BRIDGEWATER TOWN COUNCIL

Tuesday, February 23, 2016
7:30 PM
BTV Studios
80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) February 2, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

a) Planning Board Appointments

- Raymond Ajemian
- Thomas Hall
- Patrick Driscoll
- Francis Sullivan
- Jean Guarino

F. HEARINGS

a) 7:40 p.m., Petition #P-2016-006: Request for Propane Storage – Devaney Energy

G. LICENSE TRANSACTIONS

a) Petition #P-2016-004: One-Day Alcohol & One-Day Entertainment licenses – Forty-Niiners Club, Inc.
b) Petition #P-2016-005: New Common Victualler's license – Crimson Hall, Sodexo at Bridgewater State University
c) Petition #P-2016-007: Common Victualler's license – Roche Brothers, Campus Plaza

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) Draft General Bylaws *(Vice President Losche)*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Ordinance D-2015-007: General Bylaw Amendment – Plastic Bag Reduction Ordinance
The Community & Economic Development Committee voted 2-0 to remand back to full Council with proposed amendments. At their meeting held January 19, 2016 the Town Council approved the ordinance for advertising with adopted amendment. This measure has been duly advertised in the Enterprise on 2/13/16 and posted on the Town's website, therefore may be finally considered this evening.

b) Ordinance D-2015-011: Amend Ordinance D-2015-001: Enforcement Ordinance – Canine Control
The Rules & Procedures Committee voted 3-0 to recommend to Town Council with additional amendments. At their meeting held January 19, 2016 the Town Council approved the ordinance for advertising with adopted amendments. This measure has been duly advertised in the Enterprise on 2/13/16 and posted on the Town's website, therefore may be finally considered this evening.

c) Order O-2016-002: VFW Post 2125 Lease
This measure was not referred to any committee. 14 days has elapsed per section XVII of the Council's Rules and Procedures, therefore may be finally considered this evening.

d) Order O-2016-003: Presidential Primary Warrant
This measure was not referred to any committee. 14 days has elapsed per section XVII of the Council's Rules and Procedures, therefore may be finally considered this evening.

e) Resolution R-2016-002: Energy Aggregation Resolution
This measure was not referred to any committee. 14 days has elapsed per section XVII of the Council's Rules and Procedures therefore may be finally considered this evening.

M. OLD BUSINESS

a) Ordinance D-2016-004: Wireless Communications Facilities License Ordinance
The Rules & Procedures Committee meets 2/23/16 and will provide their disposition to the full Council at that time. This measure requires advertising, therefore may not be finally considered at this evening's meeting.

N. NEW BUSINESS

a) Ordinance D-2016-001: Zoning Ordinance – Downtown Zoning *(Councilor Colombotos*

b) Ordinance D-2016-002: Zoning Ordinance – Open Space Conservation *(Councilor Colombotos*

c) Order O-2016-004: Affix Salary – Town Clerk *(Councilor Gallagher)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Petition: P-2016-006

Date Introduced: February 23, 2016

Public Hearing: February 23, 2016

Date Adopted:

Date Effective:

Relative to:

REQUEST FOR PROPANE STORAGE – DEVANEY ENERGY

WHEREAS; pursuant to MGL, Chapter 148, Section 13, Devaney Energy has petitioned for propane storage of 120,000 gallons of propane and 2,000 gallons of diesel UGT, located at 0 Elm Street in Bridgewater according to their correspondence dated February 16, 2016;

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

NOW, THEREFORE; The Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Fire Department which has oversight authority, it appears that the public good so requires such license be granted.

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

.

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

TOWN OF BRIDGEWATER

FIRE DEPARTMENT

Thomas D. Levy
Deputy Fire Chief
tlevy@bridgewaterma.org

Fire Headquarters
22 School Street
Bridgewater, MA 02324

EMERGENCY: 911
BUSINESS: (508) 697-0900
FAX: (508) 697-0955

February 9, 2016

Dr. Kevin Perry, President
Bridgewater Town Council
Memorial Building
25 South Street
Bridgewater, MA 02324

Dear Dr. Perry,

The Bridgewater Fire Department Office of Fire Prevention has reviewed all related drawings and safety plans regarding the license request of Devaney Energy for the storage of 120,000 gallons of propane and 2,000 gallons of diesel UGT located at Elm Street in Bridgewater.

At this time, the Bridgewater Fire Department would recommend the granting of said license and related permits as pertaining to this new business.

Thank you and feel free to contact us with any questions or concerns related to this very important issue.

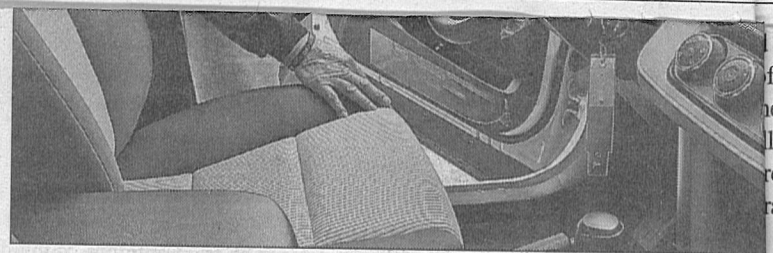
Sincerely,

Thomas D. Levy
Deputy Chief

George W. Rogers, Jr.
Chief of Department

the previous days.

The result – several sales during a month that, at least before the Presidents Day sales started – is historically slower.



Al Martinez of Taunton looks over a Toyota RAV4 before taking it for a test

none of the people
ff last year died as a
e overdose.
l said the department
roactive to try to pre-
agic event from hap-

t entrance of the de-
s currently open to the

LEGAL NOTICE

TOWN OF BRIDGEWATER

TOWN COUNCIL PUBLIC HEARING NOTICE REQUEST FOR PROPANE STORAGE – DEVANEY ENERGY

Pursuant to MGL, Chapter 148, Section 13, the Bridgewater Town Council will hold a public hearing at 7:40 p.m., on February 23, 2016 at BTV Studios, 80 Spring Street, Bridgewater MA, 02314 to consider Petition #P-2016-006: Request for Propane Storage – Devaney Energy. The petitioner requests a license to store 120,000 gallons of propane and 2,000 gallons of diesel UGT located at 0 Elm Street, Bridgewater MA.

NOTICE OF PUBLIC HEARING ZONING BOARD OF APPEALS BRIDGEWATER, MA

The Zoning Board of Appeals will hold a public hearing on Tuesday, March 1, 2016 at 7:00pm in the Police Station Training Room located at 220 Pleasant Street on an application filed by Steve Edwards, 12 Leo's Lane, Avon, MA 02322. Applicant proposes to replace an existing dwelling with a duplex. A Special Permit under Sections 5.10 of the Bridgewater Zoning Bylaws is requested. Said property is owned by Steve Edwards, 12 Leo's Lane, Avon, MA 02322 and is located at 396 Oak Street, Bridgewater, MA as shown on Assessor's Map 3, Parcel 81. Area is zoned Residential D.

Andre Bissonnette, Chairman
ZONING BOARD OF APPEALS
Notices published in the Enterprise on February 16, 2016 and February 23, 2016

LEGAL NOTICES

Town of West Bridgewater Zoning Board of Appeals PUBLIC HEARING NOTICE

In accordance with Massachusetts General Laws Chapter 40A, as amended, the Board of Appeals will hold a Public Hearing on March 1, 2016 in the Town Hall conference room, 65 North Main St. West Bridgewater, MA, at 7:20 p.m. on the application of Valtran Inc. & Branchone LLC. The applicant is seeking a Site Plan Review and Special Permit for Contractors Office and Storage Yard applicable section of the zoning by-law is Section 4.4 Commercial and Industrial Uses #2. Contractor's offices and storage yards, screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height. The property is located at 40 Pleasant St. in the Industrial District as shown on Map 50 Lot 21.
Any person interested or wishing to be heard on this matter may appear at the time and place designated.

William E. Lucini
Chairman

LEGAL NOTICES

Town of West Bridgewater
g Board of Appeals
P HEARING NOTICE

In accordan with Massachusetts General Chapter 40- 40A, as amended, the West Appeals w Board of Appeals will hold a Comprehens g March 1, 2016 at 7 p.m. at Howard Sch all conference room for a Bridgewater of an existing Special Permit of Cochese granted to Plasse Masonry South Easte remise outdoor electronic construct tw llboard located at 63 Maple to the east o 71, Lot 4 in the Industrial The property applicant is requesting two and Farmin riance to increase permitted northerly po 35' to 90' and change of Lot 23 will val from the permitted 30 separate lot ot less than 10 seconds. "Cottages" ction of the zoning by-law Map 71 lot ss and Industrial Districts. homes own clustered a courtyards. nterested or wishing to be Any person i matter may appear at the time matter may a gnated.

William E. L cini
Chairman

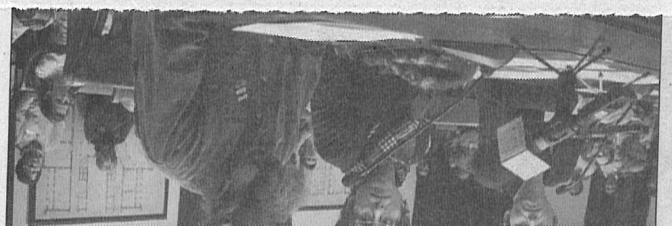
West Bridgewater Public Schools Special Education Records to be destroyed

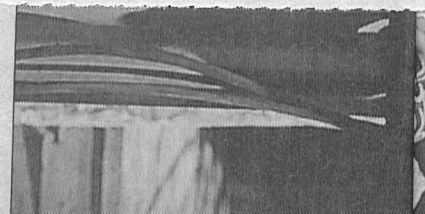
All Special Education records for students born during the year of 1989 and attended the West Bridgewater Public School system will be destroyed on April 15, 2016. Per MA state law governing student records, please notify the West Bridgewater Special Education Dept., 2 Spring Street, West Bridgewater MA 02379, in writing prior to April 15, 2016 if you will pick up your records. No records will be mailed. Parents have the right to obtain the records if a student is under 18 years of age. Parents/guardians may pick up student records after receipt of a letter of authorization from the student.

NW-CN13392415 February 16, 2016

Tuesday February 23, 2016 at 6:40 p.m. in the second floor Conservation Conference Room of the Town Office Building regarding a Notice of Intent filed by John & Virginia Sherman for property located 32 Pleasant Ave. The subject of this notice is the proposed septic repair within the 100 ft. buffer of a wetland.

The East Bridgewater Conservation Commission.





LAW OFFICES OF

WWW.RRPESQ.COM

ROBERT R. PELLEGRINI, JR.

MAIN OFFICE / MAILING ADDRESS: 63 Main Street, Suite 1 • Bridgewater, MA 02324 • (508) 807-1131
990 Washington Street • Suite 103 • Dedham Executive Center • Dedham, MA 02026

Robert R. Pellegrini, Jr., Esq.
Sean Hurley, Esq., Of Counsel
Amy Hanson-Saunders, Esq., Of Counsel

February 16, 2016

Bridgewater Town Council
Memorial Building
25 South Street
Bridgewater, MA 02324

Council Members:

This firm represents Devaney Energy, Inc. in its endeavor to obtain, from the Town of Bridgewater, a license to store propane and diesel fuel. Devaney Energy, a family owned business, has been delivering residential and commercial energy solutions to its customers since 1934. Now in its fourth generation, Devaney takes pride in being the industry leader in local communities. For the following reasons, Devaney Energy, Inc. respectfully requests the honorable Council approve its application.

M.G.L c. 148 §13 entrusts to local licensing authorities the power to issue or withhold licenses for storage of fuel. The primary function of the license review with Town Council is the supervision and regulation of business or land use which might otherwise become a menace to public safety by reason of the hazards of fire and explosion.

Summary:

Applicant is seeking a storage permit for 3-30,000 gallon propane tanks, including the capacity of all of their delivery vehicles for a total of 120,000 gallons. Applicant is also seeking a permit for storage of 2,000 gallons of diesel fuel, which is used for refueling its delivery vehicles.

All fueling is for private use only and is not available to the public.

- **Property**: 9.7 acres
  0 Elm Street: a portion of Assessor's Plat 30/Lots 6 & 8 and Plat 44/Lots 8 & 10
- **Current Use**: Vacant land
- **Zoning**: Elm Street Industrial
- **Proposed Use**: Propane storage facility. Propane and propane/energy products will essentially be distributed from the subject parcel.
- **Project Description:** Devaney Energy, Inc. is proposing to construct a 5,000 sq ft office building with a 4,200 sq ft accessory garage. There are 3-30,000 gallon above ground propane storage tanks proposed (for filling delivery vehicles), and a 9,400 sq ft storage area that will be used to store empty tanks ready for local installation. Access is provided via a full access driveway off of Elm Street.

