



BRIDGEWATER TOWN COUNCIL

Tuesday, June 21, 2016

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) June 7, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

- a) Eagle Scout – Colin Leighton Murphy

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Finance Committee – Eric Marchetti (Town Council Reappointment)

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition P-2016-021: New Common Victualler's License – Uncle Shwarma, 85 Plymouth Street
- b) Petition P-2016-024: New Common Victualler's License – The Dawg House and Ice Cream Bar, 35 Broad Street
- c) Petition P-2016-025: One Day Entertainment License – Music Alley (Conor James)
- d) Petition P-2016-026: Change of Operating Hours – Gen II LLC, Dunkin Donuts, 955 Pleasant Street
- e) **7:40p.m. Hearing** - Petition #P-2016-022: All Alcohol Restaurant License and Attendant Licenses, The Nip LLC dba The Nip, 2020 Pleasant Street

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Update on Progress of Implementation of Downtown Revitalization Plan (*Councilor Colombotos*)
- b) Town Council Rules & Procedures (*Councilor Wood*)

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Ordinance D-2016-001: Zoning Ordinance – Amend Downtown Zoning
A joint public hearing of the Community & Economic Development Committee and Planning was held 3/21/16 and continued to 5/4/16. On 5/4/16, the Planning Board and Community & Economic Development Committee voted to recommend approval with proposed amendments. The Town Council adopted amendments on 5/10/16. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.
- b) Ordinance D-2016-002: Zoning Ordinance – Open Space Conservation
A joint public hearing of the Community & Economic Development Committee and Planning was held 3/21/16 and continued to 5/4/16. On 5/4/16, the Planning Board and Community & Economic Development Committee voted to recommend approval with proposed amendments. The Town Council adopted amendments on 5/10/16. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.
- c) Ordinance D-2016-005: Zoning Ordinance – Demolition Delay
A joint public hearing of the Community & Economic Development Committee and Planning was held 4/4/16 and continued to 5/4/16. On 5/4/16, the Planning Board and Community & Economic Development Committee voted to recommend approval with proposed amendments. The Town Council adopted amendments on 5/10/16. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.

- d) Resolution R-2016-004: Referring the Town Manager's Proposal for Use of Town Owned Buildings to the CEDC for Review and Recommendation
This measure was introduced 6/7/16 and was not referred to any committee. Per section XVII of the Town Council Rules and Procedures; 14 days has elapsed, therefore this measure may be finally considered this evening.
- e) Transfer T-2016-004: CPC Annual Reserves
At their meeting held 6/15/16, the Budget & Finance Committee voted 3-0 to recommend approval. The Finance Committee is scheduled to meet 6/20/16. Dispositions will be provided at the 6/21/16 Council meeting.
- f) Transfer T-2016-005: CPC Transfer – Open Space
At their meeting held 6/15/16, the Budget & Finance Committee voted 3-0 to recommend approval. The Finance Committee is scheduled to meet 6/20/16. Dispositions will be provided at the 6/21/16 Council meeting.
- g) Transfer T-2016-007: Water Retained Earnings – Meter Replacement and Advanced Meter Infrastructure
At their meeting held 6/15/16, the Budget & Finance Committee voted 3-0 to recommend approval. The Finance Committee is scheduled to meet 6/20/16. Dispositions will be provided at the 6/21/16 Council meeting.
- h) Transfer T-2016-008: Sewer Retained Earnings – RBC
At their meeting held 6/15/16, the Budget & Finance Committee voted 3-0 to recommend approval. The Finance Committee is scheduled to meet 6/20/16. Dispositions will be provided at the 6/21/16 Council meeting.
- i) Transfer T-2016-009: Free Cash for Disposal of Trailers
At their meeting held 6/15/16, the Budget & Finance Committee voted 3-0 to recommend approval. The Finance Committee is scheduled to meet 6/20/16. Dispositions will be provided at the 6/21/16 Council meeting.
- j) Transfer T-2016-010: Year-End Transfers
At their meeting held 6/15/16, the Budget & Finance Committee voted 3-0 to recommend approval with proposed amendment by Finance Director. The Finance Committee is scheduled to meet 6/20/16. Dispositions will be provided at the 6/21/16 Council meeting.

