003: Establish Town Manager Goals (*Councilor Gallagher*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, May 10, 2016

Council Petition: P-2016-018

Date Introduced/Public Hearing: May 10, 2016

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A CLASS II USED AUTO DEALERS LICENSE

WHEREAS, D & C Auto Exchange has submitted all applicable documentation as required for a license to operate an auto dealer establishment at 808 Bedford Street, Bridgewater, Massachusetts; and

WHEREAS, Baudelaire Dorval will serve as the establishment's manager of record; and

WHEREAS, D & C Auto Exchange proposes to operate the business during the following hours:

Monday - Saturday	9:00 a.m. – 5:00 p.m.
Sunday	9:00 a.m. – 1:00 p.m.

and;

WHEREAS, D & C Auto Exchange have complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the zoning requirements, Building and Fire Codes governing the operation of such licenses; and

WHEREAS, D & C Auto Exchange will operate with the following stipulations (1) Number of onsite display vehicles is limited to eight (8) at one time; (2) No waivers of applicable rules and regulations shall be authorized unless formally voted for and approved in writing by the applicable town authority; and;

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

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 58 specifically; and also sections 57 and 59 generally, of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of D & C Auto Exchange to be granted a license to operate as a Class II - Used Car Dealer within the Town of Bridgewater.

AUTO DEALER'S LICENSE - New Class II License

APPLICANT : D & C Auto Exchange, 808 Bedford Street

Proposed Hours: Monday - Saturday: 9:00 a.m. -5:00 p.m.
Sunday: 9:00 p.m. - 1:00 p.m.

Required Documents

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

Recommendations

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

NOTES:

-
- 1) *Favorable recommendations have been received by the Tax Office, Fire and Police Departments.*
 - 2) *Favorable recommendation have been received by the Inspectional Services Department.*
-



Bridgewater Town Council

In Town Council, Tuesday, May 10, 2016

Council Petition: P-2016-019

Date Introduced/Public Hearing: May 10, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: P-2016-019

Relative to:

**PETITION FOR GRANT OF LOCATION TO INSTALL A CENTRALIZED RADIO ACCESS
NETWORK ("CRAN")**

WHEREAS, the petitioner has complied with the requirements of the Town of Bridgewater and applicable state laws; and,

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the recommendation of the Highway Superintendant which has oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled approve the attached petition be granted as requested.

PETITION FOR POLE AND WIRE LOCATIONS
UNDER MGL c. 166, §§ 22 and 25A

To the Town Council
Of Bridgewater, Massachusetts

Cellco Partnership d/b/a Verizon Wireless requests permission to locate seven (7) wireless antennas, including all necessary sustaining and protecting fixtures, on existing utility poles along and across the following public ways:

1. Bedford Street, pole number 53;
2. Broad Street, pole number M-704;
3. Center Street, pole number 13;
4. Central Square pole number 3-1;
5. Pleasant Street, pole number 26;
6. Scotland Boulevard, pole number 2.

Wherefore Cellco Partnership d/b/a Verizon Wireless prays that after due notice and hearing, and as provided by law, that Bridgewater grant these locations along with permission to erect and maintain an antenna, radio unit, meter, AC/DC converter, 60A disc., RGS conduit, ground rod, power, and fiber, together with all necessary sustaining and protecting fixtures required to operate such equipment; said equipment to be located and installed in accordance with the plans filed herewith and titled:

1. **Bridgewater MA SC02;**
2. **Bridgewater MA SC03;**
3. **Bridgewater MA SC05;**
4. **Bridgewater MA SC06;**
5. **Bridgewater MA SC09;**
6. **Bridgewater MA SC10.**

(signature page follows)

April 1, 2016

Cellco Partnership d/b/a Verizon Wireless

By: _____
Joshua P. Lanzetta, Attorney
Cellco Partnership d/b/a Verizon Wireless

*SIGNATURE PAGE
PETITION FOR POLE AND WIRE LOCATIONS
UNDER MGL c. 166, §§ 22 and 25A*

ORDER FOR POLE AND WIRE LOCATIONS
UNDER MGL c. 166, §§ 22 and 25A

In the Town of Bridgewater, Massachusetts
Notice having been given and public hearing held, as provided by law

IT IS HEREBY ORDERED:

that Cellco Partnership d/b/a Verizon Wireless be granted locations and permissions to install antennas and related equipment on existing utility poles and maintain such poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company deems necessary, in the public way or ways hereinafter referred to, as requested in petition of said company dated the ____ day of April, 2016.