The proposed propane storage tanks to be used on the property meet or exceed the state and federal regulations regarding the safe storage of propane and offer enhanced environmental protection to the property and surrounding areas. In addition, the above referenced property has been designed to maximize the safe storage of propane (see attached site plan). All open and enclosed spaces have been designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.

The applicant met informally with Michael White, the Fire Department (Captain Wilcox), and Andrew DeIonno, on several occasions, in preparation for submission to the planning Board. These meetings were instrumental in determining the location of the proposed structures and storage, as well as the site lighting, security, landscaping and buffers. The applicant appeared before the Conservation Commission for its Request for Determination; however, all activity is location well outside of the 100' buffer. The applicant is also in the process of receiving Site Plan Review from the Town Planning Board.

For the aforementioned reasons, we respectfully request approval of a license to store propane on the property located at 0 Elm Street.

Respectfully submitted,
Devaney Energy, Inc.
By:

Robert R. Pellegrini, Esq., its attorney
63 Main Street, Suite 1
Bridgewater, Massachusetts 02324
Tel. (508) 807-1131
E-mail: rpellegrini@pkboston.com

EXHIBIT A

SIGN SUMMARY

M.U.T.C.D. NUMBER	SPECIFICATION WIDTH	SPECIFICATION HEIGHT	TEXT
R1-1	24"	24"	STOP
T.R.	12"	18"	TRUCK ROUTE
N.P.L.A.	12"	18"	NO PARKING LOAD AREA
R7-8*	12"	18"	VAN
R5-1	24"	24"	

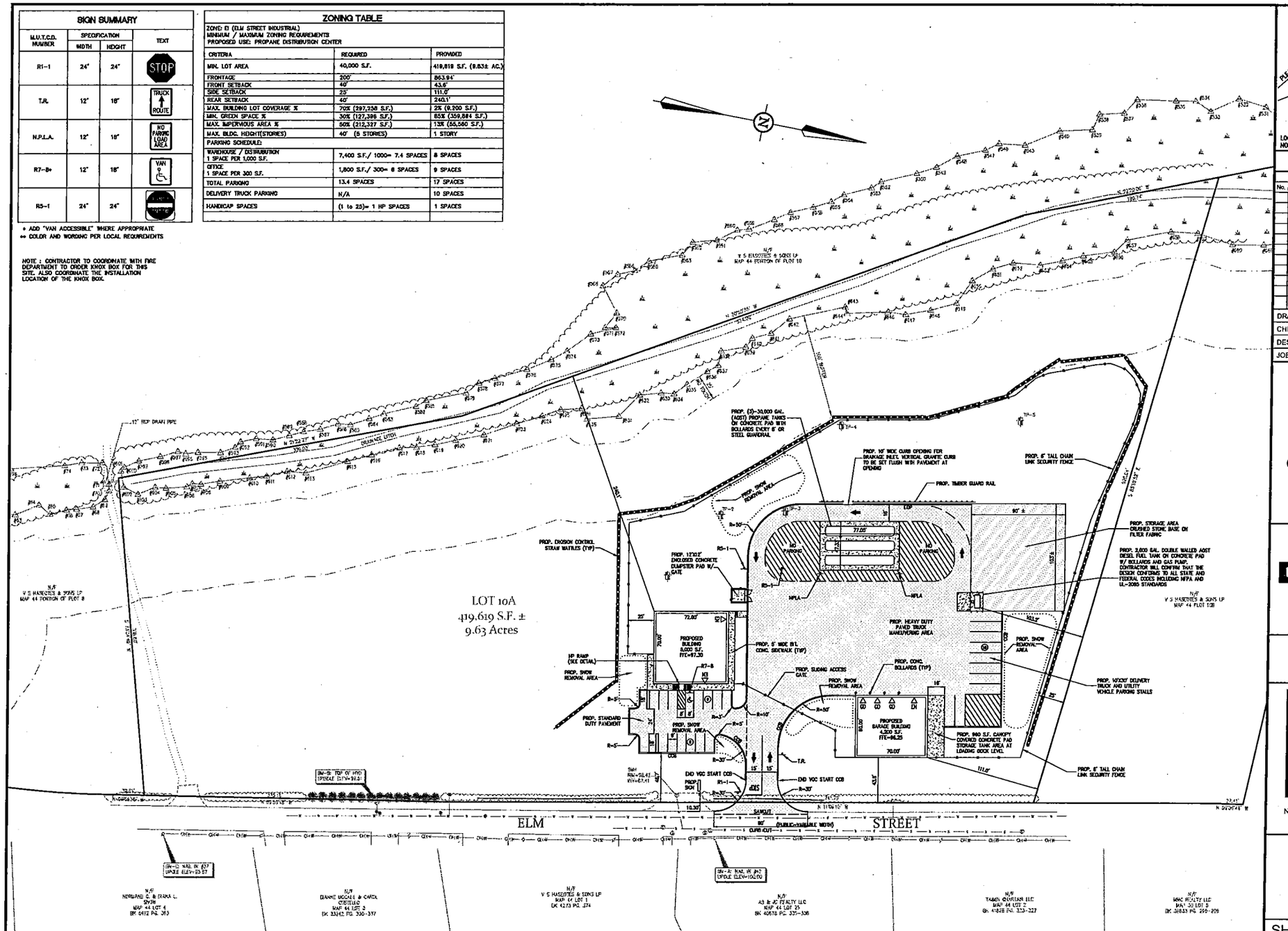
* ADD "VAN ACCESSIBLE" WHERE APPROPRIATE
** COLOR AND WORDING PER LOCAL REQUIREMENTS

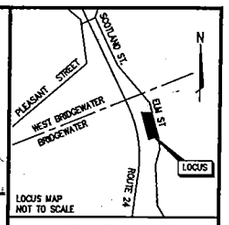
NOTE : CONTRACTOR TO COORDINATE WITH FIRE DEPARTMENT TO ORDER KNOX BOX FOR THIS SITE. ALSO COORDINATE THE INSTALLATION LOCATION OF THE KNOX BOX.

ZONING TABLE

ZONE: EI (ELM STREET INDUSTRIAL)
MINIMUM / MAXIMUM ZONING REQUIREMENTS
PROPOSED USE: PROPANE DISTRIBUTION CENTER

CRITERIA	REQUIRED	PROVIDED
MIN. LOT AREA	40,000 S.F.	419,619 S.F. (9.63± AC.)
FRONTAGE	200'	863.94'
FRONT SETBACK	40'	43.6'
SIDE SETBACK	25'	111.0'
REAR SETBACK	40'	240.1'
MAX. BUILDING LOT COVERAGE %	70% (293,258 S.F.)	2% (9,200 S.F.)
MIN. GREEN SPACE %	30% (127,396 S.F.)	85% (359,864 S.F.)
MAX. IMPERVIOUS AREA %	50% (212,327 S.F.)	13% (55,580 S.F.)
MAX. BLDG. HEIGHT(STORIES)	40' (5 STORIES)	1 STORY
PARKING SCHEDULE:		
WAREHOUSE / DISTRIBUTION 1 SPACE PER 1,000 S.F.	7,400 S.F./ 1000= 7.4 SPACES	8 SPACES
OFFICE 1 SPACE PER 300 S.F.	1,800 S.F./ 300= 6 SPACES	9 SPACES
TOTAL PARKING	13.4 SPACES	17 SPACES
DELIVERY TRUCK PARKING	N/A	10 SPACES
HANDICAP SPACES	(1 to 25)= 1 HP SPACES	1 SPACES





LOCUS MAP
NOT TO SCALE

PERMITTING SET

REVISIONS

No.	DATE	DESCRIPTION

DRAWN BY:	TME
CHECKED BY:	EPJ
DESIGNED BY:	GWD
JOB NUMBER:	2015-045

LAYOUT AND MATERIALS PLAN FOR TANK PERMITS

ELM STREET
IN
BRIDGEWATER
(PLYMOUTH COUNTY)
MASSACHUSETTS

FEBRUARY 9, 2016

PREPARED FOR:

Devaney ENERGY

177 WELLS AVENUE
NEWTON, MA 02459

0 40' 80'
SCALE: 1" = 40'

JDE
Jacobs Driscoll Engineering

50 Oliver Street, Suite W3
North Easton, Massachusetts 02356
Phone: 508-928-4400
www.JacobsDriscoll.com

COMMONWEALTH OF MASSACHUSETTS
GREGORY W. DRISCOLL JR.
CIVIL
NO. 44073
REGISTERED PROFESSIONAL ENGINEER

SHEET 1 OF 1

X:\2015\2015-045 Devaney Energy Elm St Bridgewater\CIVIL\DESIGN\2015-045 LM.dwg

OPERATION/MAINTENANCE PLAN

THIS OPERATION AND MAINTENANCE PLAN SHALL BE PERFORMED BY THE GENERAL CONTRACTOR DURING CONSTRUCTION OPERATIONS AND BY THE OWNER ONCE THE FACILITIES ARE COMPLETED AND PUT INTO OPERATION.

PERSONNEL ASSOCIATED WITH THE CONSTRUCTION OF THIS PROJECT SHALL BE INFORMED THAT THE MAINTENANCE OF SILTATION CONTROLS TAKES PRECEDENCE OVER NORMAL CONSTRUCTION ACTIVITIES. ADJACENT PROPERTIES AND STREETS SHALL BE PROTECTED FROM EROSION OR SILTATION CONDITIONS.

INSPECTION AND MAINTENANCE, AS OUTLINED HEREIN, SHALL BE PERFORMED FOUR TIMES WITHIN THE FIRST YEAR OF OPERATION. THENCE, INSPECTIONS AND MAINTENANCE SHALL BE CONDUCTED ON A SEMIANNUAL BASIS (2 TIMES A YR.) AND AFTER ALL LARGE STORMS. AN INSPECTION REPORT SHALL BE MAINTAINED. AQUATIC SAFETY BENCH WETLAND PLANTINGS SHALL BE INSPECTED 4 TIMES FOR THE FIRST YEAR OF OPERATION AND THEN 2 TIMES PER YEAR AFTER THAT. ENSURE THAT PLANTINGS ARE TAKING HOLD AND INSTALL NEW PLANTINGS AS NECESSARY. PERIODIC TRIMMING OF WETLAND PLANTINGS MAY BE NECESSARY.

ACCUMULATED DEBRIS IN SEDIMENT FOREBAYS AND/OR INFILTRATION BASIN SHALL BE REMOVED BEFORE IT EXCEEDS 0.5' FEET IN DEPTH AND DISPOSED OF PROPERLY.

A VISUAL INSPECTION SHALL BE MADE FOR THE ENTIRE STORM DRAINAGE SYSTEM. THE GENERAL CONDITION OF THESE FACILITIES SHOULD BE REVIEWED AND ACCUMULATED DEBRIS SHALL BE REMOVED. THE CONDITION OF ALL OUTLETS SHALL BE NOTED AND A DESCRIPTION OF THE DRAINAGE STRUCTURES SHALL BE INCLUDED IN THE REPORT. DELETERIOUS MATERIALS SHALL BE REMOVED FROM THESE STRUCTURES AND THE DRAINAGE CHANNELS IN ORDER FOR THE SYSTEM TO FUNCTION PROPERLY.

ALL OUTLETS, DRAINING CHANNELS, AND SLOPES SHALL BE KEPT STABILIZED. ANY EROSION SHALL BE REPAIRED IMMEDIATELY.

ACCUMULATED SEDIMENT SHALL BE REMOVED FROM THE SWM BASIN BEFORE IT EXCEEDS 0.5' IN DEPTH, OR AT LEAST ONCE EVERY 5 YEARS. THE LOW FLOW OUTLET SHALL BE CLEANED AND INSPECTED FOR PROPER FUNCTIONING. ALL DEBRIS OR DELETERIOUS MATERIAL SHALL BE REMOVED FROM OUTLET STRUCTURE AND OUT FALL PLUNGE POOL. BASIN SLOPES SHALL BE MAINTAINED WITH A GRASS STAND OF AT LEAST 3". GRASS SHALL BE MOWED AT LEAST 3 TIMES A YEAR AND CLIPPINGS SHALL NOT BE LEFT IN BASIN. ANY TREES OR OTHER WOODY VEGETATION GROWING IN EMBANKMENTS OR NEAR CONTROL STRUCTURE SHALL BE REMOVED.

THE FOLLOWING MINIMUM INFORMATION SHALL BE RECORDED:
* DATE OF INSPECTION
* GENERAL CONDITION OF THE ENTIRE SYSTEM
* CORRECTIVE MAINTENANCE ACTIONS TAKEN TO ENSURE ADEQUATE FUNCTION AND WHEN PERFORMED.
* A COPY OF THESE INSPECTION REPORTS SHALL BE FURNISHED TO THE APPROPRIATE AGENCY UPON REQUEST.

