BRIDGEWATER TOWN COUNCIL

Tuesday, December 8, 2015
7:30 PM
BTV Studios
80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS
   a) November 17, 2015 (Meeting of the General Public)
   b) November 17, 2015 (Regular Meeting)

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS
   a) Mollie and Stacey Coyne, Kathy and Shawn Flaherty and Kathy Hinds

D. CITIZEN OPEN FORUM

E. APPOINTMENTS
   a) Board of Health – Benjamin S Poinier
   b) Town Councilor-At-Large
      - Michael O'Connor
      - Edward Haley
      - Ethan Ellis

F. HEARINGS –
   a) **7:35 p.m.,** Order #O-2015-031: FY16 Classification Tax Allocation – Adoption of a Residential Factor
   The Finance Committee voted approve this measure (6-0) at their meeting held 11/9/15. The Council's Budget & Finance Committee meets 12/7/15 and will provide their disposition to the full Council on 12/8/15. The required public hearing has been duly advertised and published on the Town's website, therefore this measure may be finally considered at the close of the hearing this evening.

G. LICENSE TRANSACTIONS
   a) Petition #P-2015-024 - Transfer of Common Victualler license from Honey Dew Donuts to CHM Donuts Inc. dba Honey Dew, 1485 Pleasant Street
   b) Petition #P-2015-025 - Change of Manager for the Alcohol license - Vets Club
   c) Petition #P-2015-026 - New Common Victualler License - Relocation of Bridgewater Bagel
   d) Petition #P-2015-027 - Common Victualler License - VFW Post 2125, Orange Street
   e) Petition #P-2015-028 - Annual Renewal - Taxis
   f) Petition #P-2015-029 - Annual Renewal - Antique Dealers
   g) Petition #P-2015-030 - Annual Renewal - Lodging Houses
   h) Petition #P-2015-036 - Transfer of Common Victualler license from TFS Newco LLC to 7-Eleven

H. PRESENTATIONS
   a) Clint Richmond, Lead petitioner, Brookline Plastic Bag Ban & Mass. Sierra Club, Plastics Campaign *(Councilor Norris)*

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) Skips Liquors - Update

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Transfer #T-2015-022: Housing Coordinator Funds
At their meeting held 11/9/15, the Finance Committee voted 6-0 to approve this measure. The Council's Budget & Finance Committee meet 12/7/15 and will provide their disposition to the full Council 12/8/15.

b) Transfer #T-2015-024: Library Contract Funding
At their meeting held 11/9/15, the Finance Committee voted 6-0 to approve this measure. The Council's Budget & Finance Committee meets 12/7/15 and will provide their disposition to the full Council 12/8/15

M. OLD BUSINESS

a) Ordinance #D-2015-010: Zoning Amendment – Off Street Parking
The Community & Economic Development Committee and Planning Board conducted a duly advertised joint public hearing on 11/16/15. At the conclusion, the Community & Economic Development Committee voted 1-1 on the ordinance. The Planning Board voted to recommend the Ordinance.

N. NEW BUSINESS

a) Ordinance #D-2015-012: Zoning Amendment – Remove Section 5-6 from Zoning Bylaws *(Councilor Colombotos)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, December 8, 2015

Order #O-2015-031

Introduced By:	Town Manager *(at the request of the Assessor's Office)*
Date Introduced:	November 3, 2015
First Reading:	November 3, 2015
Second Reading/Public Hearing:	December 8, 2015
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Order# O-2015-031:

FY 2016 Classification Tax Allocation-Adoption of Residential Factor

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to adopt a residential factor of 1 for fiscal year 2016.