All construction under this order shall be in accordance with the conditions provided in the plans filed with this order, including plans entitled:

1. **Bridgewater MA SC02;**
2. **Bridgewater MA SC03;**
3. **Bridgewater MA SC05;**
4. **Bridgewater MA SC06;**
5. **Bridgewater MA SC09;**
6. **Bridgewater MA SC10.**

There may be attached to said pole antenna, radio unit, meter, AC/DC converter, 60A disc., RGS conduit, ground rod, power and fiber and fixtures as needed in their business and all of said wires and cables.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

1. **Bedford Street, one pole, number 53;**
2. **Broad Street, one pole, number M-704;**
3. **Center Street, one pole, number 13;**
4. **Central Square, one pole, number 3-1;**

5. Pleasant Street, one pole, number 26;

6. Scotland Boulevard, one pole, number 2.

I hereby certify that the foregoing order was adopted at a meeting of the Town Council of the Town of Bridgewater, Massachusetts held on the _____ day of _____, 2016 .

Town Clerk
Bridgewater, Massachusetts

Received and entered in the records of location orders of the Town of Bridgewater at Book _____, Page _____.

Attest: _____
Bridgewater Town Clerk



Bridgewater Town Council

In Town Council Tuesday, May 10, 2016

Council Petition: P-2016-020

Date Introduced/Public Hearing: May 10, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of One-Day Alcohol & One Day Entertainment Permits

WHEREAS, the Portuguese Holy Ghost Society of Bridgewater has petitioned for three(3) One-day Alcohol and three (3) One day entertainment permits for the following club sponsored events:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	Annual Holy Ghost Feast	June 17, 2016	6:00 p.m. - 12:00 a.m.	Up to 300
2	Annual Holy Ghost Feast	June 18, 2016	6:00 p.m. - 12:00 a.m.	Up to 300
3	Annual Holy Ghost Feast	June 19, 2016	12:00 p.m. - 10:00 p.m.	Up to 300

;and,

WHEREAS, the Portuguese Holy Ghost Society has complied with the requirements of the Town of Bridgewater; and,

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with 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 138 - section 14 and Chapter 140- Section 183A respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of the Portuguese Holy Ghost Society be granted three (3) one day alcohol and three (3) one day entertainment permits for the aforementioned events to be held on the grounds of the club at 352 Broad Street.

Three (3) ONE-DAY ENTERTAINMENT AND ALCOHOL LICENSE S

APPLICANT: *The portuguese Holy Ghost Society*

Date of Event: Friday-Sunda, June 17-19, 2016
Location: Portuguese Holy Ghost Society of Bridgewater, Inc., 352 Broad Street
Hours: Vary
Approx. number to attend event up to 300

Town Documents

1	<u>✓</u>	One-Day Applications
	<u>✓</u>	Town License Fees
2	<u>✓</u>	Insurance Certificate
		<u>Recommendations</u>
2	<u>✓</u>	Fire Department
	<u>✓</u>	Police Department

NOTES:

1) Favorable recommendations received from both Police & Fire Departments.



Bridgewater Town Council

In Town Council, Tuesday, May 10, 2016

Council Order: O-2016-009

Introduced By: Town Manager
Date Introduced: April 26, 2016
First Reading: April 26, 2016
Second Reading: May 10, 2016
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	Budget & Finance Committee and Finance Committee meet 5/9/16. Dispositions will be provided 5/10/16

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

TOWN OF BRIDGEWATER
PLANNING BOARD



Patrick Driscoll, Chairman
Raymond Ajemian, Vice Chair
Jean Guarino, Clerk
Thomas Hall, Member
Frank Sullivan, Member

May 4, 2016

TO: Bridgewater Town Council
RE: Proposed ordinances recommendations
FROM: Planning Board

Please be advised that at the close of the joint public hearing with the Community and Economic Development Committee held on May 2, 2016, on three proposed ordinances, the Planning Board unanimously voted the following:

ZONING ORDINANCE # D-2016-001-TO AMEND DOWNTOWN –recommends adoption of the Ordinance per revision date of 5/2/16.

ZONING ORDINANCE#D-2016-002-OPEN SPACE CONSERVATION DEVELOPMENT-recommends adoption of the Ordinance per revision date of 5/3/16.

ZONING ORDINANCE #D-2016-005-Demolition Delay- recommends adoption of the Ordinance per revision dated of 5/4/16

A handwritten signature in blue ink, reading "Leslie Dorr".

