



BRIDGEWATER TOWN COUNCIL

Tuesday, May 24, 2016

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) May 10, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

- a) Town Council Committee Assignments

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Plymouth County Advisory Board
 - 1. Councilor Edward Haley
 - 2. Councilor Dennis Gallagher (*Alternate*)

F. HEARINGS

- a) 7:45 p.m.: FY2017 Budget

The following Budget Orders were referred to the Budget & Finance Committee. The committees have held several joint committee meetings and will hold their final meeting 5/23/16. Dispositions will be provided 5/24/16.

 - 1. Order O-2016-010: FY17 Annual Town Budget
 - 2. Order O-2016-011: FY17 Sewer Enterprise Fund Budget
 - 3. Order O-2016-012: FY17 Water Enterprise Fund Budget
 - 4. Order O-2016-013: FY17 Transfer Station Enterprise Fund Budget
 - 5. Order O-2016-014: FY17 Olde Scotland Links Golf Course Enterprise Fund Budget

G. LICENSE TRANSACTIONS

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

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 voted unanimously to recommend approval of this measure. At their meeting held 5/16/16, the Finance Committee voted unanimously to approve this measure.
- b) Order O-2016-015: Authorization of Revolving Funds

This measure was referred to the Budget & Finance Committee. The committees have held several joint committee meetings and will hold their final meeting 5/23/16. Dispositions will be provided 5/24/16.
- c) Resolution R-2016-003: Town Manager Goals

At their meeting held 5/16/16 the Strategic Planning Committee voted to return this measure, without amendments, to the Council for a vote.

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 voted to recommend approval with proposed amendments. This measure was postponed to 5/24/16 for final review of amendment prior to advertising.
- 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 voted to recommend approval with proposed amendments. This measure was postponed to 5/24/16 for final review of amendment prior to advertising.

c) **Ordinance D-2016-006: Revocation of General Bylaws and Adoption of Ordinances**

At their meeting held 5/17/16 the Rules & Procedures Committee voted to return this measure, without amendments, to the Council for a vote

N. NEW BUSINESS

- a) Transfer T-2016-005: CPC Transfer – Open Space *(Town Manager)*
- b) Transfer T-2016-006: CPC Transfer – Housing Trust *(Town Manager)*
- c) Transfer T-2016-007: Water Retained Earnings – Meter Replacement and Advanced Meter Infrastructure *(Town Manager)*
- d) Transfer T-2016-008: Sewer Retained Earnings – RBC *(Town Manager)*
- e) Transfer T-2016-009: Free Cash for Disposal of Trailers *(Town Manager)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

BEHIND THE WHEEL



■ Casey Coats, 5, takes the wheel of a parked tractor during the Public Safety Open House held on Saturday in East Bridgewater.

STOUGHTON

Field dedicated to late maintenance man

Softball field behind West Elementary School named in honor of Tim Bulger

By Cody Shepard
ENTERPRISE STAFF WRITER

STOUGHTON – Wearing orange bracelets with the name Tim Bulger on them, hundreds of community members gathered at the West School Athletic Complex on Monday to honor a late resident.

A softball field behind West Elementary School was dedicated in Bulger’s memory during a ceremony Monday afternoon.

Bulger died at the age of 47 in April 2015, after a short period of sickness. Bulger spent 25 years working part time as a field maintenance man, maintaining many of the school district’s playing fields.

“He would work weekends, come in late at night, do whatever it took to get it done to make sure that our kids had not only a safe place to play, but a place that we could really be proud of,” said Stoughton High Athletic Director Ryan Donahue, who worked with Bulger for more than five years.

The dedication was brought forward by the Recreation Department after several family members and friends wrote letters in the fall in support of a field named after Bulger.

“This is such a place that his spirit can remain,” said Recreation Director John Denison. “We should all be proud that his name goes up on this dia-



■ The family of Tim Bulger unveils the “Timothy Bulger Field” sign during a naming ceremony at the West School Athletic Complex in Stoughton on Monday.

mond.”