GRADING AND DRAINAGE NOTES:

1. THE PROJECT ELEVATIONS ARE BASED ON AN ASSUMED VERTICAL DATUM.

2. DEMOLITION DEBRIS, EXCESS AND UNSUITABLE MATERIALS FROM THE DEMOLITION OPERATION SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER BY THE CONTRACTOR.

3. DISTURBED AREAS SHALL BE PROTECTED AT ALL TIMES TO CONTROL SEDIMENT TRANSPORT BEYOND THE LIMIT OF WORK.

4. DISTURBED AREAS SHALL BE TREATED WITH WATER DURING EXCAVATION, OR APPROVED ALTERNATIVE, FOR DUST CONTROL.

5. ALL DISTURBED AREAS NOT OTHERWISE TREATED SHALL BE STABILIZED WITH 4" LOAM, SEED, & MULCH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AREAS UNTIL VEGETATION HAS BEEN PERMANENTLY ESTABLISHED. SLOPES IN EXCESS OF 3:1 SHALL BE FURTHER STABILIZED WITH EROSION CONTROL BLANKETS (ECB) OF CURLEX OR EQUAL.

6. ALL DRAINAGE STRUCTURES AND PIPING SHALL BE DESIGNED AND INSTALLED FOR H-20 LOADING.

7. CPP – HIGH DENSITY POLYETHYLENE CORRUGATED PIPE WITH SMOOTH INTERIOR WALL TO MEET ADS N-12 PIPE SPECIFICATION OR EQUAL. CPP PIPE USE SHALL BE ALLOWED AS NOTED, WITH A DIAMETER AS SHOWN ON THE PLAN. BACKFILLING CPP MUST FOLLOW MANUFACTURER'S RECOMMENDATIONS AND SPECIAL CARE MUST BE EXERCISED (SEE ADS PRODUCT NOTE 3.116).

8. ROOF DOWNSPOUTS SHALL BE TIED INTO ROOF DRAINS AS SHOWN ON PLAN. ROOF DRAINS TO BE AT LEAST 6" CPP AT 0.5% SLOPE MINIMUM, UNLESS OTHERWISE NOTED. MINIMUM TYPICAL COVER SHALL BE 2 FEET, UNLESS OTHERWISE NOTED.

9. ALL PIPE INSTALLATIONS SHALL FOLLOW PROJECT SPECIFICATIONS AND PIPE MANUFACTURER RECOMMENDATIONS.

10. INSPECTION AND MAINTENANCE, AS OUTLINED HEREIN, SHALL BE PERFORMED FOUR TIMES WITHIN THE FIRST YEAR OF OPERATION. THENCE, INSPECTIONS AND MAINTENANCE SHALL BE CONDUCTED ON A SEMIANNUAL BASIS (2 TIMES A YR.) AND AFTER ALL LARGE STORMS. AN INSPECTION REPORT SHALL BE MAINTAINED.

11. REMOVE A AND B HORIZONS AND C1 LAYER (LOAM AND/OR SILT-MATERIAL) TO A DEPTH OF 24"-48" IN THE BASIN RECHARGE. FILL UP TO BASIN BOTTOM ELEVATION WITH SAND.

UTILITY NOTES:

1. 12" MINIMUM VERTICAL CLEARANCE SHALL BE MAINTAINED BETWEEN ALL UTILITY CROSSINGS.

2. A MINIMUM 10' HORIZONTAL SEPARATION SHALL BE MAINTAINED BETWEEN WATER AND SEWER LINES. WHERE WATER LINES CROSS SEWER LINES, THE SEWER LINE SHALL BE LOCATED WITH A MINIMUM VERTICAL CLEARANCE OF 18" BELOW THE WATER LINE. THE SEWER LINE JOINTS SHALL BE LOCATED EQUIDISTANT AND AS FAR AWAY FROM THE WATER LINE AS POSSIBLE. WHEN IT IS IMPOSSIBLE TO ACHIEVE HORIZONTAL AND/OR VERTICAL SEPARATION AS STIPULATED ABOVE, BOTH THE WATER LINE AND SEWER LINE AT THE CROSSING LOCATION SHALL BE CONSTRUCTED OF MECHANICAL JOINT CEMENT-LINED DUCTILE IRON PIPE FOR ONE FULL 20' PIPE LENGTH OR ANOTHER EQUIVALENT THAT IS WATERTIGHT AND STRUCTURALLY SOUND. THE JOINTS FOR BOTH PIPES SHALL BE LOCATED AS FAR AWAY FROM THE CROSSING AS POSSIBLE. BOTH PIPES SHOULD BE PRESSURE TESTED TO 150 PSI TO ENSURE THAT THEY ARE WATERTIGHT.

3. SEWER BUILDING CONNECTIONS SHALL BE 6" MIN. SDR 35 PVC, UNLESS OTHERWISE NOTED, AT A SLOPE OF 1% MINIMUM FROM MANHOLE TO BUILDING UNIT WITH A CLEAN OUT SET AT A DISTANCE OF 10', UNLESS OTHERWISE NOTED, OFF EACH UNIT FOUNDATION.

4. TYPICAL COVER OVER WATER LINE SHALL BE 5'. IF LESS THAN 4' OF COVER IS PROVIDED, INSULATE WATER LINE AGAINST FREEZING.

5. GAS, ELECTRIC, DATA/COM IS SHOWN SCHEMATICALLY HEREON. THESE UTILITIES SHALL BE INSTALLED WITH A MINIMUM COVER OF 3 FEET UNLESS OTHERWISE NOTED OR OTHERWISE DIRECTED BY THE CONTROLLING UTILITY COMPANY. CONTRACTOR SHALL COORDINATE FINAL LAYOUT WITH APPLICABLE UTILITY COMPANY.

6. ALL COMMERCIAL LIGHTING SHALL DIRECT ALL LIGHT SO AS TO KEEP ALL LIGHTING WITHIN SUBJECT LOT.

7. ALL UTILITY CUTS THROUGH EXISTING CONCRETE OR BITUMINOUS CONCRETE PAVED SURFACES SHALL BE SAW CUT. BACK FILLING OF TRENCH SHALL INCLUDE 12" IN DEPTH FLOWABLE FILL TO BE THE BASE COURSE OF THE SURFACE TREATMENT. THE SURFACE TREATMENT SHALL THEN BE REPLACED IN KIND. IF THE BITUMINOUS CONCRETE SURFACE IS WITHIN THE ROADWAY THE BITUMINOUS CONCRETE TOP COURSE SHALL BE FINISHED WITH INFRARED TREATMENT TO BLEND EXISTING & NEWLY PAVED SURFACES.

CONSTRUCTION SEQUENCE

1. A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE DEVELOPED AND COVERED UNDER THE USEPA CONSTRUCTION GENERAL PERMIT ISSUED PRIOR TO CONSTRUCTION.

1. INSTALL FILTERMITT, STRAW WADDLES OR EQUAL TO ESTABLISH THE LIMIT OF WORK AS SHOWN ON PLAN.

2. CONSTRUCT TEMPORARY CONSTRUCTION ENTRANCE AREA AS SHOWN ON THE DETAIL SHEET.

3. DISCHARGES FROM DEWATERING OF EXCAVATIONS SHALL NOT BE DIVERTED DIRECTLY INTO ANY WETLANDS OR EXISTING STORM DRAINS WITHOUT PRETREATMENT VIA SETTLING BASINS.

4. INSTALL HAY BALE CHECK DAMS ALONG CENTER OF SWALES AT 100' O.C., AS NECESSARY.

5. CLEAR AND GRUB SITE WITHIN THE LIMIT OF WORK.

6. TEMPORARY SEDIMENT BASIN TO BE LOCATED OUTSIDE OF THE AREA OF THE SWM BASIN. NO TEMPORARY SEDIMENTATION DEVICES SHALL BE LOCATED WITHIN THE AREA OF THE PROPOSED PERMANENT SWM BASIN. INSTALL LOW FLOW PERFORATED PIPE WITH FILTER FABRIC AND STONE.

7. ESTABLISH ROUGH SUB GRADES FOR PARKING LOT AND BUILDING PLATFORM.

8. PERFORM BUILDING AND SITE CONSTRUCTION

9. INSPECT AND MAINTAIN EROSION CONTROL MEASURES AFTER RAINFALL EVENTS AND A MINIMUM OF ONCE PER WEEK.

10. REMOVE SEDIMENT BUILDUP AT EROSION CONTROL DEVICES AS NEEDED. REDISTRIBUTE MATERIAL OVER SITE IN CONFORMANCE WITH EARTHWORK SPECIFICATIONS.

11. AS DRAINAGE STRUCTURES ARE INSTALLED, INSTALL FILTER FABRIC AND HAY BALES AROUND NEW STRUCTURES IN ACCORDANCE WITH DETAILS AND MAINTAIN THEM UNTIL PAVEMENT IS IN PLACE AND VEGETATION IS ESTABLISHED. ALL OUTFALLS SHALL BE IMMEDIATELY STABILIZED WITH STONE PROTECTION AS REQUIRED.

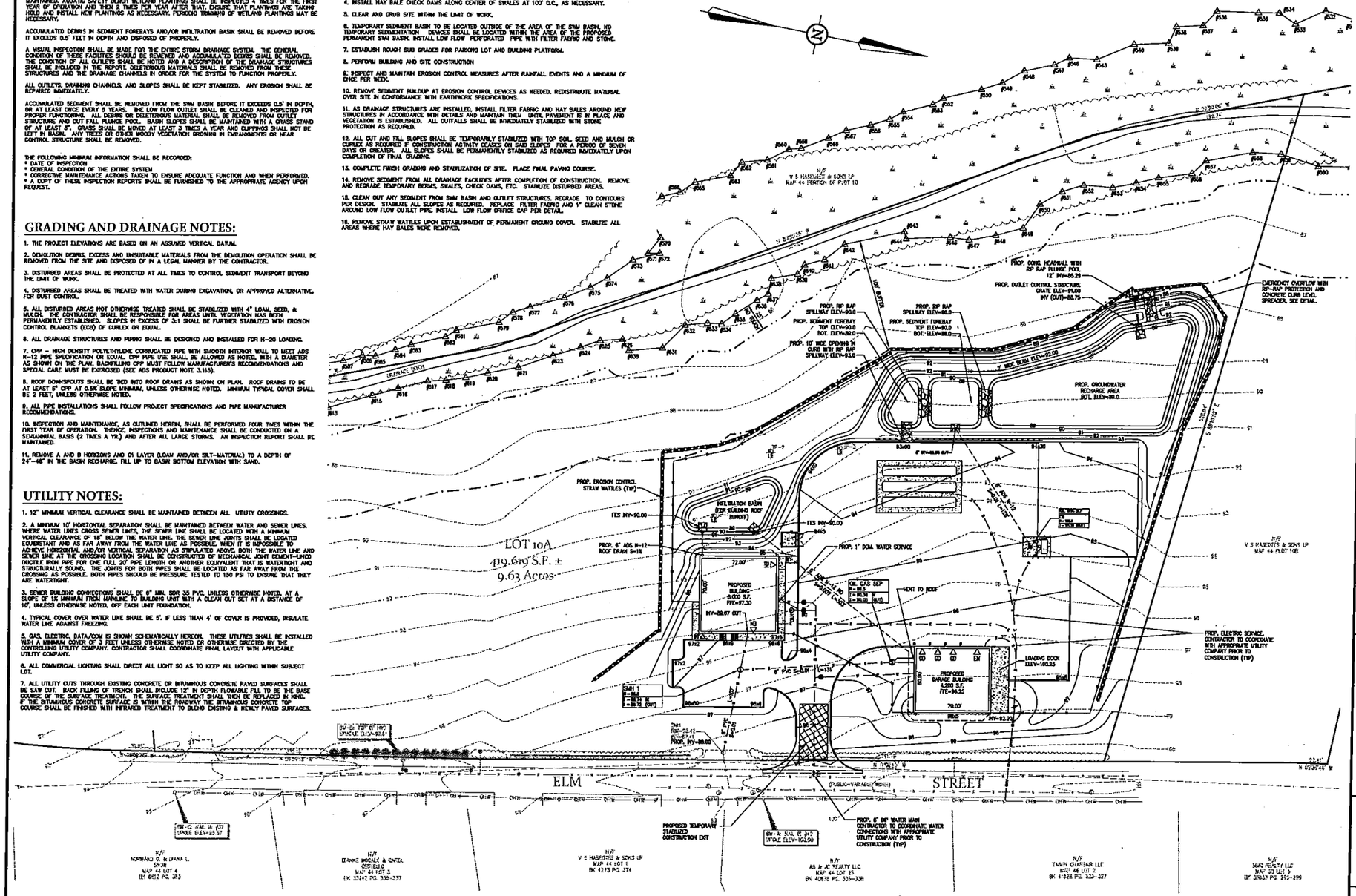
12. ALL CUT AND FILL SLOPES SHALL BE TEMPORARILY STABILIZED WITH TOP SOIL, SEED AND MULCH OR CURLEX AS REQUIRED IF CONSTRUCTION ACTIVITY CEASES ON SAID SLOPES FOR A PERIOD OF SEVEN DAYS OR GREATER. ALL SLOPES SHALL BE PERMANENTLY STABILIZED AS REQUIRED IMMEDIATELY UPON COMPLETION OF FINAL GRADING.