Leslie Dorr, Office Administrator

35/1502/16



Bridgewater Town Council

In Town Council, Tuesday, May 10, 2016

Council Ordinance: D-2016-001

Proposed Amendments –
CEDC & Planning Board
Mtg 5/2/16

Introduced By: Councilor Peter Colombotos

Date Introduced: February 23, 2016

First Reading: February 23, 2016

Second Reading: May 10, 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.

ADD:

3.31636.10-01 Plan Requirements

A mixed use project in the Town Center Overlay Central Business 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

Town Center Overlay and Zoning Amendment 1

NOT FOR ACTION – REQUIRES ADVERTISING PENDING ADOPTION OF AMENDMENTS.

~~35/15~~02/16

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, or 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.

Design standards for mixed use development projects are enumerated in Chapter 19 Mixed Use (CBD).

ADD:

3.31.02 Standards

Mixed use projects shall remain sensitive to the historic and cultural importance of the Central Business District and wherever appropriate utilize complementary architecture and natural materials.

Any mixed use project is subject to the standards as set forth in section 19 Mixed Uses.

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.~~

Town Center Overlay and Zoning Amendment 2

35/1502/16

~~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.~~

~~"~~
~~-~~

35/1502/16

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" or "Innovation Center" 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" or "Live Work Space" 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 the Special Permit Granting Authority by 25%.~~25%.~~

Residential units in mixed use development projects.

For a mixed use development in the Central Business District, a maximum of up to ~~24-278~~ 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	NSP	N	N	Y	Y	N	N	N	N	Y
2	One two-family or one duplex on a separate lot	N	NSP	SP	NSP	N	N	NSP	NSP	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	NSP	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 <u>Innovation Center</u>	N	N	SP	SP	N	N	N	N	N	SP	N	N	N

ADD:

Section 8.40 Land Space RequirementsResidential C

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Frontage</u>
<u>Res C</u>	<u>18,500 Single Family</u> <u>37,000 2-Family</u>	<u>125' Single Family</u> <u>150' 2-Family</u>

Section 9.55. Incubator and Innovation Center 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 and switch gear, and power generators 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. Utilizing low impact development (LID) best practices for integrated management are encouraged, e.g. creating rain gardens, pervious pavers and pavement,

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 5560% of the total gross floor area of the ground floor.

35/1502/16

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.

Additions to the existing building shall reflect the architectural character and context of the building and utilize complementary materials. Proposed structures shall complement the existing building architecture and reflect the character and context of the site.

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. To Foster the necessary flexibility to and promote live work space development through a maximum of 40-38 bedrooms per acre is allowed, but regardless of configuration a maximum of up to two bedrooms per live work unit is allowed. (Live work units with three or more bedrooms per unit are not permitted).

3/5/15 02/16

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.	2,904-420 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

Amend Existing number 7:

Commercial uses shall be required on the first floor in its entirety

ADD to Existing number 12 Rooflines:

To prevent a canyon effect along the street scape, proposed structures achieving the maximum building height must utilize terracing of the structure, or creating architectural elements (including angled roofs, dormers and gable elements) above the second story.

DELETE existing number 15.

ADD:

35/1502/16

15. The Planning Board, as part of a Special Permit, may increase residential density up to ~~15-18~~ units per upland acre (2,904-420 square feet per unit) with a minimum ~~15~~30% gross floor area commercial development. The ~~15~~30% 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.~~

B The requirement for commercial development ~~can be~~ may be accommodated on an adjacent parcel or parcels, ~~but must be~~ providing the commercial development is constructed in conjunction and coordination with the residential development and reflects the character of a village or town center. 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~~ Central Business District 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~~ AMEND:

LODGING HOUSE REGULATIONS ~~[p.104-105]~~

DELETE EXISTING 3.

ADD:

3. As of the date of passage of this ordinance amendment, no additional lodging houses are permitted within any zoning district in the Town of Bridgewater. Only those pre-existing lodging houses legally operating upon the date of passage of this ordinance amendment may receive a license to continue operation. All pre-existing legally licensed lodging houses must continue to conform to the regulations herein or risk revocation of said license. No pre-existing legal lodging house operation shall continue to operate without a proper license from the Town of Bridgewater.

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 regardless of the zoning district.

35/1502/16

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 for commercial or industrial uses only.

9.93 Requirements

Common driveways are allowed by Special Permit only in commercial districts and for commercial, mixed use and industrial lots or uses only. Common driveways are not allowed in residential districts. Regardless of district 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.