Former Stoughton Superintendent and high school Principal Anthony Sarno Jr. called Bulger considerate, kind and dedicated. He knew Bulger when he was a teenager.

“Tim Bulger was a pretty special guy,” Sarno said. “If you had to list the characteristics you would like in a husband, a father, a brother, a cousin, an uncle and a friend, it would all come out as Tim Bulger.”

Dan Mark, the hockey coach at Stoughton High, said all of the district’s coaches appreciated the work Bulger did.

“The one thing he always had was a smile on his face,” Mark said. “He went above and beyond what he was supposed to do.”

Bulger’s wife, Aimee, and daughters, Brooke and Kate, were among the family members who helped unveil the sign after a 20-minute ceremony. It

also included a proclamation from the selectmen, who voted unanimously last week to name Monday as Tim Bulger Day.

A “Timothy Bulger Field” sign now hangs behind home plate at the softball field.

“It’s quite an honor,” Bulger’s brother, Ted, said choked up. “It means a lot to our family.”

Cody Shepard may be reached at cshepard@enterpriseneews.com.

STOUGHTON

Police seize knife, 500 pills after traffic stop

Passenger arrested after early morning marked lanes violation

By Cody Shepard
ENTERPRISE STAFF WRITER

STOUGHTON – A man was arrested and found to have hundreds of pills in his pants after a car that was straddling the double yellow line was stopped early Monday, police said.

Officer Daniel Barber was on patrol about 2:15 a.m. Monday when he noticed a gray sedan stopped on School Street facing Pearl Street.

“I turned onto School Street and observed that the vehicle was stopped directly in the center of the road, straddling the double yellow line,” Barber wrote in a police report filed in court.

Barber watched the car turn onto Route 138 north and then stop for gas. He stopped the car after it pulled out of the gas station and was in front of the Stop & Shop Plaza on Washington Street.

Barber identified the driver as Kirshby Osias, who lied about where he was driving and covered for the passenger, who refused to identify himself, Barber wrote. He was later issued a citation for a marked lanes violation.

The passenger, identified by police as Aby Joseph, would not keep his hands where the officer could see them, Barber wrote.

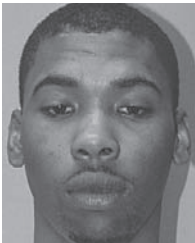
After requesting two more officers to the traffic stop and

running the rental car’s registration and the occupants’ information, Barber determined Joseph was wanted on a warrant in Florida.

“While I conducted a pat frisk, I felt what I immediately detected was a large bag containing what I believed to be ... pills inside of Aby’s pants in between his legs,” Barber wrote.

To search Joseph, he was brought back to the police station. Meanwhile, Barber searched the car and found a backpack in the backseat belonging to Joseph, which contained about \$6,000 and a large knife, Barber wrote.

Back at the police station, Joseph was searched by a sergeant, who found a bag inside Joseph’s pants, which contained 500 alprazolam pills and other prescription pills, Barber wrote.



Aby Joseph

Joseph, 21, of 103 Clapp St., Milton, was charged with carrying a dangerous weapon, possession with intent to distribute a Class B substance (hydromorphone), possession with intent to distribute a Class D substance (marijuana), possession with intent to distribute a Class E substance (alprazolam) and being a fugitive from justice.

Joseph pleaded not guilty during his arraignment Monday in Stoughton District Court. He was held on \$10,000 bail.

He is due back in court June 7 for a pre-trial hearing.

Cody Shepard may be reached at cshepard@enterpriseneews.com.



STOUGHTON POLICE PHOTO

■ Aby Joseph was charged with carrying a dangerous weapon, possession with intent to distribute a Class B substance (hydromorphone), possession with intent to distribute a Class D substance (marijuana), possession with intent to distribute a Class E substance (alprazolam) and being a fugitive from justice on Monday.

BROCKTON

Police respond after gunshots reported on Eaton Street

By Maria Papadopoulos
ENTERPRISE STAFF WRITER

BROCKTON – Police recovered shell casings on Eaton Street after gunshots were reported in the north side neighborhood late Monday morning,

police said.