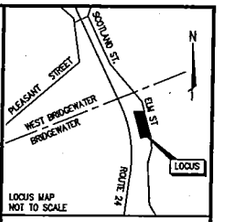
13. COMPLETE FINISH GRADING AND STABILIZATION OF SITE. PLACE FINAL PAVING COURSE.

14. REMOVE SEDIMENT FROM ALL DRAINAGE FACILITIES AFTER COMPLETION OF CONSTRUCTION. REMOVE AND REGRADE TEMPORARY BERMS, SWALES, CHECK DAMS, ETC. STABILIZE DISTURBED AREAS.

15. CLEAN OUT ANY SEDIMENT FROM SWM BASIN AND OUTLET STRUCTURES. REGRADE TO CONTOURS PER DESIGN. STABILIZE ALL SLOPES AS REQUIRED. REPLACE FILTER FABRIC AND 1" CLEAN STONE AROUND LOW FLOW OUTLET PIPE. INSTALL LOW FLOW ORIFICE CAP PER DETAIL.

16. REMOVE STRAW WATTLES UPON ESTABLISHMENT OF PERMANENT GROUND COVER. STABILIZE ALL AREAS WHERE HAY BALES WERE REMOVED.





PERMITTING SET

REVISIONS

No.	DATE	DESCRIPTION
1	01-11-2016	PER PLANNING BOARD COMMENTS
2	01-26-2016	PER COMMENTS

DRAWN BY:	TME
CHECKED BY:	EPJ
DESIGNED BY:	GWD
JOB NUMBER:	2015-045

GRADING AND UTILITY PLAN

ELM STREET
IN
BRIDGEWATER
(PLYMOUTH COUNTY)
MASSACHUSETTS

DECEMBER 8, 2015

PREPARED FOR:

Devaney ENERGY

177 WELLS AVENUE
NEWTON, MA 02459

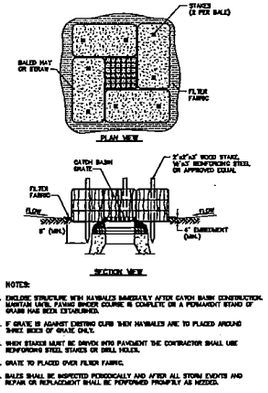
0 40' 80'
SCALE: 1" = 40'

JDE
Jacobs Driscoll Engineering
50 Oliver Street, Suite W3
North Easton, Massachusetts 02356
Phone: 508-928-4400
www.JacobsDriscoll.com

GREGORY W. DRISCOLL JR. CIVIL NO. 46572 REGISTERED PROFESSIONAL ENGINEER COMMONWEALTH OF MASSACHUSETTS

SHEET 4 OF 8

X:\2015\2015-045 Devaney Energy Elm St Bridgewater\CIVIL\DESIGN\2015-045 GRD.dwg

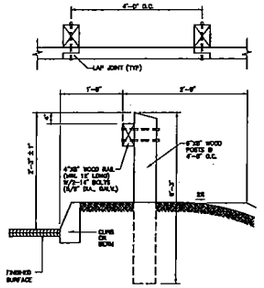


NOTES:

1. ENCLOSE STRUCTURE WITH HAYBALES IMMEDIATELY AFTER CATCH BASIN CONSTRUCTION. MAINTAIN UNTIL PAVING BINDER COURSE IS COMPLETE OR A PERMANENT STAND OF GRASS HAS BEEN ESTABLISHED.
2. IF GRATE IS AGAINST EXISTING CURB THEN HAYBALES ARE TO PLACED AROUND THREE SIDES OF GRATE ONLY.
3. WHEN STAKES MUST BE DRIVEN INTO PAVEMENT THE CONTRACTOR SHALL USE REINFORCING STEEL STAKES OR DRILL HOLES.
4. GRATE TO PLACED OVER FILTER FABRIC.
5. BALES SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS AND REPAIR OR REPLACEMENT SHALL BE PERFORMED PROMPTLY AS NEEDED.

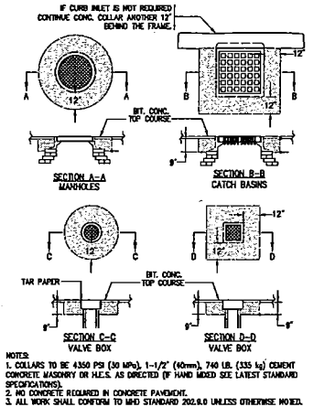
CATCH BASIN SEDIMENT TRAP (Proposed catch basin)

DETAIL # 607 JDE



WOOD GUARD RAIL

DETAIL # 901 JDE



NOTES:

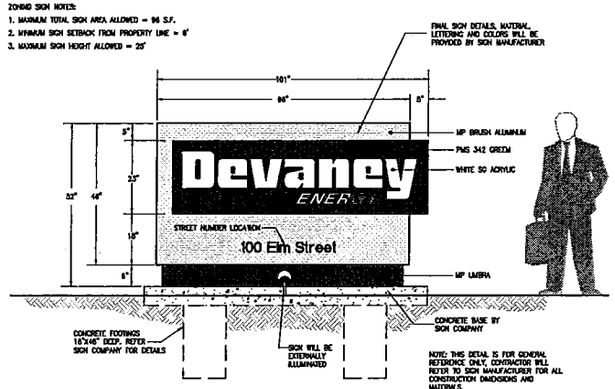
1. COLLARS TO BE 4350 PSI (30 MPa), 1-1/2" (40mm), 740 LB. (335 kg) CEMENT CONCRETE MASONRY OR H.E.S. AS DIRECTED (IF HAND MIXED SEE LATEST STANDARD SPECIFICATIONS).
2. NO CONCRETE REQUIRED IN CONCRETE PAVEMENT.
3. ALL WORK SHALL CONFORM TO MHD STANDARD 202.8.0 UNLESS OTHERWISE NOTED.

CONCRETE COLLARS

DETAIL # 000 JDE

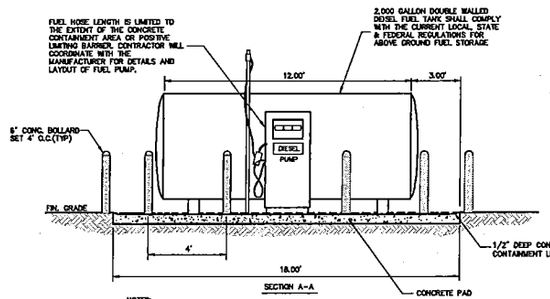
ZONING SIGN NOTES:

1. MAXIMUM TOTAL SIGN AREA ALLOWED = 96 S.F.
2. MINIMUM SIGN SETBACK FROM PROPERTY LINE = 6'
3. MAXIMUM SIGN HEIGHT ALLOWED = 25'



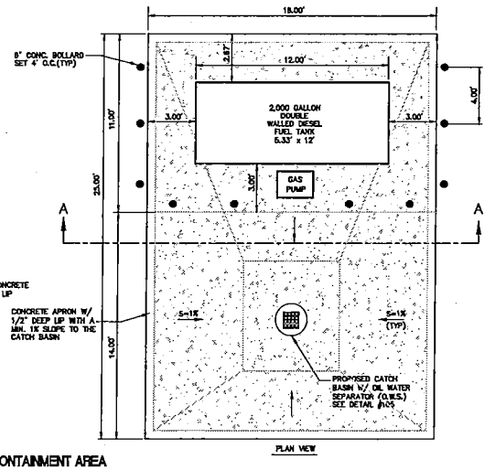
MONUMENT SIGN

DETAIL # 706 JDE



NOTES:

1. THE CEMENT CONCRETE PAD MAY BE FORMED AND POURED IN PLACE. ALL SEAMS SHALL BE SEALED WITH A SOLVENT FREE ASPHALT EMULSION FOUNDATION COATING. THE ENTIRE INTERIOR SURFACE OF THE CONTAINMENT STRUCTURE SHALL BE SEALED WITH THOMPSONS WATER SEAL OR APPROVED EQUAL.
2. REFER TO LAYOUT & UTILITY PLAN FOR LOCATION OF THE AGST TANK AND CONC. PAD.
3. ALL COMPONENTS WILL CONFORMS TO NFPA AND UL-2085 MINIMUM DESIGN STANDARDS.

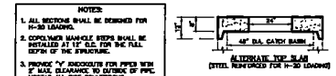


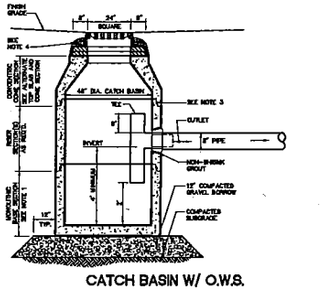
2,000 GALLON A.G.S.T. STORAGE / CONTAINMENT AREA

DETAIL # XXX JDE

NOTES:

1. ALL SECTIONS SHALL BE DESIGNED FOR H-20 LOADING.
2. COPOLYMER MANHOLE STEPS SHALL BE INSTALLED AT 12" O.C. FOR THE FULL DEPTH OF THE STRUCTURE.
3. PROVIDE 1/4" ENGINEOLITE FOR FITTED WITH 1" MAX. CLEARANCE, TO ENTIRE OF PIPE. MORTAR ALL PIPE CONNECTIONS.
4. JOINT SEALANT BETWEEN PRECAST SECTIONS SHALL BE PREFORMED BUTYL RUBBER.
5. DRAIN MANHOLE FRAME AND COVER SHALL BE SET IN FULL MORTAR BED. ADJUST TO GRADE WITH CLAY BRICK AND MORTAR (3 BRICK COURSES TYPICALLY, 8 BRICK COURSES MAXIMUM)





CATCH BASIN W/ O.W.S.

DETAIL # 105 JDE

OBSERVATION HOLE DATA (DRAINAGE TEST PITS)

INDICATES PERC TEST ▽ INDICATES OBSERVED GROUNDWATER

TEST PIT # D1 GRD. EL. 91.0 GW. EL. 86.7
DATE: 11-24-15 MOTTLES @ 86.7
TEST BY: G.W. DRISCOLL, JR. P.E.
WITNESSED BY: N/A
CERTIFIED BY: N/A

DEPTH (in)	SOIL HORZ.	SOIL COLOR	SOIL TEXTURE	OTHER
0-9	A	10YR 3/3	SANDY LOAM	
9-25	B	10YR 5/6	SANDY LOAM	
25-39	C1	10YR 4/6	SAND	
39-96	C2	2.5Y 5/3	LOAM	▽ MOTTLES AT 32"

STANDING WATER OBSERVED @ 83.1
PERC RATE N/A MIN/INCH
*APPROVED SOIL EVALUATOR NUMBER SE2816

INDICATES PERC TEST ▽ INDICATES OBSERVED GROUNDWATER

TEST PIT # D2 GRD. EL. 89.8 GW. EL. 86.8
DATE: 11-24-15 MOTTLES @ 86.8
TEST BY: G.W. DRISCOLL, JR. P.E.
WITNESSED BY: N/A
CERTIFIED BY: N/A

DEPTH (in)	SOIL HORZ.	SOIL COLOR	SOIL TEXTURE	OTHER
0-10	A	10YR 3/3	SANDY LOAM	
10-26	B	10YR 5/6	SANDY LOAM	
26-98	C1	10YR 4/6	SAND	▽ MOTTLES AT 36"

STANDING WATER OBSERVED @ 82.6
PERC RATE N/A MIN/INCH
*APPROVED SOIL EVALUATOR NUMBER SE2816

INDICATES PERC TEST ▽ INDICATES OBSERVED GROUNDWATER

TEST PIT # D3 GRD. EL. 90.5 GW. EL. 87.0
DATE: 11-24-15 MOTTLES @ 87.0
TEST BY: G.W. DRISCOLL, JR. P.E.
WITNESSED BY: N/A
CERTIFIED BY: N/A

DEPTH (in)	SOIL HORZ.	SOIL COLOR	SOIL TEXTURE	OTHER
0-12	A	10YR 3/3	SANDY LOAM	
12-28	B	10YR 5/6	SANDY LOAM	
28-96	C1	10YR 4/6	SAND	▽ MOTTLES AT 42"