A Common Driveway shall not be less than 24 feet in continuous width, and whenever requiring pedestrian circulation a minimum 18 foot vehicular way and a five foot sidewalk.

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.

AMEND:

6.30 I.9.

Common Driveway

	ACCESSORY USES AND OFF-STREET PARKING	RES A/B	RES C	RES D	CBD	SBD	BUS B	GATEWAY	EAST GATEWAY	IND A	IND B	IND E	PD	MHE C
I	Common Driveway	N	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	N

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.

35/1502/16

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 2 General Schedule of fees:~~

~~ADD 22.06 Fee. The annual Annual Sidewalk Café Permit fee is \$100.~~

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•



Bridgewater Town Council

In Town Council, Tuesday, May 10, 2016

Council Ordinance: D-2016-002

Proposed Amendments:
CEDC & Planning Board
5/3/16

Introduced By: Councilor Peter Colombotos
Date Introduced: February 23, 2016
First Reading: February 23, 2016
Second Reading: May 10, 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 C & 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	NSP	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 Conservation Development	SP	SP	SP	N	N	N	N	N	N	N	N	N	N

Formatted Table

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. Only single family residential 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.

NOT FOR ACTION – REQUIRES ADVERTISING PENDING ADOPTION OF AMENDMENTS.

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 required 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. Applicants are strongly encouraged to submit a preliminary plan application to the Planning Board for review.

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

Aa. 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

NOT FOR ACTION – REQUIRES ADVERTISING PENDING ADOPTION OF AMENDMENTS.

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.

Bb. 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.

Cc. 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, May 10, 2016

Council Ordinance: D-2016-005

Proposed Amendments:
CEDC & Planning Board
5/4/16.

Introduced By: Councilor John Norris
Date Introduced: March 8, 2016
First Reading: March 8, 2016
Second Reading: May 10, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-2016-005

DEMOLITION DELAY ORDINANCE

ORDERED that; pursuant to M.G.L., Chapter 40A, Section 5, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

.01 Intent and Purpose

This ordinance is enacted to preserve and protect significant buildings within the Town of Bridgewater and to limit the detrimental effect of demolition on the character of the Town of Bridgewater. By preserving and protecting significant structures, streetscapes and neighborhoods, this ordinance promotes the public welfare by making the Town of Bridgewater a more attractive and desirable place to visit, live and work. Through implementation of this ordinance, owners of preferably preserved structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such structures and residents of the Town of Bridgewater are alerted to impending demolitions of significant structures. The issuance of demolition permits is regulated through this ordinance.

During the period of demolition delay, the Historical Commission shall assist the owner of a preferably preserved building in identifying opportunities to move, restore, reuse or otherwise protect and preserve a building so deemed. By preserving and protecting significant structures, streetscapes and neighborhoods, this ordinance promotes the public welfare by making the Town of Bridgewater a more attractive and desirable place to visit, live and work. The issuance of demolition permits is regulated through this ordinance.

.02 Definitions

"Applicant" means any person or entity who files an application for a demolition permit. If the applicant is not the owner of the property where the building is situated, the owner must indicate endorse upon filing upon the application assent to the filing of the application.

5/6/2016 DRAFT

“Application” means the forms, fees and process for permission to demolish a structure.

“Building” means any three dimensional enclosure by any building materials of any space, for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

“Building Official” means the person occupying the Office of Building Official, or any designee authorized to issue demolition permits.

“Commission” means the Town of Bridgewater Historical Commission.

“Demolition” means the act of pulling down, destroying, removing, dismantling or razing a structure in full or in part.

“Demolition permit” means the permit issued by the Building Official for the demolition of a structure, excluding any permit issued solely for the demolition of the interior of a structure.

“Preferably preserved” means a significant structure that the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved structure is subject to the sixty day demolition delay period of this ordinance.

“Significant” structure means any structure within the Town of Bridgewater constructed in the year ~~1920~~¹⁹⁰⁰, or prior, that is determined by the Historical Commission to be significant based on any of the following criteria:

The structure is listed in, or is within an area listed in, the National Register of Historic Places; or

The structure is eligible for the National Register of Historic Places; or

The structure is historically or architecturally important (in terms of period, architectural style, method of construction or association with a universally recognized architect or builder) either by itself or in the context of a group of structures.

5/6/2016 DRAFT

.03 Procedure

For any structure constructed in the ~~year 1920~~~~year 1900~~, or prior, no demolition permit shall be issued without complying with the provisions of this ordinance.

An applicant proposing to demolish a structure subject to this ordinance shall file with the Building Official an application containing the following information:

Official Town of Bridgewater demolition permit application.