Explanation: The town council shall annually first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section two A of chapter fifty-nine and personal property for the next fiscal year. In determining such percentages, the town council, shall first adopt a residential factor. Said factor shall be an amount not less than the minimum residential factor determined by the commissioner of revenue in accordance with the provisions of section one A of chapter fifty-eight and shall be used by the board of assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• The Budget & Finance Committee meets 712/7/15 and will provide their disposition to the full Council on 12/8.
• Finance Committee • The required public hearing has been duly advertised and posted on the Town's website.	• 11/9/15: Vote approve (6-0)

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

Bridgewater Town Council

In Town Council, Tuesday, December 8, 2015

Transfer: T-2015-022

Introduced By:	Town Manager
Date Introduced:	November 3, 2015
First Reading:	November 3, 2015
Second Reading:	December 8, 2015
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer: #T-2015-022

TRANSFER REQUEST: HOUSING COORDINATOR FUNDS

WHEREAS:
The Community Preservation Committee, with a quorum of members present, rendered its unanimous recommendation to the Town Council to fund the proposal for a Housing Coordinator. The request and the recommendation was $26,000.00.

WHEREAS:
The Town Council subsequently approved the funding of transfer request #T-2015-004 on March 17, 2015, with a quorum of members present and voting, to fund the request.

WHEREAS:
In keeping with the stated intent of the proposal, the Town Manager determined that it was most appropriate that a position be created in the department of and supervised by the Community and Economic Development Director. As such, a staff member has been assigned the part-time duties and responsibilities associated with the position defined as Housing Coordinator.

WHEREAS:
The Town Manager has duly notified the Community Preservation Committee that the duties and responsibilities of the Housing Coordinator have been appropriately assigned.

Now, Therefore, it is hereby:

ORDERED, pursuant to applicable provisions of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer from the CPA expense account designated as *Housing Coordinator* to Community & Economic Development department *Full-time Wages* account the sum of $26,000.00 to pay for salary of the staff person so assigned the related duties or take any other action relative thereto.

Explanation: Duties of the Housing Coordinator have been assigned to a staff member working under the direction of the Community and Economic Development Director. This action will pay the salary of the staff member for services rendered for the remainder of the fiscal year.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee • Referred to Finance Committee.	• Budget & Finance Committee meet 12/8/15 & will provide disposition to full council 12/8/15. • 11/9/15: Vote approve (6-0)

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

Bridgewater Town Council

In Town Council, Tuesday, December 8, 2015

Council Transfer: T-2015-024

Introduced By:	Town Manager
Date Introduced:	November 17, 2015
First Reading:	November 17, 2015
Second Reading:	December 8, 2015
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Transfer - #T-2015-024

CONTRACTUAL OBLIGATION for the BRIDGEWATER PUBLIC LIBRARY STAFF ASSOCIATION

ORDERED, pursuant to applicable section of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer monies in the amount of $ 7,468.48 from the Stabilization to be distributed to wage accounts to pay for the salary adjustments of library employees, or take any other action relative thereto.

Explanation: *The Town Manager settled a collective bargaining agreement with the Bridgewater Public Library Staff Association. The amount of this transfer request will fulfill the town's contractual obligations to pay for adjustments retroactively (for FY15) to the enactment of the agreement.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee	• Budget & Finance Committee meet 12/8/15 & will provide disposition to full council 12/8/15.
• Referred to Finance Committee.	• 11/9/15: vote approve (6-0)

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

Bridgewater Town Council

In Town Council, Tuesday, December 8, 2015

Council Ordinance: D-2015-010

Introduced By:	Councilor William Wood
Date Introduced:	October 20, 2015
First Reading:	October 20, 2015
Second Reading:	December 8, 2015
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-010

ZONING BYLAW AMENDMENT: Parking Requirements

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 Bylaw, 10.60 Off Street Parking and 6.30 (Table of Use Regulations) as follows:

SECTION 2. DEFINITIONS
ADD:

Bank Teller and ATM Kiosks
A building whose principal use is a stand-alone drive through bank teller kiosk and/or walk up or drive-through stand-alone ATM kiosk whether or not the kiosk is ancillary to an adjacent principal retail bank or financial institution.