No injuries were reported. Officers responded to the scene after four rounds of gunshots were detected by ShotSpotter, the city’s gun detection system, about 10:40 a.m.

Monday, police said.

Neighbors told police they heard the gunshots and saw a red car fleeing the area, according to police scanner reports.

Eaton Street, off Battles Street, intersects with Rich-

mond Street.

Maria Papadopoulos may be reached at mpapadopoulos@enterpriseneews.com or follow on Twitter @MariaP_ENT.

BROCKTON

Police: Man robbed at gas station

By Benjamin Paulin
ENTERPRISE STAFF WRITER

BROCKTON – A man was robbed at knifepoint for \$20 at the Yasso Stop and Gas in Brockton late Sunday night, police said.

The man was at the gas station, at 81 Warren Ave., when he was approached by two men and a woman at about 11:43 p.m.,

Brockton Police Sgt. Michael Dennehy said.

One of the men, wearing a grey hooded sweatshirt, brandished a knife and robbed the victim of \$20, Dennehy said.

Police were called and searched the area but could not find anyone matching the description given.

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**NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS
BRIDGEWATER, MA**

The Zoning Board of Appeals will hold a public hearing on Tuesday, May 17, 2016 at 7:00pm in the Police Station Training Room located at 220 Pleasant Street on an application filed by Thomas Pratti, 39 Bolton Place, Bridgewater, MA 02324. Applicant proposes to replace an existing dwelling with a new 60' x 64' single family dwelling. A Special Permit under Sections 5.10 and 11.50 of the Bridgewater Zoning Bylaws are requested. Said property is owned by Thomas Pratti, 39 Bolton Place, Bridgewater, MA 02324 and is located at 37 Bolton Place, Bridgewater, MA as shown on Assessor's Map 2, Parcel 18. Area is zoned Residential D.

Andre Bissonnette, Chairman
ZONING BOARD OF APPEALS

LEGAL NOTICES

**TOWN OF BRIDGEWATER
NOTICE OF PUBLIC HEARING**

**FISCAL YEAR 2017 BUDGET
INCLUDES MUNICIPAL AND SCHOOL BUDGETS**

Pursuant to Section 6-3 of the Bridgewater Home Rule Charter, notice is hereby given that the Bridgewater Town Council will receive public input on the proposed FY17 Town Budget on Tuesday, May 24, 2016 beginning at 7:45 PM at BTV Studios, 80 Spring Street, Bridgewater, MA 02324. A copy of the full budget proposal may be viewed on the town's website (www.bridgewaterma.org) or in the Town Manager's Office in the Memorial Building during business hours.

A summary of the Town Manager's Budget follows.

FY17 ESTIMATED REVENUES	
FY16 Adjusted Levy Limit	41,321,494.49
State Aid	4,032,804.00
Local Receipts	6,268,580.77
Other Items to Be Raised	1,112,460.46
Total OFS	483,438.47
TOTAL ESTIMATED REVENUES	\$50,993,857.27
FY17 PROPOSED APPROPRIATIONS	
State & County Charges	406,572.00
General Governmen	2,136,193.71
Finance Department	804,115.37
Public Safety	9,255,898.92
School Assessment	29,189,089.44
Public Works Departments	1,159,486.21
Health & Community Services	903,558.45
Total Debt	1,061,909.89
Benefits & Insurance	5,754,304.92
Utilities	152,000.00
TOTAL PROPOSED APPROPRIATIONS	\$50,993,857.27



Bridgewater Town Council

In Town Council, Tuesday, May 24, 2016

Council Order: O-2016-009

Introduced By: Town Manager
Date Introduced: April 26, 2016
First Reading: April 26, 2016
Second Reading: May 24, 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	5/9/16: Vote 2-0 to recommend approval.
Finance Committee	5/16/16: Vote unanimous to approve.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING



Bridgewater Town Council

In Town Council, Tuesday, Tuesday, May 24, 2016

Council Resolution: R-2016-003

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	May 10, 2016
First Reading:	May 10, 2016
Second Reading:	May 24, 2016
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)
• Referred to Strategic Planning Committee	• 5/16/16: vote to recommend approval.