The address of the structure slated for demolition.

The property owner's name, address, email address and telephone number.

A description of the structure, including year constructed.

The specific reasons for requesting a demolition permit.

A description of the proposed reuse, reconstruction or replacement of the structure.

Images of the structure.

Initial Determination -- The Building Official shall within seven calendar days of receipt of an application forward a copy of the application to the Commission. The Commission shall within fourteen calendar days after receipt of the application hold a meeting and make a written determination of whether the structure is significant.

Determination of Not Significant -- Upon determination by the Commission that the structure is not significant, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

Determination of Significance -- Upon determination by the Commission that the structure is significant, the Commission shall immediately notify the Building Official and the applicant in writing. No demolition permit may be issued unless the Building Official determines the building an imminent threat to public safety as set forth herein or otherwise outlined in the building code or general laws. If the Commission does not notify the Building Official within fourteen calendar days of receipt of the application, the Building Official may shall proceed to issue the demolition permit.

Should the Commission find that the structure is significant, it shall hold a public hearing within twenty-one calendar days of the written notification to the Building Official. If agreed to in writing by the applicant, the determination of the Commission may be continued beyond the thirty twenty-one calendar days. At the public hearing the Commission shall decide whether the structure should be preferably preserved.

If the Commission determines that the building is not suitable to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

If the Commission determines that the structure is to be preferably preserved, the Commission within fourteen calendar days shall immediately notify the Building Official and applicant in writing. No demolition permit shall be issued for a period, not to exceed, sixty days from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Official in writing within fifteen fourteen calendar days of the public hearing, the Building Official may shall issue the demolition permit provided all other requirements of the demolition permit are fulfilled.

Upon a determination by the Commission that any structure subject of an application is a preferably preserved structure, no building permit for new construction or alterations on the premises shall be issued for a period of sixty days from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a structure determined to be a preferably preserved structure shall be granted until all plans for future use and development of the site have been filed with the Building Official and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, an approved site plan for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Official may shall issue a demolition permit or a building permit for a preferably preserved structure within sixty days if the Commission notifies the Building Official in writing that the Commission finds that the intent and purpose of this ordinance is served even with the issuance of the demolition permit or the building permit.

Following the sixty day delay period, the Building Official may shall issue the demolition permit.

.04 Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

The Town Council is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a staff member of the Town of Bridgewater.

.05 Emergency Demolition

Upon determination of imminent danger to the public health or safety, the Building Official may shall issue an emergency demolition permit to the owner of the structure. Nothing in this ordinance shall subvert the statutory authority of the Building Official or otherwise preclude the Building Official from executing the duties and responsibilities of that office.

.06 Enforcement and Remedies

Any owner of a structure subject to this ordinance that demolishes a structure without first obtaining a demolition permit in accordance with the provisions of this ordinance shall be subject to a fine of not more than Three-Hundred (\$300) Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished structure is completed as determined by the Commission or unless otherwise agreed to by the Commission.

If a structure subject to this ordinance is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

.07 Historic District Act

Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

.08 Severability

Should any phrase, clause, sentence, paragraph or section of this chapter be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board	• Joint Public Hearing scheduled for 4/4/16 at 7:00 p.m. for CEDC and Planning Board. CEDC will provide disposition to full Council 4/5/16.



Bridgewater Town Council

In Town Council, Tuesday, Tuesday, May 10, 2016

Council Resolution: R-2016-003

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	May 10, 2016
First Reading:	May 10, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Effective Date:	

Resolution R-2016-003

ESTABLISH TOWN MANAGER GOALS

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

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

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



Town of Bridgewater Town Manager Goals

Town Manager to give updates on goals set by the Council at regular Council meetings.

SHORT TERM GOALS - COMPLETION DATE: November 30, 2016

- Smooth transition to the Academy Building once renovations are complete
- Written plan for the use of Town Hall and Memorial Building
- Begin the process of looking into alternatives for Health Insurance Coverage for Town employees.
- Begin the process and identify potential cost savings for FY18
- Create an OPEB liability plan (in house or outside)
- Formulate a delinquent Commercial Property tax plan
- Improve function of Inspectional Services Department
- Improved enforcement of zoning ordinances
- Completion of an updated Website by November 30, 2016

LONG TERM GOALS – 2017

- Create a written Capital Project Plan
- Make progress on Downtown Revitalization/Transportation
- Progress with the affordable housing production plan
- Oak Street Bridge – Movement on securing funds

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•