Fast Food and Ice Cream Stands
An establishment whose principal business is the sale of pre-prepared or rapidly prepared food or ice cream for sale directly to the customer in a ready to consume state for consumption either within the restaurant building, in the parking lot, or off premises and generally requiring ordering food at a counter with no interior seated dining area.

6.30 – TABLE of USES
ADD:

E	RETAIL, BUSINESS AND CONSUMER SERVICE ESTABLISHMENTS	RES A/B	RES C	RES D	CBD	SBD	BUS B	GATEWAY	E. GATE WAY	IND A	IND B	IND E	PD	M HE C
17	Fast Food and Ice Cream Stands	N	N	N	Y	Y	Y	N	N	Y	Y	N	Y	N
18	Bank Teller and ATM Kiosks	N	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	N

NOT FOR ACTION: REQUIRES ADVERTISING PENDING ANY AMENDMENTS.

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10.60 TABLE of OFF-STREET PARKING STANDARDS
ADD:

PRINCIPAL USE	NUMBER OF SPACES
Mortuary, Undertaking or Funeral Establishments	1 space per 3 persons of maximum occupancy, plus 1 space for each 200 square feet of gross floor area; plus 1 space for each funeral vehicle regularly used or stored on site.
Fast Food and Ice Cream Stands	1 space per 75 square feet of gross floor area plus one space per employee.
Bank Teller and ATM Kiosks	3 spaces for any stand-alone walk up ATM kiosk. 1 space per on-site employee plus 4 stacked spaces per lane for any stand-alone, drive through ATM or bank teller kiosk vehicle for queuing without utilization of the public right of way.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • Referred to Planning Board. • Duly advertised for a public hearing held 11/16/15. • Requires advertising pending any amendments.	• 11/16/15: Vote 1-1 • 11/16/15: Vote 4-1to recommend acceptance.

NOT FOR ACTION: REQUIRES ADVERTISING PENDING ANY AMENDMENTS.

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TOWN OF BRIDGEWATER
PLANNING BOARD

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

November 17, 2015

Dr. Kevin Perry, Council President,

The Planning Board conducted a joint public hearing with and Economic Development Committee on Monday, November 16, 2015 on proposed Ordinance to amend the Off Street Parking Requirements and Ordinance to amendment the Manufactured Home Elderly Community District bylaw

The Planning Board voted 4-1 to recommend acceptance of Ordinance D-2015-010: Parking Requirements.

The Board then voted to continue the public hearing to December 7, 2015 at 6:30 pm at the meeting room of the Police Station to discuss and make recommendation on Ordinance D-2015-009: Manufactured Home Elderly Community District

Sincerely yours,

Leslie Dorr, Office Administrator

Bridgewater Town Council

In Town Council, Tuesday, December 8, 2015

Council Ordinance: D-2015-012

Introduced By:	Councilor Peter Colombotos
Date Introduced:	December 8, 2015
First Reading:	December 8 2015
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-012

ZONING BYLAW AMENDMENT: REMOVE SECTION 5-6 FROM ZONING BYLAWS

Whereas, as written, Section 5-6 of the Bridgewater Zoning By-laws directly undermines the guiding language of Section 5, *Non-conforming Buildings and Uses*, which states that any "change, extension or alteration [of a non-conforming building or use] shall not be substantially more detrimental than the existing non-conforming use to the neighborhood."

Whereas, constructing commercial parking lots in residential neighborhoods makes the non-conforming use more detrimental to those neighborhoods.

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 Bylaw, by striking section 5.60 in its entirety.

Explanation: Section 5.6 was apparently conceived to address one particular non-conforming use without regard for its impact throughout the town. Passage of this ordinance will correct this issue.