Live Work Space for artists, artisans, craftsmen:

- Utilization of Live Work Space development through a Special Permit promotes the conversion (adaptive reuse) of commercial, industrial and institutional buildings over 10,000 sq ft on lots larger than 40,000 sq ft to limit potential conflicting land uses.
- In Live Work Space the residential use is accessory to the principal commercial use.
- Up to 100% expansion of existing gross floor area for creation of units to mitigate redevelopment costs.
- Only allowed in CBD, Ind B, and Res D zones.
- Maximum residential density of up to 25 units per acre or 1,742 sq ft per residential unit.
- Maximum permitted bedrooms from 40 to 38 per acre in configurations of no more than 2 bedrooms, reduction from 1.6 to 1.52.
- Limiting the commercial uses of Live Work Space to tech, art, artisanal, and crafts thereby creating lower impact commercial uses.

General

- Increasing the residential density is absolutely necessary to attract and sustain purveyors of a variety of goods and services for a central business district while simultaneously requiring the development of complementary commercial uses. This office strongly recommends higher density to support commercial downtown development.
- Innovation center/incubator use is a flexible component for encouraging start ups without the necessary capital for leasing, purchasing work space.
- The ordinance establishes opportunities for the creative economy by creating the live work space category that encourages artists, craftpersons, and creative business ventures while simultaneously redeveloping existing vacant properties.
- Prohibiting 'lodging house' use is critical in that rooming houses are detrimental to increasing downtown property values, especially in the importantly residential area ringing the CBD..
- Limiting exclusively residential development in commercial zoning districts is appropriate to preserve commercial tax base. The segregation of uses according to Euclidean zoning has a place in the scheme of land use while simultaneously encouraging mixed use development in the designated zoning districts deemed appropriate.
- Two-family residential and duplexes are further regulated to strengthen zoning, provide transitional uses and encourage density in appropriate areas.



Bridgewater Town Council

In Town Council, Tuesday, May 24, 2016

Council Ordinance: D-2016-002

Amended (clean copy):
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:	May 10, 2016
Third Reading:	May 24, 2016
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 single, 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 contiguous 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	SP	SP	N	N	N	N	N	N	N	N	N	N
11	Retreat Lot	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
13	Open Space Conservati on Developm ent	SP	SP	SP	N	N	N	N	N	N	N	N	N	N

DELETE:

Section 9.20 OPEN SPACE COMMUNITY DEVELOPMENT in its entirety.

ADD:

OPEN SPACE CONSERVATION DEVELOPMENT

Section 9.1 Intent

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

Section 9.2 Special Permit Required

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

Section 9.3 Minimum Land Area

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

Section 9.4 Development Standards

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

Unless otherwise identified in this section, all streets, sidewalks, sewage, water distribution, drainage and stormwater facilities shall be designed and constructed in compliance with the applicable 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, a minimum of 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 to, and remain contiguous 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 and must be identified in submitted application and plans.

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, deed restrictions 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, but 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, deed restrictions 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 prior to plan approval and appropriate dedications and restrictions shall be imposed on the deed of the Common Land.

4. The Planning Board shall have the authority to approve or reject 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 and verifiable 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 conditions and decision of the Planning Board approval governing the individual OSCD project.

3. The proposed ownership of all Common Land shall be specified on a plan required by the Planning Board.

4. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this ordinance.

Section 9.10 MAINTENANCE OF COMMON LAND

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

Section 9.11 ADDITIONAL DESIGN CRITERIA

A) FOUR-STEP DESIGN PROCESS.

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

1. Designating the Open Space.

First, identify the open space to be protected.

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

2. Location of House Sites.

Second, locate the potential house sites.

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

3. Street and Lot Layout.

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

4. Lot Lines.

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

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

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

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

4. Buildings shall be sited to avoid sensitive environmental features, including wildlife habitat, wetlands, water bodies, steep slopes or other important site features.

5. 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 encompass the entire Open Space Conservation Development.