STANDING WATER OBSERVED @ 82.4
PERC RATE N/A MIN/INCH
*APPROVED SOIL EVALUATOR NUMBER SE2816

INDICATES PERC TEST ▽ INDICATES OBSERVED GROUNDWATER

TEST PIT # D4 GRD. EL. 88.8 GW. EL. 86.7
DATE: 11-24-15 MOTTLES @ 86.7
TEST BY: G.W. DRISCOLL, JR. P.E.
WITNESSED BY: N/A
CERTIFIED BY: N/A

DEPTH (in)	SOIL HORZ.	SOIL COLOR	SOIL TEXTURE	OTHER
0-10	A	10YR 3/3	SANDY LOAM	
10-25	B	10YR 5/6	SANDY LOAM	
25-72	C1	10YR 4/6	SAND	▽ MOTTLES AT 25"

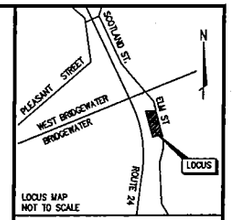
STANDING WATER OBSERVED @ 83.1
PERC RATE N/A MIN/INCH
*APPROVED SOIL EVALUATOR NUMBER SE2816

INDICATES PERC TEST ▽ INDICATES OBSERVED GROUNDWATER

TEST PIT # D5 GRD. EL. 88.9 GW. EL. 86.9
DATE: 11-24-15 MOTTLES @ 86.9
TEST BY: G.W. DRISCOLL, JR. P.E.
WITNESSED BY: N/A
CERTIFIED BY: N/A

DEPTH (in)	SOIL HORZ.	SOIL COLOR	SOIL TEXTURE	OTHER
0-9	A	10YR 3/3	SANDY LOAM	
9-24	B	10YR 5/8	SANDY LOAM	▽ MOTTLES AT 24"
24-36	C1	10YR 4/6	LOAM	
36-80	C2	2.5Y 5/4	SAND	

STANDING WATER OBSERVED @ 82.9
PERC RATE N/A MIN/INCH
*APPROVED SOIL EVALUATOR NUMBER SE2816



PERMITTING SET

REVISIONS

No.	DATE	DESCRIPTION
1	01-11-2016	PER PLANNING BOARD COMMENTS
2	01-26-2016	PER COMMENTS

DRAWN BY:	TME
CHECKED BY:	EPJ
DESIGNED BY:	GWD
JOB NUMBER:	2015-045

DETAILS

ELM STREET
IN
BRIDGEWATER
(PLYMOUTH COUNTY)
MASSACHUSETTS

DECEMBER 8, 2015

PREPARED FOR:

Devaney ENERGY

177 WELLS AVENUE
NEWTON, MA 02459

JDE
Jacobs Driscoll Engineering
50 Oliver Street, Suite W3
North Easton, Massachusetts 02356
Phone: 508-928-4400
www.JacobsDriscoll.com

COMMONWEALTH OF MASSACHUSETTS GREGORY W. DRISCOLL JR. CIVIL NO. 49871 REGISTERED PROFESSIONAL ENGINEER

X:\2015\2015-045 Devaney Energy Elm St Bridgewater\CIVIL\DESIGN\2015-045 DET.dwg

Fire Safety Analysis

For

Three 30,000 gallon

Aboveground Propane Storage Tanks

Located at

Devaney Energy

Elm Street

Bridgewater, MA

January 7, 2016

Executive Summary

This Fire Safety Analysis (FSA) was prepared by Jody Pratt Ameden Energy Consulting LLC with critical input by Fire Captain Raymond Wilcox. The study is prepared to support three 30,000 gallon storage tanks. The tanks will be installed on Elm Street in Bridgewater, MA. The tanks will store propane for bulk transfer use.

The storage capacity of this installation is greater than 4,000 gallons, so National Fire Protection Association (NFPA) recommends that a Fire Safety Analysis be performed. The propane industry has a well-developed protocol for performing Fire Safety Analyses for Propane facilities. That format will be used for the FSA. The installation will be designed using the latest version of NFPA 58.

The storage tank will incorporate automatic and redundant product control measures to minimize the probability of a significant release of Propane. There are no nearby population concentrations such as schools or malls. The local fire department has a good response time, and the proper training to manage incidents involving Propane tanks.

This preliminary Fire Safety Analysis was performed in preparation for a 90,000 gallon propane storage facility. It is concluded that the proposed plan is compliant with the State Fire Codes and with NFPA 58.

A Fire Safety Analysis should be repeated when required by state or local regulations or whenever there is a significant change of the assumptions in this analysis.

Bridgewater Town Council

In Town Council Tuesday, February 23, 2016

Council Petition: P-2016-0004

Date Introduced/Public Hearing: February 23, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

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

WHEREAS, the Forty Niners Club, Inc. has petitioned for four (4) One-day Alcohol and four (4) One day entertainment permits for the following club sponsored events:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE	NOTES
1	Robby's Rib Party	14-May-16	1:00 p.m. - 6:00 p.m.	75	
2	Chicken Barbeque	16-Jul-16	1:00 p.m. - 6:00 p.m.	80	
3	Annual Outing	21-Aug-16	1:00 p.m. - 6:00 p.m.	70	
4	Clam Boil	10-Sep-16	1:00 p.m. - 6:00 p.m.	75	

;and,

WHEREAS, the Forty Niners Club, Inc. has complied with the requirements of the Town of Bridgewater; and,

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

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - section 14 and Chapter 140- Section 183A respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of the Forty Niners Club, Inc. be granted four (4) one day alcohol and four (4) one day entertainment permits for the aforementioned events to be held on the grounds of the club at 161 High Street.

Meeting Date: February 23, 2016

APPLICANT: Forty-Niners Club, Inc., 161 High Street

	EVENT	DATE	TIME	ATTENDANCE	NOTES
1	Robby's Rib Party	14-May-16	1:00 p.m. - 6:00 p.m.	75	
2	Chicken Barbeque	16-Jul-16	1:00 p.m. - 6:00 p.m.	80	
3	Annual Outing	21-Aug-16	1:00 p.m. - 6:00 p.m.	70	
4	Clam Boil	10-Sep-16	1:00 p.m. - 6:00 p.m.	75	

Town Documents

1 √ One-Day Alcohol Applications

All Alcohol X *or* Wine & Malt

√ One-Day Entertainment Applications

2 √ $600.00 - Town License Fees

Recommendations

3 √ Fire Department

4 √ Police Department

NOTES:

1) Favorable recommendations received from both all departmentepartments.

Bridgewater Town Council

In Town Council Tuesday, February 23, 2016

Council Petition: P-2016-0005

Date Introduced/Public Hearing: February 23, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE RENEWAL OF A COMMON VICTUALLER LICENSE

WHEREAS, Sodexo at Bridgewater State University – Crimson Hall has submitted all applicable documentation as required to renew a license to operate a food establishment at 125 Burrill Avenue Bridgewater, Massachusetts; and

WHEREAS, Gary Boothby will serve as the manager of record and the hours of operation will not exceed:

Monday – Wednesday	**11:00 a.m. – midnight**
Thursday – Friday	**11:00 a.m. – 11:00 p.m.**
Saturday	**2:00 p.m. – 11:00 p.m.**
Sunday	**2:00 p.m. – midnight**

and;

WHEREAS, Sodexo at Bridgewater State University – Crimson Hall 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 Sodexo at Bridgewater State University- Crimson Hall be granted a license to operate a food establishment within the Town of Bridgewater.

Bridgewater Town Council

In Town Council Tuesday, February 23, 2016

Council Petition: P-2016-0007

Date Introduced/Public Hearing: February 23, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE RENEWAL OF A COMMON VICTUALLER LICENSE

WHEREAS, Roche Bros. Supermarkets Co. has submitted all applicable documentation as required to renew a license to operate a food establishment at 233 Broad Street, Bridgewater, Massachusetts; and

WHEREAS, Pat O'Toole will serve as the manager of record and the hours of operation will not exceed:

Monday – Saturday	**7:00 a.m. – 10:00 p.m.**
Sunday	**8:00 a.m. – 9:00 p.m.**

and;

WHEREAS, Roche Bros. Supermarkets Co 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 Roche Bros. Supermarkets Co. be granted a license to operate a food establishment within the Town of Bridgewater.

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Ordinance: D-2015-007

Introduced By:	Councilor Sheila Whitaker and Councilor John Norris
Date Introduced:	March 17, 2015
First Reading:	March 17, 2015
Second Reading:	January 19, 2016
Amendments Adopted:	January 19, 2016
Third Reading:	February 23, 2016
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-007

GENERAL BYLAW AMENDMENT: NEW SECTION PLASTIC BAG REDUCTION

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances by adding a new section XLVI, Plastic Bag Reduction.

ARTICLE XLVI:

SECTION 1: Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this Ordinance is to reduce the usage of thin-film single-use plastic bags by all retail establishments in the Town of Bridgewater.

SECTION 2: Definitions

2.1 "Thin-film single-use plastic bags", typically with plastic handles, are bags with a thickness of2.5 mils or less and are intended for single-use transport of purchased products.

2.2 "ASTM standard" a testing standard developed by the American Society for Testing and Materials.

2.3 "Biodegradable bag" means a bag that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

2.4 "Reusable bag" means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

2.5 “Retail Establishment” – any retail store with gross interior space of 3,000 square feet or more, exclusive of stockroom, office, storage and other space ancillary of a publicly accessible space intended to be frequented by consumers, or at least (3) locations under the same ownership or brand name within the town of Bridgewater or the Commonwealth of Massachusetts.

SECTION 3: Use Regulations

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishment within the Town of Bridgewater.

3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide reusable or recyclable thick plastic, paper, fabric or other types of bags at no charge, or charge a fee for paper or other bags, as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

SECTION 4: Administration and Enforcement

4.1 The Town Manager shall establish a review process to make determinations as to the classification of new single-use bag products, as they come on the market, to determine if they are compostable or biodegradable and meet, or exceed, ASTM D6400 for compostable plastic.

4.2 The Inspectional Services Department shall be responsible for enforcing this Ordinance through the issuance of a non-criminal citation notice. A non-criminal citation notice may be reissued for each day that the activity persists until the violation is corrected.

4.3 Non-Criminal Dispositions. Fines assessed under Sections 4.2 of this ordinance may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement allowable under law.

4.3 Each day on which any such violation continues shall be considered a separate violation of this section. Violations under this Article shall be punishable as follows:

1) First offense by a written warning;
2) Second offense by a fine of $100;
3) Third offense by a fine of $200;
4) Fourth and each subsequent offense by a fine of $300.

SECTION 5: Effective Date

This Ordinance shall become effective 180 days after adoption.

Explanation:

It is the intent of the Town of Bridgewater to be environmentally responsible wherever possible. Adoption of this Ordinance will aide in reducing the overall negative environmental impacts posed by the use of thin-film, single-use plastic checkout bags.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • This measure has been duly advertised in the Enterprise and on the Town's website on 2/13/16.	• 1/12/16: Vote 2-0 return to full council for further consideration with proposed amendments.

ROLL CALL VOTE: REQUIRES MAJORITY VOTE FULL COUNCIL (5)

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Ordinance: D-2015-011

Introduced By:	Councilor John Norris
Date Introduced:	November 3, 2015
First Reading:	November 3, 2015
Second Reading:	December 22, 2015
Third Reading:	January 19, 2016
Fourth Reading:	February 23, 2016
Amendments Adopted:	January 19, 2016
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-011

AMEND ORDINANCE #D-2015-001: ENFORCEMENT ORDINANCE – CANINE CONTROL

WHEREAS, the Town Council created Ordinance D-2015-001 to replace provisions of the Bridgewater General Bylaws, Article XXXXIII, Dog Bylaw, and Article XXI, Dog Lease Law, and;

WHEREAS, the new ordinance eliminated the requirement that the canine owner renewal licensee receive a written delinquency notice, and;

WHEREAS, the Town website carried conflicting information regarding licensing and the sending of delinquency notices, and;

WHEREAS, many resident canine owners expected to receive delinquency notifications but did not, and thereby failed to remember to license their canines;

NOW, therefore, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to do the following:

Amend Ordinance D-2015-001, Enforcement Ordinance-Canine Control, Section 4, Licensing, paragraph F., Fees, to read as follows:

F. Fees.

1. Annual license fees. ***Annual licenses shall be for the period January 1 through December 31.*** The annual license fees are as follows:

Prior to March 1:

a. female: $20

b. spayed female: $15

c. male: $20

ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)

d. neutered male: $15
March 1 or after:
a. Female: $30
b. Spayed Female: $25
c. Male: $30
d. Neutered male: $25

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

The Town Clerk shall send annual licensing reminders to all residents by mail as part of the annual census. .