M. OLD BUSINESS

N. NEW BUSINESS

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council Tuesday, June 21, 2016

Council Petition: P-2016- 021

Date Introduced/Public Hearing: June 21, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A COMMON VICTUALLER LICENSE

WHEREAS, Maged Tobia dba Uncle Shawarma has submitted all applicable documentation as required for a license to operate a food establishment at 85 Plymouth Street, Bridgewater, Massachusetts; and

WHEREAS, Maged Tobia will serve as the manager of record and the hours of operation will not exceed:

Sunday - Wednesday	10:00 a.m. – 10:00 p.m.
Thursday - Saturday	10:00 a.m. – 1:00 a.m.

and;

WHEREAS, Maged Tobia dba Uncle Shawarma has complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; and

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

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Maged Tobia dba Uncle Shawarma be granted a license to operate a food establishment within the Town of Bridgewater.



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Petition: P-2016-024

Date Introduced/Public Hearing: June 21, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: P-2016-024

Relative to:

THE GRANTING OF A COMMON VICTUALLER LICENSE

WHEREAS, Kevin and Amy Prosper dba The Dawg House & Ice Cream Bar has submitted all applicable documentation as required for a license to operate a food establishment at 35 Broad Street, Bridgewater, Massachusetts; and

WHEREAS, Amy Propser will serve as the manager of record and the hours of operation will not exceed:

Monday - Sunday	8:00 a.m. – 11:00 p.m.
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and;

WHEREAS, Kevin and Amy Propser dba The Dawg House & Ice Cream Bar has complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; and

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

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Kevin and Amy Prosper dba The Dawg House and Ice Cream Bar be granted a license to operate a food establishment within the Town of Bridgewater.



Bridgewater Town Council

In Town Council Tuesday, June 21, 2016

Council Petition: P-2016-025

Date Introduced/Public Hearing: June 21, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of a One Day Entertainment Permit

WHEREAS, Conor James, a Bridgewater resident, has requested to perform at Music Alley located adjacent to 64 Central Square, and has petitioned for a (1) One day entertainment permit for the following club sponsored events:

	Event	DATE	TIME	APPROXIMATE ATTENDANCE	NOTES
1	Conor James, live @ Music Alley	Sunday, June 26, 2016	6:00 p.m. - 8:00 p.m.	50	Live Music

;and,

WHEREAS, Conor James, has complied with the requirements of the Town of Bridgewater; and,

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

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - section 14 and Chapter 140- Section 183A respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Conor James and be granted a one day entertainment permits for the aforementioned event to be held at Music Alley.



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Petition: 2016-026

Date Introduced/Public Hearing: June 21, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

CHANGING OF HOURS OF BUSINESS OPERATIONS

WHEREAS, Gen II, LLC dba Dunkin Donuts, 955 Pleasant Street has petitioned to modify their operating hours and open the business from 4:30 AM – 9 pm Monday through Friday (Drive Through Only prior to 5:00 AM) and Saturday and Sunday 5 AM – 9 PM

WHEREAS, Gen II, LLC dba Dunkin Donuts has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Police Department and Fire Department who has oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled approve the petition of Gen II LLC dba Dunkin Donuts at 955 Pleasant Street to modify their hours of operation as requested.



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Petition: P-2016-022

Date Introduced/Public Hearing: June 21, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2016-022

Relative to:

GRANTING of an ALL ALCOHOL RESTAURANT and ATTENDANT LICENSES

WHEREAS, The Nip LLC dba The Nip has submitted all applicable documentation as required for a New All Alcohol Restaurant and attendant licenses; and

WHEREAS, the petitioner has described the premises at 2020 Pleasant Street as a:

Four story hotel, having a restaurant and bar on the first floor to be licensed. Licensed area shall have a total area of 2,759± SF comprised of a 1832± SF seating area, 403± SF prep area, 284± SF serving area and 242± SF bar area. Seating for 75 patron. Two means of egress, one to the hotel and one to the outside.