1. Pre-Application Meeting

Prior to submission of the Special Permit application, applicants are required to meet with requisite Town Offices or other Board designees to review the proposed development of the parcel of land and explore general conditions involving the site and reveal 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

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

- 1) The general purpose and objectives of this ordinance;
- 2) The existing and probable future development of the surrounding areas;
- 3) The appropriateness of the proposed layout of streets, ways, lots and structures; and
- 4) The proposed layout and use of the Common Land in relation to the proposed dwelling units in the OSCD, adjoining public or private common land or open space or the topography, soils and other characteristics of the tract of land in question; and
- 5) To the extent reasonable, whether the areas designated as Common Land are consistent with the objectives stated in the Town of Bridgewater Open Space and Recreation Plans as well as the Master Plan.

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

- 1) Complies with the requirements of this chapter, other applicable requirements of the Zoning Ordinances, and where applicable, the construction and design standards of the Town of 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 complementary to the character of the surrounding area and neighborhood.

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

Section 9.13 SPECIAL PERMIT CONDITIONS

As condition of approval, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this ordinance, and to protect the health, safety and welfare of the inhabitants of the area 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 without the written approval of 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 full compliance with this ordinance and the terms and conditions of any Special Permit thereunder. 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 24, 2016

Council Ordinance: D-2016-006

Proposed Amendments –
clean copy

Introduced By: Councilors Aisha Losche and William Wood

Date Introduced: April 26, 2016

First Reading: April 26, 2016

Second Reading: May 24, 2016

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)
Referred to Rules & Procedures Committee	5/17/16: Vote recommend approval as amended.

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 Offense \$100, Third Offense \$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 Offense \$50, Third and Following Offenses \$100
Ch. 160. Peace and Good Order	First Offense \$20, Second Offense \$50, Third and Following Offenses \$100
Ch. 220. Water and Sewer	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 260, Streets and Sidewalks	First Offense \$100, Second Offense \$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.

Chapter 120. Historic Properties

Article III. Bridgewater Historic District

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

Section 1. 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 rights of way extending therefrom to School Street.
9. Including the following properties:
Map 34, Lots 207, 219, 62, 68, 86, 12, 13, 15, and 16

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 than 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 shall annually furnish to each department, that issues licenses or permits including renewals and transfers, hereinafter the "licensing authority," a list of any person, corporation, or business enterprise 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.

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.

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.

This Chapter shall not apply to the following licenses and permits: Open Burning; MGL c. 38, sec. 13; 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.

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 being a member of an assembly of three or more persons shall disturb the peace by using obscene or profane speech in any public place, or obstruct and interfere with the free passage of foot traffic.

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.

Chapter 220. Water and Sewer

Article I. Use of Water

Section 1.

No person shall without permission of the Water Supply Director 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 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.

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.

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) "Council" shall mean the Town Council 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 for the proper issuance of a permit.

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 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 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 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 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 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.

Article IV. Validity

The invalidity of any section or provisions of this Ordinance 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 may revoke or suspend the permit of any person, firm or corporation holding a permit under this ordinance 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. 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. 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. Any permit issued under the provisions of this section shall be in force for such time as the permit may specify and shall be subject to such other conditions as the permit 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 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.

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, 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 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.

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, unless granted written permission from the Department of Public Works Director to address an emergency which risks injury or property damage.

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 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.

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 \$300 or the replacement cost of the sign and the labor cost to reinstall it, whichever is greater.

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.

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.

Article XIII. Non-criminal Fines

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.

Chapter 320. Wetland Protection

Article I. Wetland Protection

Section 1. Purpose

The purpose of this ordinance 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, 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 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 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 affecting resource areas protected by this ordinance. 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 and MGL C. 131, Sec. 40.

Any person desiring to know whether or not proposed activity or any area is subject to this ordinance 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 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, 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;
- 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;
- e) Where no conditions would adequately protect the wetland values protected by this ordinance.

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 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 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. 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.

Section 8. Definitions

The following definitions shall apply in the interpretation and implementation of this ordinance:

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:

- 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, 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 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.

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. 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 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 shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.