2. Failure to comply; penalties.
Failure to comply with this section shall result in a fine of up to $250 assessed to the owner or person in control of the dog under the following conditions:

- ***a. the dog is unlicensed; and***
- ***b. the Police Department, the Health Agent, or the Animal Control Officer responds to a complaint or a stray dog report concerning the animal.***

Failure to comply with this section shall result in a fine of up to $350 assessed to the owner or person in control of the dog under the following conditions:

- ***a. the dog is unlicensed; and***
- ***b. the Police Department, the Health Agent, or the Animal Control Officer responds to a complaint or a stray dog report concerning the animal; and***
- ***c. the dog has not received a rabies vaccine pursuant to Section 4.B.1.***

3. Waiver of fees.
a. Service animal. No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
b. Owner aged 70 and over. If the Town so votes in accordance with MGL c. 140, section 139(c), no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older.

4. **Removal from list** - No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog***. At any time during the annual license period that the licensed dog dies, is removed from Town, or is otherwise not subject to licensing under this section, the licensee may notify the Town Clerk, and the Town Clerk shall remove the dog from the***

list of licensed canines. The Town Clerk may require proof that the dog no longer is subject to licensure in the Town prior to removing it from the list.

And further, to authorize the Municipal Hearing Officer to reduce the FY2016 late fee if justified by written or oral testimony.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee • 12/22/15: Council voted to return to Rules & Procedures to consider additional proposed amendments. • This measure was duly advertised in the Enterprise and on the Town's website on 2/13/16, therefore may be finally considered this evening.	• 12/22/15: Vote recommend with amendments. • 1/11/16: vote recommend with additional amendments.

ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Order: #O-2016-002

Introduced By:	Town Manager
Date Introduced	February 2, 2016
First Reading:	February 2, 2016
Second Reading:	February 23, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2016-002

AN ORDER APPROVING A LONG-TERM LEASE

WHEREAS, the Town is a home rule municipality with all powers granted by the Commonwealth Massachusetts;

WHEREAS, the Acts of 2015 House Bill no. 3360 of the Commonwealth Massachusetts states:

> *"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*
>
> *SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws, the city known as the town of Bridgewater, acting by and through its town council, may lease the property at 40 Orange street, which is the site of the former Prattown School, to the Bridgewater Veterans of Foreign Wars Post 2125, Inc. The term of the lease shall be for not more than 20 years and any other terms and conditions of such lease shall be approved by a vote of the town council and such terms and conditions shall be subject to section 2.*
>
> *SECTION 2. Subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the lease authorized in section 1. The parcel described in section 1 shall not be assigned to another or sublet by a lessee without the prior written approval of the town council. Any further disposition of the parcel, other than that authorized by this act, shall be subject to chapter 30B of the General Laws, section 3 of chapter 40 of the General Laws and any other applicable General Law.*
>
> *SECTION 3. This act shall take effect upon its passage. ~ Approved, September 3, 2015.*";

WHEREAS, the Town Council hereby finds and determines that the procedures for approval of a long-term lease agreements are a matter of purely local concern;

WHEREAS, the Town has carefully reviewed the options and requirements.

WHEREAS, The Town Manager is authorized to execute and deliver on behalf of the Town the Agreement and all other documents necessary to implement the Agreement set forth, and is further authorized to negotiate and approve on behalf of the Town such revisions to these documents as

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

necessary or desirable for the protection of the Town, so long as the essential terms and conditions of the Agreement are not altered.;

WHEREAS, the Town is entering a long-term Municipal Lease Agreement ("Lease") dated the __ day of February, 2016, with the Bridgewater Veterans of Foreign Wars Post 2125, Inc; and

NOW, THEREFORE, BE IT ORDERED THAT THE TOWN COUNCIL OF THE BRIDGEWATER, MASSACHUSETTS, APPROVED THE ATTACHED LEASE AS SUBMITTED.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was not referred to any committee. • 14 days has elapsed per Section XVII of the Council's Rules & Procedures, therefore this measure may be finally considered this evening.	

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

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Order: O-2016-003

Introduced By:	President Kevin Perry and Vice President Aisha Losche (At the request of the Town Clerk)
Date Introduced	February 2, 2016
First Reading:	February 2, 2016
Second Reading:	February 23, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2016-003

2016 PRESIDENTIAL PRIMARY WARRANT

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for the 2016 Presidential Primary Election as recommended by the Town Clerk.

Explanation:

It is required that the Town Council accepts and approves the attached Warrant for the Annual Town Election as a matter of record.

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

COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
WARRANT FOR PRESIDENTIAL PRIMARY

Plymouth County SS.

To either of the Constables of the Town of Bridgewater

GREETING:
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

Precincts 1,2,3,4,5,6 & 7
Bridgewater Middle School, 166 Mt. Prospect Street

on **TUESDAY, THE FIRST DAY OF MARCH, 2016,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE . . . . . FOR THIS COMMONWEALTH
STATE COMMITTEE MAN . . . . . FIRST PLYMOUTH & BRISTOL SENATORIAL DISTRICT
STATE COMMITTEE WOMAN . . FIRST PLYMOUTH & BRISTOL SENATORIAL DISTRICT
WARD OR TOWN COMMITTEE . . . . . TOWN OF BRIDGEWATER

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2016.
(month)

_____ _____

_____ _____

_____ _____

_____ _____

_____

_____

Town Council of BRIDGEWATER

Posting in seven precincts in the Town of Bridgewater
(Indicate method of service of warrant.)

_____ _____, 2016.
Constable (month and day)

Warrant must be posted by **February 23, 2016,** (at least *seven days prior* to the **March 1, 2016**, Presidential Preference Primary).

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

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Resolution: R-2016-002

Introduced By:	Town Manager
Date Introduced:	February 2, 2016
First Reading:	February 2, 2016
Second Reading:	February 23, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Resolution R-2016-002

A RESOLUTION SUPPORTING ENERGY AGGREGATION EFFORTS

WHEREAS, the citizens of the Town of Bridgewater are supportive of alternative energy initiatives; and

WHEREAS, many residents are unable to avail themselves of solar power; and

WHEREAS, high energy costs are a drag on commercial investment and economic development; and

WHEREAS, energy costs are a burden to seniors as well as low and moderate income families in the Town of Bridgewater; and

WHEREAS, the Town Council is focused on reducing energy consumption for the Town of Bridgewater, and

WHEREAS, the Town of Bridgewater is a recognized Green Community; and

WHEREAS, Solstice Energy is providing an opportunity for opt-in energy aggregation; and

WHEREAS, Old Colony Planning Council is actively pursuing an opt-out energy aggregation agreement;

NOW THEREFORE IT IS RESOLVED, that the Town Council of Bridgewater encourages energy aggregation efforts and similar programs that reduce energy costs for tax payers, citizens and businesses.

.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was not referred to any committee. • This measure may be finally considered this evening as 14 days has elapsed per Section XVII of the Council's Rules & Procedures.	

VOICE VOTE

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Ordinance: D-2016-004

Introduced By:	Councilor Kevin Perry
Date Introduced:	February 2, 2016
First Reading:	February 2, 2016
Second Reading:	February 23, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2016-004

WIRELESS COMMUNICATION FACILITIES

ORDERED that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances, by adding a new section _____, as follows:

01 Authority, purpose, scope and intent.

The purpose of this chapter is allowing the development of adequate Wireless Communication Facilities while assuring the public safety and preserving the general welfare and protecting the scenic, historic, environmental, and natural resources of the community. In adopting the rules and regulations herein, the Town acts in its proprietary capacity as to Town property and the publicly owned right of way as defined herein, and pursuant to its police powers as to portions of the public right-of-way in which the fee title is not held by the Town.

Furthermore, it is the intent in adopting the rules and regulations herein to appropriately manage the development of wireless communications facilities in a manner that recognizes and enhances the community and economic benefits of wireless communication technology while accommodating the need for installation of wireless communications facilities in accordance with applicable Federal and State rules and regulations.

The Bridgewater Town Council is authorized to permit private parties to place wireless communications facilities on certain areas of Town property, subject to the rules and policies stated herein.

.02 Applicability.

The requirements of this chapter apply to all wireless communications facilities (WCFs) that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services and radio and television broadcast facilities within the Town on town property or the public right-of-way. This chapter is intended to be consistent with the Telecommunications Act of 1996 and its successors and all relevant state regulations.

.03 Definitions.

For the purposes of this ordinance the following terms shall apply:

”Antenna” means a device which is attached to a Pole, Tower or a Host Structure, as permitted hereunder, for transmitting and receiving wireless service transmissions.

"Distributed Antenna System" (DAS) means multiple antenna system including antennas and control boxes typically installed on utility poles interconnected via cable or fibers belonging to the access point/base station dispersed across a coverage area. The system shall be capable of co-locating multiple Wireless Service providers simultaneously.

"Encroachment" means any facility, tower, pole, pole line, fence, stand or building, underground vault, or any structure or object of any kind or character not particularly mentioned herein, which is placed in, under or over any portion of the public right-of-way.

"Essential utility service" means a utility service that is necessary for the health, welfare and safety of the public.

"Facility" means any tower, antenna structure, pole, pole line, fence, stand or building, cables, cabinets, small cell, distributed antenna systems, ducts, conduits, converters, equipment, drains, utilities, vaults, other appurtenances or tangible things, or any structure or object of any kind or character not particularly mentioned herein, owned, leased, operated, or licensed by an applicant or other person or entity, that is located or is proposed to be located in the public right of way or Town property.

"Host Structure" means any building or structure, other than a Tower, including utility poles, signs and flagpoles, upon or within which a new Wireless Service Facility, Small Cell or other Telecommunication device or major modification thereof is proposed, including, without limitation, any newly constructed building or structure or any addition to any existing building or structure upon or within which installation of a Wireless Service Facility, Small Cell or other Telecommunication device is simultaneously proposed.

"Modification of an Existing Facility" means any change, or proposed change, to an existing or permitted Facility designed to support wireless communication transmission, receiving and/or relaying antennas and/or equipment

"Open space facility" means any town owned trail, green space, farm or pasture land, or otherwise vacant land inclusive of buildings or structures.

"Park facility" means any town owned passive or active recreational area, grounds, fields, or green space inclusive of buildings or structures.

"Public right-of-way" means any public highway, street, alley, sidewalk, pathway, and all extensions or additions thereto that is either owned, operated, or controlled by the Town, or its various boards, commissions or agents, or is subject to an easement or dedication to the Town, or is privately owned area within Town's jurisdiction which is not yet but is designated as a proposed public right-of-way on a tentative subdivision map approved by the Town.

"Small cell" means low-powered radio access nodes that operate in licensed and unlicensed spectrum that have a limited operating range and considered a Wireless Service Facility.

"Telecommunication" means the transmission between or among points specified by the user of information of the user's choosing, without change in the content of information as sent and received.

"Town property" means real property over which the Town: (a) holds an interest, including, without limitation, fee title ownership, easement, leasehold, and public street right-of-way; or (b) has the present right of possession and control.

"Utility pole" means one of a series of poles located in the public right of way and used to support wires and other equipment and infrastructure used by utilities, as in telephone and electric companies.

"Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

"Wireless Services Facility" (also referred to herein as a "Facility") means all equipment (including any repeaters, antennae, small cell, wifi, DAS, or other similar equipment) with which a Wireless Service Provider broadcasts and receives the radio-frequency waves that carry their services and all locations of said equipment and any part thereof. This Facility may be sited on a Tower or other structure, as provided herein.

.04 General requirements.

The following are general requirements regarding all wireless communications facilities (WCFs) transmitting and/or receiving electromagnetic signals, including, but not limited to, personal communications services (cellular, voice and data) and radio and television broadcast facilities and apply to Town property and the public right-of-way:

A. All Wireless Communication Facilities must fully comply with the FCC's regulations concerning radio frequency emissions and other applicable federal requirements.

B. All Wireless Facilities must comply with applicable State and local Building Codes and Safety Standards. All WCFs are required to have valid requisite building and electrical permits.

C. All Wireless Facilities, whenever possible, are encouraged to utilize requisite concealment or stealth technology in Design and Location Preferences.

D. Wherever possible, new wireless communications facilities in the public right-of-way and on Town property are encouraged to co-locate so as to minimize encroachment.

E. All Wireless Communication Facilities are subject to the application requirements described in Section X.060 shall apply to requests for wireless communications facilities in the public right-of-way and on Town property.

F. The requirements specified in Section.050 shall apply to all wireless communications facilities that are not exempt as defined herein or found by the Town Council, by approval of a waiver or modification, to meet the findings required in or the findings as described herein.

.05 Specific requirements.

All wireless communications facilities (WCFs) that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services (cellular voice and data transmision) and radio and television broadcast facilities the following additional requirements and exceptions apply to Town property and the public right-of-way.