WHEREAS, approval of request to sell alcoholic beverages is required by Massachusetts General Law – Chapter 138, section 12 prior to the final submission to the Commonwealth's Alcohol Beverages Control Commission (ABCC) who must ratify the action; and

WHEREAS, the hours of operation for the food establishment and for the sale of alcohol will be:

- Monday – Sunday 4:00 p.m. – 1:00 a.m.

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

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138, section 12 and Chapter 140 - section 2 and section 6 respectively of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of The Nip LLC dba The Nip to operate an establishment and sell alcohol on the premises of 2020 Pleasant Street, Bridgewater, Massachusetts as requested.



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Ordinance: D-2016-001

Introduced By:	Councilor Peter Colombotos
Date Introduced:	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	May 10, 2016
Third Reading:	May 24, 2016
Fourth Reading:	June 21, 2016
Amendments Adopted:	May 10, 2016, May 24, 2016
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2016-001

ZONING ORDINANCE – AMEND DOWNTOWN ZONING

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

ADD:3.31.01 Requirements

A mixed use project in the Central Business District requires submission and approval of a Site Plan. The Site Plan must outline project details, phasing, scheduling and conditions of approval. Further, the Site Plan must include: existing conditions, proposed site plan, stormwater management plan, landscaping plan, parking plan, siting of public amenities, lighting plan, and circulation patterns.

The Site Plan should be accompanied by narrative describing parking schemes, ride sharing facilities, bicycle facilities and similar transportation infrastructure and traffic impact analysis. Site Plans should incorporate Complete Streets infrastructure improvements, e.g. pedestrian amenities, bicycle parking. For building projects that exceed 12,000 gross square feet of development, the SPGA may require a traffic or parking impact analysis or study.

Finally, the Site Plan submission materials must include architectural renderings, elevations, building material specifications and other pertinent details regarding the project architecture. Design standards for mixed use development projects are enumerated in Chapter 19 Mixed Use (CBD).

ADD:

3.31.02 Standards

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

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

Section 2 – Definitions

DELETE:

Common Driveway. (Current definition)

ADD:

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

“Common Driveway” means a travel way that accommodates vehicular and pedestrian circulation between a public way and pre-existing adjoining lots. .

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

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

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

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

ADD:

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

Residential units in mixed use development projects.

For a mixed use development in the Central Business District, a maximum of up to 27 bedrooms per acre are permitted regardless of configuration.

Section 6 Use Regulations, 6.30 Table of Use

ADD:

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

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

ADD:

Section D. Office and Laboratory Uses

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

ADD:

Section 8.40 Land Space Requirements Residential C

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

Section 9.55. Incubator and Innovation Center Development Standards.

Visual Screening.

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

Parking Requirements.

The Planning Board may permit incubators allowed in any district through Special Permit a reduction of total parking spaces by up to 20% if low impact development best practices are utilized in reducing stormwater runoff and ride sharing or bicycle infrastructure is included in the development plan. Utilizing low impact development (LID) best practices for integrated management are encouraged, e.g. creating rain gardens, pervious pavers and pavement,

Section 16.5. Live Work Units.

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

16.51. Purpose.

The purpose of this section is:

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

16.52. Conversion to Live Work Units.

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

- (A) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business and that person's household; and,
- (B) Where the resident owner is largely responsible for the commercial or manufacturing activity performed; and
- (C) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.
- (D) Promote appropriate mixed uses by allowing only studio, one and two-bedroom unit configurations for live work space.

16.53. Business License Required

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

16.54. Standards and allowable commercial uses.

Live work units at street level are subject to specific development standards. Ground floor retail, office, incubator, commercial, or non-residential uses must comprise a minimum of 60% of the total gross floor area of the ground floor.

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

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

A special permit to convert an existing commercial, industrial and institutional building to live work space requires the existing structure or building have a minimum gross floor area of 10,000 square feet and be located on a lot with a

minimum of 40,000 square feet of area within the designated zoning districts. Through the Special Permit process the Planning Board may allow the existing building an addition or expansion of up to 100% of existing gross floor area.

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

Through the Special Permit the Board may permit live work space a maximum residential density of 25 residential units per upland acre or 1,742 sq ft per unit. To foster the necessary flexibility and promote live work space development a maximum of 38 bedrooms per acre is allowed, and regardless of configuration only one and two-bedroom units of live work space are allowed. Live work units with three or more bedrooms per unit are not permitted.