NOT FOR ACTION: FIRST READING ONLY

SECTION 5
Nonconforming Buildings and Uses

5.10

Any lawful structure, lawful use of any structure, billboard structure or land or any or all of these may be continued although not conforming with the provisions of this By-Law, but no such lawfully non-conforming use or structure shall be changed, extended or altered in any manner until a Special Permit has been granted pursuant to Section 11 of this By-Laws. Before granting a Special Permit, the Special Permit Granting Authority must find that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

Accepted 6/12/78, Amended 5/6/96

Exempt from the provisions of this section will be alterations or additions to those single family dwellings which do not comply with the minimum yard depth requirements as currently stated in this By-Law, provided they meet the following criteria:

5.11 Use of the alteration or addition will be limited to the principal use of the dwelling.

5.12 The alteration or addition will come no closer to the lot lines that the existing dwelling at its closest point unless the existing setback condition so affects resulted from the issuance of a variance pursuant to Section 10 of Chapter 40A, MGL.

Accepted11/13/95

5.20

If any nonconforming use of any structure or land or both is changed to a conforming use it shall not thereafter be put into any nonconforming use.

5.30

If any nonconforming development or use of land or of a building be discontinued for a period of not less than thirty-six consecutive months, which in the terms of this bylaw shall constitute abandonment of nonconforming usage, such land or building shall thereafter be used or developed only in accordance with the terms of the Bridgewater Zoning Bylaw for the zoning district in which such property is located.

5.40

Any nonconforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise by at least seventy-five to eighty percent may be rebuilt, subject to a special permit being granted under Section 11 of the bylaw.

5.50

Construction or operations under a building or special permit shall conform to any subsequent amendment of the bylaw unless the use or construction is commenced within six months after the issuance of the permit and in case involving construction, unless such construction is continued through to the completion as continuously and expeditiously as is

5.60

Any non-conforming commercial use in a residential district may, by special permit, use a proximate parcel of owned land to meet minimum parking requirements so long as there is no expansion of the principal, non-conforming use.

Parcels used for this shall create and preserve a visual and acoustical buffer with adjacent properties. There shall be a goal to protect the quality of life of neighboring residential properties. The buffer area may be in the form of fencing, landscaping, earthen berms or any other appropriate screening to reduce impacts of lighting, noise and aesthetics. This buffer shall occur in the side and rear setback areas whenever residential uses or zones abut commercial development or as determined by the Planning Board.

If the principle non-conforming use is reverted to conforming, the parcel used for parking shall revert back to residential use or must be loamed and seeded.
(Voted 5/8/2007, Adopted A.G. 9/12/2007)

SECTION 6
Use Regulations

6.10

Except as provided by law or in this Ordinance in each district no building, structure or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations, Section 6.30. Any use not listed shall be construed to be not allowed. The use of lands within an aquifer protection district, shall in addition, be subject to Section 15.40of this Ordinance. (Adopted 9/3/2013/Effective 10/4/2013)

6.11 Multiple Uses

Mixed use building or multiple uses on a property in the Central Business District may be allowed through the special permit process. The special permit granting authority may allow for more than one principal and/or accessory use if the property meets the requirements of Section 19.4 of the Mixed Use Ordinance. The parking requirements for each use shall apply to the portion of the building or land so used. (Adopted 9/3/2013/Effective 10/4/2013)

6.20

A use listed in section 6.30 is permitted as of right in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in the By-Law. A use designated in Section 6.30 by the letters "SP" may be permitted as a special exception only if the Special Permit Granting Authority so determines and grants a special permit therefore subject to such restrictions as set forth elsewhere in this By-Law and such further restrictions as said Special Permit Granting Authority may establish. Unless otherwise stated within this By-Law, the Zoning Board of Appeals shall be the Special Permit Granting Authority for uses identified under Section 6.30 as requiring a special permit within the Residential A/B, Residential C, and Residential D zoning districts. The Planning Board shall be the Special Permit Branting Authority for use identified under Section 6.30 as required a special permit within a Mobile Home Elderly District in addition to all other zoning districts and where specifically designated as the Special Permit Granting Authority within this By-Law.

6.30 TABLE OF USE REGULATIONS

(See following pages)