A. Requirements Applicable to Facilities on Town Property.

1. The Town may grant licenses or enter into leases to use Town property when such use serves the public interest or is of such a casual, temporary or occasional nature as not to unduly interfere with the public use thereof.

B. Requirements Applicable to Facilities in the Public Right-of-Way.

1. No support structures other than utility poles or requisite guy wires are permitted. The Town Council may approve the replacement of an existing pole if it generally comports with the appearance of the existing pole or placement of a new pole if requisite and the proposed pole does not impede the public right of way.

2. Unless absolutely necessary, no new utility or street light poles shall be installed in areas where there are no existing overhead utility facilities.

3. No facility shall be located on a utility pole that is less than twenty-five feet in height.

4. An antenna array shall not extend more than five (5) feet beyond the top of a utility pole.

5. A co-located antenna array may extend up to eight (8) feet above the height of the pole subject to approval by the Town Council.

6. Panel antennas shall not exceed the height of the pole and shall extend no more than six inches from the pole unless it can be demonstrated that technical considerations require the facility to extend farther from the pole.

7. Facilities in the public right-of-way shall comply with any relevant development standards except for temporary emergency facilities, preexisting facilities, co-located facilities that are exempt pursuant to State law.

8. Equipment structures and cabinets shall be installed underground unless it can be determined that an above-ground facility is required. Above ground facilities shall not impede pedestrian access or impact vehicular circulation.

9. As a condition of license approval of a facility in the public right-of-way, the applicant shall agree to maintain a liability insurance policy, naming the Town of Bridgewater as an additional insured, in an amount that meets or exceeds the minimum liability limit and requirements that the Town Manager or designee establishes.

.06 License required.

A. Town Property. A license for a wireless communications facility pursuant to this section is required, unless otherwise exempt as defined herein, prior to the installation of any wireless communications facility on Town property.

B. Right-of-Way.

1. Any person or firm desiring to erect, construct or maintain any pole, wireless communications facility, structure or other similar facility in, on, under, over or above any public property or public right-of-way must first obtain a wireless communication facility license. An application for a license is required.

2. The following facilities may be reviewed by the Town Manager or designee subject to the requirements of this chapter and the Town Council's discretion:

a. On existing power poles or other structures in the right-of-way;

b. A distributed antenna system that is comprised of antennas installed on more than one of the support structures listed herein.

3. Conditions of Approval. In approving a license pursuant to this section the Town Council may impose any conditions allowed by applicable Federal and State law that are deemed necessary to ensure compliance with the findings required herein, including but not limited to requiring:

a. Future modification of an installation that is not a stealth facility to further reduce or eliminate its aesthetic impacts based on the results of a review process, which shows that new technology is available and could be employed to reduce the facility's visual and aesthetic impacts;

b. Periodic review, at the license holder's expense, by a qualified independent engineer, approved by the Town, to ensure compliance with the most current federal and State regulatory and operational standards including, but not limited to, FCC radio frequency emission standards and Federal Aviation Administration height standards.

c. Periodic review to verify that the license holder and any authorized representative of the license holder is in full compliance with the Town of Bridgewater applicable codes, the Massachusetts Motor Vehicle Code and OSHA standards with regard to noise, construction, vehicles, property maintenance and other such codes and regulations that are applicable to the operation, maintenance, construction and management of the facility and site.

d. Allowing co-location with other existing WCF and accommodating the future co-location of other future facilities, where technically, practically, and economically feasible. The Town of Bridgewater reserves the right to notify other registered wireless communication providers of new WCF applications to promote co-location.

e. Evidence of a removal bond or other documentation ensuring removal for the wireless telecommunication antennas.

C. Post-Approval Requirements. To ensure that wireless communications facilities continue to meet the requirements of this chapter, post-installation verification shall be required.

1. Validation of Proper Operation. Within sixty calendar days of commencement of operations, the license holder shall provide verification by qualified experts that the RF levels comply with FCC regulation and that all equipment complies with DEP standards for noise.

2. The license holder shall provide biannual certification that RF levels comply with all FCC regulations and that all equipment complies with DEP standards for noise.

The license holder shall report to the Town annually, in conjunction with license, contact information for the license holder and the agent responsible for maintenance of the wireless communications facility. Emergency contact information shall be included.

.07 Wireless Communication Facility Location Required findings.

In addition to any other findings that may be required pursuant to this section, in order to approve any Wireless Communication Facility license for a facility subject to regulation under this chapter the Town Council must make all of the following findings that are applicable to the facility based on the nature of the license, substantial information in the record, including, where required, technical analysis by a radio frequency engineer, calculations by a State-licensed structural engineer, or other evidence:

A. The proposed use is permitted in the public right-of-way and complies with all applicable provisions of this section;

B. The proposed wireless communications facility will not interfere with the use of the public property or public right-of-way and existing improvements and utilities thereon;

C. The proposed wireless communications facility will not interfere with existing subterranean infrastructure and will not impede emergency access;

D. The proposed wireless communications facility will not physically or visually interfere with vehicular, bicycle, and/or pedestrian use of streets, intersections, bicycle lanes, driveways, sidewalks, and/or walkways;

E. The proposed wireless communications facility has been designed to complement the surrounding area and the facility is appropriately designed for the specific site, to the maximum extent reasonably feasible;

F. That installation at a preexisting location is not reasonably feasible, when the proposed wireless communications facility will not be installed at a preexisting wireless communication facility location.

.08 Fee Schedule.

Facility License	Application Fee	Renewal Fee	Annual License Fee per Site	Review Fee	Annual Escalation
Small Cell, DAS, etc.	$200	$100	$3,000	If necessary	2.0 % annually
Small Cell, DAS Colocation	$200	$100	$1,500	If necessary	2.0% annually

.09 Termination.

A. The Town of Bridgewater reserves the right to terminate a wireless communications facility license at any time upon ninety days' written notice of said termination (except in cases of emergency) in the event the Town determines the wireless communications facility creates a public nuisance or otherwise causes jeopardy to the public health, welfare or safety, and upon written notice and opportunity to cure.

B. In the event of termination pursuant to this section and if requested in writing by the Town, the license holder shall remove its wireless communications facility at its own expense and shall repair and restore all Town right-of-way or Town property affected by the placement, maintenance, and removal of the wireless communications facility to a condition that existed prior to the installation of the wireless communications facility or as required by the Town.

C. No wireless communications facility encroachment permit application which has been denied in whole or in part shall be filed again within 90 days from the date of such denial except upon proof of changed conditions or by permission of the Town.

.010 License Application Requirements

An application for a Wireless Communication Facility license under this Chapter shall include all of the following:

a. A site plan showing location of the Facility, any proposed communications equipment structure, including proposed underground structures, and any other buildings, property lines, easements, rights-of-way and elevations showing details of the installation.

b. Where the Applicant is not the owner of record, evidence of the Applicant's right to possession and/or control of the premises shall be presented. Without limiting the foregoing, every application must be joined by a Wireless Service provider who will be an immediate user of the proposed Wireless Communication Facility.

c. A narrative description of the proposed Wireless Communication Facility including the location and identification of all components, buildings and equipment together with plans, photographs or other graphic illustrations fairly depicting the physical appearance of the proposed Facility equipment when installed.

d. A description of the capacity of the Facility, including the number and types of antennae that it can accommodate and the basis for calculation of capacity. Description of the proposed equipment should include data as to noise, certified by an acoustical engineer, and the beam widths at ground level for the energy outputs from each Antenna sector and degree of down-tilt of each antenna.

e. A locus map illustrating the location of the equipment.

f. A map showing all the Wireless Communication Facilities within one mile of the proposed installation currently existing, or which the applicant expects to install and/or reasonably knows will be proposed or installed by other Wireless Service providers within the next twenty-four (24) months.

g. A listing of the state and/or federal permits, licenses or approvals acquired or needing to be acquired for the proposed installation.

h. A description in both geographic and radio frequency terms of the scope and quality of the service currently available to the Town, the need to be addressed by the Facility and the manner in which the Facility will address the perceived need for service, including, in the case of a Tower, consideration given to other alternatives.

i. A description of the terms of any co-location agreements between the Applicant and any other Wireless Service or telecommunication provider.

j. Payment of application fee or fees per proposed site or sites.

k. A completed license form.

.011 Exemptions

Wireless Communication Facilities Service solely providing safety or emergency services for any federal, state or municipal department are exempt from this chapter.

.012 Severability

Should any part of this ordinance, or any subsection herein, be rendered unconstitutional or invalid by a court of competent jurisdiction all other sections shall remain valid and in force.

.013 Indemnification

The license holder shall indemnify, or otherwise hold harmless, the Town of Bridgewater, and its agents or representatives, from any damages resulting from the operation, maintenance or malfunction of equipment installed on Town owned property or the public right of way.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee • Requires advertising pending any amendments.	• Rules & Procedures Committee meet 2/23/16 and will provide their disposition to full Council on 2/23/16.

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Ordinance: D-2016-001

Introduced By:	Councilor Peter Colombotos
Date Introduced:	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2016-001

ZONING ORDINANCE – AMEND DOWNTOWN ZONING

ORDERED that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, by amending the Zoning Map, creating Town Center Overlay District, as follows:

Amend the Zoning Map creating Town Center Overlay District.
SEE ATTACHED PDF *MAP.*

Section 3.10 Zoning Boundary Descriptions

ADD:

Town Center Overlay District

3.30 Purpose Statements

ADD:

3.36 Town Center Overlay District
Town Center Overlay District – An overlay district consisting of down town Bridgewater and entirely within the Central Business District encouraging mixed uses while allowing relatively expansive commercial uses supported by increased residential density. The Town Center Overlay District promotes uses harmonious with the Central Business District while simultaneously benefitting from an advantageous physical proximity to the university campus. The Town Center Overlay District encourages a mix of uses that create residential density, promote service provision and furnishing of goods while supporting increased bicycle and pedestrian circulation, as well as transit utilization and therefore allowing reduced parking requirements.

3.36.10 Plan Requirements
A project in the Town Center Overlay 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, 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.

Section 2 – Definitions

DELETE:

Common Driveway. (Current definition)

ADD:

Common Driveway means a travel way that accommodates vehicular and pedestrian circulation between a public way and pre-existing adjoining lots. Such a way shall not be less than 24 feet in continuous width (minimum 18 foot travel way and a five foot sidewalk).

DELETE: 9.90 Common Driveways

ADD:
9.90 COMMON DRIVEWAYS

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

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

9.93 Requirements
Common driveways are allowed by Special Permit for commercial and industrial lots or uses only. Residential lots or uses are not permitted common driveways.

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

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

The approval or endorsement of any plan of land under the Subdivision Control Law showing lots served by a common driveway shall not constitute an approval of a Special Permit under this section.

9.94 Design Standards

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

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

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

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 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 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 25%.

Residential units in mixed use development projects.
For a mixed use development in the Central Business District, a maximum of up to 24 bedrooms per acre are permitted regardless of configuration. In the Town Center Overlay District mixed use development projects are permitted up to a maximum of 40 bedrooms per acre, regardless of configuration.

Section 6 Use Regulations, 6.30 Table of Use

ADD:

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

A	RESIDENTIAL USES	Res. A/B	Res. C	Res. D	CBD	SBD	Bus B	Gateway	E. Gateway	IND A	IND B	IND E	PD	MHEC
1	Detached dwelling on a separate lot occupied by not more than one family	Y	Y	Y	SP	N	N	Y	Y	N	N	N	N	Y
2	One two-family or one duplex on a separate lot	N	Y	Y	SP	N	N	SP	SP	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	SP	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	N	N	SP	SP	N	N	N	N	N	SP	N	N	N

ADD:

Section 9.55. Incubator 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 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.

Section 16.5. Live Work Units.

16.51. Purpose.

The purpose of this section is:

1. Providing for the appropriate development of uses that incorporate both living and working space;

2. Providing flexibility for development of live work units by encouraging the rehabilitation, redevelopment, and reuse of existing commercial, industrial and institutional buildings;

3. Providing a regulatory framework that allows creative new businesses to start up and thrive;

4. Providing opportunities for people to live in mixed use industrial and commercial areas whenever it is compatible with existing uses;

5. Protecting existing and potential industrial uses as well as nearby residential uses from conflicts with one another; and

6. Ensuring that live work buildings are compatible and complementary with existing commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings.

16.52. Conversion to Live Work Units.

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

(A) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business and that person's household; and,

(B) Where the resident owner is largely responsible for the commercial or manufacturing activity performed; and

(C) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

(D) Promote appropriate mixed uses by allowing only studio, one and two-bedroom unit configurations for live work space.

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

16.54. Standards and allowable commercial uses.

Live work units at street level are subject to specific development standards. Ground floor retail, office, incubator, commercial, or non-residential uses must comprise a minimum of 55% 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.

