



BRIDGEWATER TOWN COUNCIL

Tuesday, June 7, 2016

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) May 24, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

- a) Eagle Scout – Colin Leighton Murphy

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Fire Chief – Thomas Levy
- b) Agricultural Commission – David Anderson
- c) Agricultural Commission – Lori Tunewicz-Gavin
- d) Council on Aging – David Frim
- e) Disabilities Commission – Anna Nakouzi

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition P-2016-023 – New Common Victualler's License – Cima's Place, 1055 Plymouth Street

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

- a) Town Manager Goals Update

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Ordinance D-2016-005: Demolition Delay Ordinance
The Planning Board and Community & Economic Development Committee held a joint public hearing. At the conclusion of the hearing, on 5/2/16, the committees voted to recommend adoption of the ordinance with proposed amendments. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered at this evening's meeting.

M. OLD BUSINESS

N. NEW BUSINESS

- a) Transfer T-2016-004: CPC Annual Reserves (*Town Manager*)
- b) Transfer T-2016-010: Year-End Transfers (*Town Manager*)
- c) Resolution R-2016-004: Referring the Town Manager's Proposal for Use of Town Owned Buildings to the CEDC for Review and Recommendation (*Town Manager*)
- d) Resolution R-2016-005: Town Council Support of Town Manager's Recommendation of Reclamation Project at Bridgewater Sand and Stone (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, June 7, 2016

Council Ordinance: D-2016-005

Introduced By:	Councilor John Norris
Date Introduced:	March 8, 2016
First Reading:	March 8, 2016
Second Reading:	May 10, 2016
Amendments Adopted:	May 10, 2016
Third Reading:	June 7, 2016
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.

.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 endorse filing the application.

“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.

ROLL CALL VOTE – REQUIRES 2/3 VOTE OF FULL COUNCIL (6)

“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, 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.

.03 Procedure

For any structure constructed in the year 1920, 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 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 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 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 fourteen calendar days of the public hearing, the Building Official 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 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 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 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 • Duly advertised in Enterprise 5/27/16 and on Website	• Joint Public Hearing scheduled for 4/4/16 at 7:00 p.m. for CEDC and Planning Board. Hearing continued to 5/2/16. Recommend adoption of ordinance as amended.



Bridgewater Town Council

In Town Council, Tuesday, June 7, 2016

Council Transfer: # T-2016-004

Introduced By:	Town Manager (at the Request of the Town Accountant)
Date Introduced:	June 7, 2016
First Reading:	June 7, 2016
Second Reading:	
Date Adopted:	
Date Effective:	

Transfer #T-2016-004

CPA RESERVE ACCOUNTS

ORDERED: Pursuant to Section 6-4(d) of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate from the Community Preservation Fund FY2017 estimated annual revenues the sum of \$34,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2017;

And further,

To reserve for future appropriation from the Community Preservation Fund FY2017 estimated annual revenues the sum of \$68,649.69 for the acquisition, creation and preservation of open space; \$68,649.69 for acquisition, preservation, restoration and rehabilitation of historic resources; and \$68,649.69 for the acquisition, creation, preservation and support of community housing;

And further,

To appropriate \$345,090 for the payment of debt related to the Academy Building renovation project from FY2017 estimated revenues and/or available fund;

And further,

To appropriate \$43,820 for the payment of debt related to the Keith Homestead purchase from FY2017 estimated revenues;

And further,

To reserve for future appropriation from the Community Preservation Fund FY2016 estimated annual revenues the sum of \$162,727.83 for a FY2017 budgeted reserve,

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, Tuesday, June 7, 2016

Council Resolution: R-2016-004

Introduced By:	Town Manager
Date Introduced:	June 7, 2016
First Reading:	June 7, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Effective Date:	

Resolution R-2016-004

REFERRING USE OF TOWN OWNED BUILDINGS PROPOSAL TO COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS; The Town Council approves all real estate transactions of Town real property, including sales and leases, and;

WHEREAS; the Memorial Building was built in 1881 as a Civil War Memorial library. It is a two level structure with approximately 5,000 square feet. It contained a library, memorial and reading room and served as that until 1972 when it was converted to the school department offices. From 1999 until 2016 it was used as town offices, and;

WHEREAS; the Memorial Building will no longer be occupied by municipal offices after September, 2016, and;

WHEREAS; the Town Hall is made up of approximately 7,000 square feet. The second floor is not habitable due to a collapsing ceiling. The building has inadequate ADA compliant facilities and access, and the heating system is in need of replacement. The steam piping is the original that was installed in the 1800s. The exterior was completely refurbished in 2010 with new siding, doors, handicapped accessibility on the first floor, and all new windows. Currently there is no central air conditioning, and;

WHEREAS; the Town Hall building will no longer be occupied by municipal offices after September, 2016, and;

WHEREAS; the McElwain School is a three story structure constructed in 1913 as an elementary school. It contains approximately 22,000 square feet. The school closed in 2004 and the building has been mostly unused since then. It sits on 2.75 acres of property. The roof parapet and brick pilasters are crumbling in places, causing a dangerous condition on the ground below. Much of the concrete surrounding the building as cornice, water course and ornamentation is eroding and in need of repair. The building mechanicals are thought to be the originals with the exception of a boiler.

WHEREAS; the McElwain School building has been unoccupied for many years;

BE IT RESOLVED: The Town Council refers the issues of the use of these buildings to the Council Community and Economic Development Committee to review with the Town Manager the following recommendations and report to the Council no later than the end of September, 2016:

1. The Town Manager recommends that the Town retain the Memorial Building for use as a building to house Bridgewater's town records, artifacts, pictures, and historic materials; to hold the historic collection currently housed in the Library; and to serve as a museum space and meeting space.
2. The Town Manager recommends that the Town retain the Town Hall building and investigate commercial lease opportunities of up to twenty years; specifically lease options that will draw pedestrian traffic to Central Square.
3. The Town Manager recommends that the Town develop a live/work space proposal for the McElwain School building and determine whether it is better to sell the project to a developer or retain ownership of the project and property.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, Tuesday, June 7, 2016

Council Resolution: R-2016-005

Introduced By: Town Manager
Date Introduced: June 7, 2016
First Reading: June 7, 2016
Second Reading:
Amendments Adopted:
Date Adopted:
Effective Date:

Resolution R-2016-005

TOWN COUNCIL APPROVAL OF TOWN MANAGER'S LETTER OF SUPPORT FOR RECLAMATION PROJECT – BRIDGEWATER SAND AND STONE

WHEREAS; Bridgewater Raynham Sand and Stone owns approximately 25 acres of land that has been mined of its soils, gravel, and stone, and;

WHEREAS; the Department of Environmental Protection issues Administrative Consent Orders for land reclamation projects of more the 100,000 cubic yards with municipal consent, and;

WHEREAS; the Department of Environmental Protection oversees the reclamation process, including the testing of all fill, and;

WHEREAS; the officers of Bridgewater Raynham Sand and Stone (BRSS) have a reclamation plan and have requested consent from the Town of Bridgewater to a land reclamation project of approximately 600,000 to 800,000 cubic yards, and;

WHEREAS; the Town Manager recommends the issuance of municipal consent based upon the DEP policy governing land reclamation, and;

WHEREAS; land reclamation will bring the land contour back to its approximate original form,

BE IT RESOLVED: The Town Council assembled approves the issuance of the attached letter to the MA Department of Environmental Protection consenting to the land reclamation project.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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