Section 8, Land Space Requirements, 8.40

DELETE: Central Business District requirements.

ADD:

Zoning District	Minimum Lot Size	Minimum lot area per dwelling unit	Minimum Lot Frontage	Minimum Depth Front/Rear/Side	Maximum Building Height Story/Feet	Maximum % Building Coverage	Maximum % Lot Coverage	Minimum % Open Space	Maximum % Impervious
Central Business District	No Minimum lot size for existing non conforming lots. Newly created lots require 10,000 sq. ft.	2,420 sq ft (through Special Permit).	No Minimum lot frontage for existing non conforming lots. New lots require 100 feet	No setback front or side requirements for existing non conforming lots. New lots require 5' front and 5' side setbacks. All lots require 15 feet rear setback.	3.5 /40'	(8)	80%	20%	

Section 19, Mixed Uses (CBD) 19.04 Requirements

Amend Existing number 7:

Commercial uses shall be required on the first floor in its entirety. No residential uses are allowed at ground floor, or first floor, in mixed use development.

ADD to Existing number 12 Rooflines:

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

DELETE existing number 15.

ADD:

15. The Planning Board, as part of a Special Permit, may increase residential density up to 18 units per upland acre (2,420 square feet per unit) with a minimum 30% gross floor area commercial development. The 30% gross floor area is computed from the total gross floor area of the project. No residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

B The requirement for commercial development may be accommodated on an adjacent parcel or parcels, providing the commercial development is constructed in conjunction and coordination with the residential development and reflects the character of a village or town center. An approved site plan of the entire development project must outline project phasing and scheduling as well as conditions of approval. Unless

otherwise permitted elsewhere in this section, no residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

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

ADD:

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

AMEND:

LODGING HOUSE REGULATIONS

DELETE EXISTING 3.

ADD:

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

DELETE: 9.90 Common Driveways

ADD:

9.90 COMMON DRIVEWAYS

9.91 Purpose and Intent

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

9.92 Special Permit Required

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

9.93 Requirements

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

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

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

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

The approval or endorsement of any plan of land under the Subdivision Control Law, including Form A or Approval Not Required (ANR) plan, illustrating lots that appear to share a common driveway shall not constitute an approval of a Special Permit under this section.

9.94 Design Standards

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

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

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

AMEND:

6.30 I.9.

Common Driveway

	ACCESSOR Y USES AND OFF- STREET PARKING	RES A/B	RES C	RES D	CBD	SBD	BUS B	GATEW AY	EAST GATEWA Y	IND A	IND B	IND E	PD	MHE C
I	Common Driveway	N	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	N

Sidewalk Café Ordinance

ADD:

Section 2 Definitions:

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

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

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

Section 6 Use Regulations

E. Retail, Business

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

Section 22 – Sidewalk Café

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

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

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

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

22.04 Standards.

A. No part of a sidewalk cafe area shall encroach upon any part of the sidewalk frontage of any adjacent premises, right-of-way, curb cut or alley.

B. A sidewalk cafe must leave a minimum five-foot unobstructed passageway for pedestrians along the entire length of the café area.

C. The holder of a sidewalk cafe permit shall fully insure, indemnify, defend and hold harmless the Town and its officers, agents, and employees in their capacity as such, from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder or its employees in the construction, operation, maintenance, use, placement or condition of the sidewalk cafe. An applicant for a sidewalk cafe shall provide proof of such insurance before a permit may be issued or renewed under this section.

D. At the close of business daily/nightly for the Sidewalk Café, all seating must be removed from the cafe area. The cafe area shall be cleared of all other furniture, planters, ornamentation, debris and obstructions to the sidewalk.

E. An operating establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk cafe without first receiving the required license from the alcohol licensing board. Alcoholic beverages shall not be solely served on the sidewalk café. Alcoholic beverages may be served in a sidewalk café only in conjunction with the service of food. Notwithstanding any contrary or differing hours of operations in its alcoholic beverages license, an establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk cafe after the sidewalk cafe's closing time.

F. The following are prohibited in the cafe area: cooking of food, unshielded trash or refuse storage, advertisements/signage (exclusive of menus intended to be read for café patrons); unlicensed outdoor entertainment, music, speakers or public address systems (these require a special event license by the Town Council); exclusively carry out or take out transactions.

G. A sidewalk cafe shall comply with all other applicable building, health, safety, fire, zoning, and environmental laws, rules, regulations and standards.

H. The sidewalk café operator shall maintain a trash receptacle for the use of its patrons. The trash receptacle must be emptied regularly so as not to produce an unsafe and unsightly nuisance.

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

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

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • Referred to Planning Board • All amendments adopted. Duly advertised in Enterprise and on Town Website • This measure may be finally considered this evening.	• Duly advertised for a joint public hearing. 5/2/16 vote recommend adoption with suggested amendments.



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Ordinance: D-2016-002

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
Fourth Reading:	June 21, 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.

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

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.

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

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 • This measure has been duly advertised in the Enterprise and on the Town's website.	• 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, June 21, 2016

Council Ordinance: D-2016-005

Introduced By:	Councilor Peter Colombotos
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
Fourth Reading:	June 21, 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.

“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 • At their meeting held 6/7/16, the Town Council voted to postpone this measure to their next meeting.	• 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, Tuesday, June 21, 2016

Council Resolution: R-2016-004

Introduced By:	Town Manager
Date Introduced:	June 7, 2016
First Reading:	June 7, 2016
Second Reading:	June 21, 2016
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)
• Not referred to any committee • 14 days has elapsed per Section XVII of the Council Rules & Procedures, therefore this measure may be finally considered this evening.	•



Bridgewater Town Council

In Town Council, Tuesday, June 21, 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:	June 21, 2016
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)
- Budget & Finance Committee - Finance Committee	6/15/16: Vote 3-0 recommend approval - Meeting 6/20/16. Dispositions will be provided 6/21/16.

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



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Transfer: T-2016-005

Introduced By: Town Manager *at the request of the Community Preservation Committee*
Date Introduced: May 24, 2016
First Reading: May 24, 2016
Second Reading: June 21, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Transfer: #T-2016-005

COMMUNITY PRESERVATION TRANSFER: OPEN SPACE

WHEREAS: The Community Preservation Committee, with a quorum of members present, rendered its unanimous recommendation to the Town Council to fund an update to the Town's Open Space and Recreation Plan. The request and the recommendation are for \$35,000.00.

Now, therefore, it is hereby:

ORDERED, pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate as required by Massachusetts General Laws, chapter 44B, and to meet this appropriation, the sum of \$35,000.00 be taken from *Community Preservation Open Space/Recreation Reserve* and if there are insufficient funds in that account to draw the remaining amount from the Undesignated Reserve Account; or take any other action relative thereto.

Explanation: The Town's Open Space and Recreation Plan is currently outdated. The Plan, once completed and adopted, will replace the outdated portion of the Town's Master Plan document.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	6/15/16: Vote 3-0 recommend approval - Meeting 6/20/16. Dispositions will be provided 6/21/16.

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



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Transfer: T-2016-007

Introduced By: Town Manager
Date Introduced: May 24, 2016
First Reading: May 24, 2016
Second Reading: June 21, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer #T-2016-007

TRANSFER OF WATER RETAINED EARNINGS -

ORDERED that pursuant to section 6-4 of the Bridgewater Home Rule Charter, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer the sum of \$300,907.00 from Water Retained Earnings Account to Meter Replacement and Advanced Meter Infrastructure (AMI) Account.

Explanation:

This metering project will investigate all commercial water meters, size the meter to the correct building's usage and begin automatic meter reading for all commercial sites. This project will set in motion the Water Departments transition of manual reading to automated readings.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	6/15/16: Vote 3-0 recommend approval - Meeting 6/20/16. Dispositions will be provided 6/21/16.



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Transfer: T-2016-008

Introduced By: Town Manager
Date Introduced: May 24, 2016
First Reading: May 24, 2016
Second Reading: June 21, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer #T-2016-008

TRANSFER OF SEWER RETAINED EARNINGS

ORDERED that pursuant to section 6-4(d) of the Bridgewater Home Rule Charter, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer the sum of \$150,000.00 from Sewer Retained Earnings Account to Rotating Biological Contactor (RBC) Emergency Repair Account.

Explanation:

Over the course of the past two years, the Sewer Department has had to replace four of the fourteen RBC units due to failure. The original equipment was installed in 1988 and is no longer repairable due to the cost and age of the unit. The Department has not adopted a planned obsolescence program for the RBC units because it is expecting a new effluent discharge permit which will require different treatment technology. Any replacement of the old RBCs are being done on an as needed basis.

Process Description: The RBC process consists of a large disc with radial and concentric passages slowly rotating in a concrete tank. During the rotation, about 40 percent of the media surface area is in the wastewater. The rotation and subsequent exposure to oxygen allows organisms to multiply and form a thin layer of biomass. This large, active population causes the biological degradation of organic pollutants. Excess biomass shears off at a steady rate and is then carried through the RBC system for removal in a clarifier.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	6/15/16: Vote 3-0 recommend approval - Meeting 6/20/16. Dispositions will be provided 6/21/16.

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



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Transfer: T-2016-008

Introduced By: Town Manager
Date Introduced: May 24, 2016
First Reading: May 24, 2016
Second Reading: June 21, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer #T-2016-009

TRANSFER OF FREE CASH

ORDERED that pursuant to section 6-4 of the Bridgewater Home Rule Charter, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer the sum of \$12,000 from Free Cash Account to Trailer Demolition Account.

Explanation:

When the McElwain School was abandoned, several temporary classroom trailers were abandoned as well. These trailers present a hazard to the neighborhood and have become an attractive nuisance. The trailers have no scrap value, nor are they reusable. They have rotted.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	6/15/16: Vote 3-0 recommend approval - Meeting 6/20/16. Dispositions will be provided 6/21/16.

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



Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Proposed Amendments

Transfer: #T-2016-010

Introduced By: Town Manager (*at the request of the Finance Director*)
 Date Introduced: June 7, 2016
 First Reading: June 7, 2016
 Second Reading: June 21, 2016
 Amendments Adopted:
 Date Adopted:
 Date Effective:

Proposed Transfer #T-2016-010

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 and transfer \$~~335,682.51~~ 418,862.30 from/to the following department's personnel and expense accounts in order to cover year-end deficits. And, vote to appropriate and transfer \$~~335,682.51~~ 418,862.30 to from the following accounts to cover various accounts in General Fund.

Explanation: These year-end transfers will adjust deficit account balances per the charter rule.

Use/Source of Funds	DEPT NO.	DEPT DESCRIPTION	ROLLUP CODE	Transfers Amount
Use of Funds:	135	ACCOUNTANT	135E	158,345.37
	135	ACCOUNTANT	135S	16,045.52
	171	CONSERVATION	171S	2,000.00
	111	TOWN COUNCIL	111S	583.20
	171	CONSERVATION	171E	200.00
	176	ZONING APPEALS	176S	1,250.00
	210	POLICE	210E	60,000.00
	220	FIRE	220E	78,900.00
	240	INSPECTIONAL SERVICES	240E	45,000.00
	510	HEALTH	510S	1,400.00
	630	RECREATION	630S	19,138.19
	913	UNEMPLOYMENT	913	36,000.00
	751	INTERST ON LT DEBT	751	0.02
Total Use of Funds				418,862.30
Source of Funds:	111	TOWN COUNCIL	111E	(583.20)
	145	TREASURER	145E	(9,500.00)
	145	TREASURER	145S	(9,500.00)
	210	POLICE	210S	(60,000.00)
	220	FIRE	220S	(78,900.00)
	240	INSPECTIONAL SERVICES	240S	(45,000.00)
	301	BRISTOL AGRICULTURAL TUITIO	301E	(18,860.00)
	302	BRISTOL PLYMOUTH TUITION	306E	(2,820.00)
	510	HEALTH	510E	(1,400.00)
	711	GOB REFUNDING	711	(192,299.10)
Total Source of Funds				(418,862.30)

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	6/15/16: Vote 3-0 recommend approval as amended - Meeting 6/20/16. Dispositions will be provided 6/21/16.

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