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. Foster the necessary flexibility to promote live work space development through a maximum of 40 bedrooms per acre allowed regardless of configuration (three or more bedrooms 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.	2,904 sq ft (through Special Permit).	No Minimum lot frontage for existing non conforming lots. New lots require 100 feet	No setback front or side requirements for existing non conforming lots. New lots require 5' front and 5' side setbacks. All lots require 15 feet rear setback.	3.5 /40'	(8)	80%	20%	
Town Center Overlay District	20,000	1,742 sq ft			4/45' in Town Center Overlay District with Mixed Use Development Special Permit		80%		

Section 19, Mixed Uses (CBD) 19.04 Requirements

DELETE existing number 15.

ADD:

15. The Planning Board, as part of a Special Permit, may increase residential density up to 15 units per upland acre (2,904 square feet per unit) with a minimum 15% gross floor area commercial development. The 15% gross floor area is computed from the total gross floor area of the project. No residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

For any mixed use development within the Town Center Overlay District, the Planning Board, through the Special Permit, may increase the residential density up to 25 residential units per upland acre (1,742 sq ft per unit) with minimum 30% gross floor area commercial development. The 30% gross floor area is computed from the total gross floor area of the project.

The requirement for commercial development can be accommodated on an adjacent parcel or parcels, but must be constructed in conjunction and coordination with the residential development. An approved site plan of the entire development project must outline project phasing and scheduling as well as conditions of approval. Unless otherwise permitted elsewhere in this section, no residential units are allowed on the ground floor of a mixed use development within the Town Center Overlay zone.

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

ADD:

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

DELETE:

LODGING HOUSE REGULATIONS [p.104-105]

Sidewalk Café Ordinance

ADD:

Section 2 Definitions:

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

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

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

Section 6 Use Regulations

E. Retail, Business

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

Section 22 – Sidewalk Café

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

1. A scaled plan showing the width of the applicant's cafe or restaurant facing the sidewalk indicating the proposed area of operation requested including locations of doorways, and the width of sidewalk (distance from curb to building facade), location of tree wells, parking meters, bus shelters, sidewalk benches, trash receptacles, driveway (including curb cuts), or any other semi-permanent sidewalk obstruction. The plan shall also show remaining sidewalk width.

2. A signed letter from the property owner, consenting to a sidewalk cafe adjacent to the property on which the restaurant is located.

3. Proof of insurance with a minimum $1,000,000 liability coverage specifically applicable to the operation of the sidewalk cafe.

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

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

22.04 Standards.

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

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

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

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

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

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

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

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

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

1. Any provisions of this Section have been violated.

2. The side walk café operator does not have insurance that is correct and effective in the minimum amount prescribed in Section 22.01.

Ordinances Section **?** General Schedule of fees:

ADD: Annual Sidewalk Café Permit – $100

Committee Referrals and Dispositions:

Referral(s)	**Disposition(s)**
•	•

NOT FOR ACTION: FIRST READING ONLY

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Ordinance: D-2016-002

Introduced By:	Councilor Peter Colombotos
Date Introduced:	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2016-002

ZONING ORDINANCE – OPEN SPACE CONSERVATION DEVELOPMENT

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

ADD:

Section 2.00 Definitions

Retreat Lot a single large parcel of land created for the purpose of reasonable and safe residential use of backland.

ADD:

Section 6.12 Retreat Lot

No more than a single Retreat Lot shall be created for any size parcel held in common, or affiliate, ownership allowed in any residential zone. Under no circumstances shall a retreat lot create driveway curb cuts closer than 25 linear feet from another existing or proposed driveway curb cut.

A Retreat Lot shall meet the following minimum Standards:

1. The subject parcel shall have a minimum lot area of 150,000 square feet.
2. The subject parcel shall have a minimum of 40,000 square feet of upland area.
3. The minimum lot frontage shall be 30 linear feet.
4. The proposed lot shall maintain a minimum lot width of 30 linear feet.
5. A driveway length shall not exceed 300 linear feet without a hammer head or other method of reversing the direction of a vehicle.
6. The applicant shall submit an Approval Not Required (ANR) Plan under the Subdivision Regulations depicting the Retreat Lot and any conforming lots. The Approval Not Required Plan shall not take the place of the site plan otherwise required for the Special Permit application.

DELETE:

"6.30 TABLE OF USE REGULATIONS

A. RESIDENTIAL USES (11) Single family dwelling on property containing at least 150,000 sq ft of land area with a minimum of 30 ft. of frontage and maintaining a minimum width of 20ft. Throughout lot for access. (amended 11/10/2003)"

AMEND:

SECTION 8 LAND SPACE REQUIREMENTS

Notes:

DUPLEXES: Allowed in Residential 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	N	SP	N	N	N	N	N	N	N	N	N	N
11	Retreat Lot	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
13	Open Space Conservation Development	SP	SP	SP	N	N	N	N	N	N	N	N	N	N

DELETE:

Section 9.20 OPEN SPACE COMMUNITY DEVELOPMENT in its entirety.

ADD:

OPEN SPACE CONSERVATION DEVELOPMENT

Section 9.1 Intent

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

Section 9.2 Special Permit Required

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

Section 9.3 Minimum Land Area

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

Section 9.4 Development Standards

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

The Planning Board may require larger setbacks and may permit smaller setbacks in order to conform to the purposes and intent of the Open Space Conservation Development.

On tracts with pre-existing structures, the area and frontage of the lot retaining the preexisting structure shall not be reduced below the minimum lot size and minimum frontage required in the underlying zoning district.

Section 9.5 Maximum Number of Dwelling Units

The maximum number of dwelling units permitted in an OSCD shall be computed by dividing the total developable area of the tract by the minimum lot size required for single family development in the underlying zoning district. For the purpose of this computation, the "developable" area shall be the total area of the tract, including the open space and common land, but excluding all streams, ponds, wetlands, floodplains, stormwater basins, and areas subject to existing valid open space (the excluded area for computation does not include buffers).

Section 9.6 Streets and Utilities

All streets, sidewalks, sewage, water distribution, drainage and stormwater facilities shall be designed and constructed in compliance with the rules and regulations of the Town of Bridgewater. In all OSCD, rights of way must be 40 feet minimum width. Roads serving 10 or fewer dwelling units require travel lane pavement

minimum width of 20 feet. Roads serving 11-20 dwelling units require travel lane pavement minimum width of 22 feet. Roads serving 20 or more dwelling units require travel lane minimum width of pavement of 24 feet.

All OSCD projects will incorporate multimodal transportation approaches including Complete Streets into the project design; e.g. sidewalks, cross walks, and bicycle circulation facilities. Whenever feasible an OSCD project shall accommodate and encourage multimodal transportation networking opportunities facilitating Complete Streets network connectivity; e.g. walking trails, bicycle lanes, and related infrastructure.

Section 9.7 COMMON LAND

A. DIMENSIONAL REQUIREMENTS

In an OSCD, at least sixty percent (60%) of the total tract area shall be set aside as Common Land for the use of the OSCD residents or the general public.

The following are additional requirements:

1. The minimum required area of Common Land shall not contain a greater percentage of wetlands than the percentage of wetlands found in the overall tract of land on which the OSCD is located.

2. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for providing access to the Common Land from a public or private way, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of OSCD development.

3. Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.

4. If the tract of land abuts adjacent Common Land, undeveloped lots or open space, the Common Land, wherever possible, shall be connected with such adjacent Common Land, undeveloped abutting lots or open space.

5. The Common Land shall include adequate upland public access from a way or street.

Section 9.8 USE OF COMMON LAND

1. The Common Land shall be dedicated and used for natural resource protection, recreation, park purposes, outdoor education, agriculture, horticulture, or forestry, or for any combination of such uses. No other uses shall be allowed in the Common Land, except as follows:

a. A portion of the Common Land may be also be used for the construction of leaching areas associated with septic disposal systems serving the OSCD or for water supply wells serving the OSCD, if the Planning Board determines that such use will enhance the specific purpose of Open Space Conservation Development and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary.

If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the OSCD.

b. A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the OSCD or adjacent land, only upon the determination of the Planning Board that such a use will enhance the specific purpose of Open Space Conservation Development and promote better overall site planning, and if the Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.

c. The Common Land may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the Open Space Conservation Development or adjacent parcels.

2. The Common Land shall remain vacant, provided that an overall maximum of five (5) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land or as otherwise permitted herein.

3. The proposed use of the Common Land shall be specified and appropriate dedications and restrictions shall be part of the deed to the Common Land.

4. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of Open Space Conservation Development, and to further efforts to equitably distribute a variety of open space benefits throughout the community.

Section 9.9 OWNERSHIP OF COMMON LAND

1 The Common Land, in whole or part, shall be conveyed to and accepted by the Town of Bridgewater; or to a suitable nonprofit organization dedicated to the preservation, conservation, stewardship, and management of the Common Land. The Bridgewater Town Council shall approve the form of ownership of the Common Land.

2. If any portion of the Common Land is not conveyed to the Town of Bridgewater, a perpetual conservation or use restriction, approved by the Planning Board and enforceable by the Town of Bridgewater, shall be imposed on the Common Land, providing that the land be kept in its open or natural state and that the land shall not be built upon or developed or otherwise utilized except in accordance with provisions of the OSCD as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual OSCD project.

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

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

Section 9.10 MAINTENANCE OF COMMON LAND

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

Section 9.11 ADDITIONAL DESIGN CRITERIA

A) FOUR-STEP DESIGN PROCESS.

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

1. Designating the Open Space.

First, identify the open space to be protected.

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

2. Location of House Sites.

Second, locate the potential house sites.

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

3. Street and Lot Layout.

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

4. Lot Lines.

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

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

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

1. Septic systems shall be placed on the most suitable soil for subsurface septic disposal.

2. Buildings shall be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland as to reduce any impact upon the site's natural, scenic and cultural resources, and to enable new construction to be visually absorbed by the natural landscape features.

3. Buildings shall be sited in locations where the greater number of units can be designed to take maximum advantage of solar heating opportunities.

4. Buildings shall be sited in locations where the greater number of units can be designated to take maximum advantage of solar heating opportunities.

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

6. New structures may be sited in clusters close to an existing public road to reflect the traditional locations, patterns and setbacks of nearby buildings. Such roadside clusters shall be compatible with the scale of the surrounding neighborhood and shall maintain at least 75% of the existing undeveloped road frontage in conservation. Architectural design of new structures (proportions, roof pitches, exterior materials and fenestration) shall reflect the character of nearby existing structures.

Section 9.12 SPECIAL PERMIT APPLICATIONS AND PROCEDURES

An application for an Open Space Conservation Development special permit shall cover the entire Open Space Conservation Development.

1. Pre-Application Meeting

Prior to submission of the Special Permit application, applicants are strongly advised to meet with Town Offices or other Board designees to review the proposed development of the parcel of land to explore general conditions involving the site, and to discuss potential problems. Concept plans will assist in this discussion, and should show the critical features to be included in the special permit application as set forth in below.

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:

1) The general purpose and objectives of this ordinance;

2) The existing and probable future development of the surrounding areas;

3) The appropriateness of the proposed layout of streets, ways, lots and structures; and

4) The proposed layout and use of the Common Land in relation to the proposed dwelling units in the OSCD, adjoining public or private common land or open space or the topography, soils and other characteristics of the tract of land in question; and

5) To the extent reasonable, whether the areas designated as Common Land are consistent with the objectives stated in the Town of Bridgewater Open Space and Recreation Plans as well as the Master Plan.

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

1) Complies with the requirements of this Section 9, other applicable requirements of the Zoning Ordinances and where applicable, the construction and design standards of the Bridgewater Subdivision Rules and Regulations.

2) Is consistent with the purposes of this section; and

3) Is in harmony with the existing uses of the area and with the character of the surrounding area and neighborhood.

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 neighborhood and of the Town of Bridgewater. The Special Permit shall specify the timing for conveyance of the Common Land.

Section 9.14 CHANGE IN PLANS UPON GRANTING OF SPECIAL PERMIT

No major or minor change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning Board. A revised special permit will be required if the Planning Board determines any proposed change to be major.

Section 9.15 BUILDING PERMITS

No building permit shall be issued for any structure within an OSCD unless said structure is in compliance with this ordinance and the terms and conditions of any special permit there under. The Planning Board is the Special Permit Granting Authority (SPGA) for this Ordinance.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

Bridgewater Town Council

In Town Council, Tuesday, February 23, 2016

Council Order: O-2016-004

Introduced By:	Councilor Dennis Gallagher
Date Introduced	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2016-004

SALARY OF THE ELECTED TOWN CLERK

WHEREAS, the Town Clerk of the Town of Bridgewater shall receive a salary in lieu of all fees and other compensation provided for in the Massachusetts General Laws, which salary shall be in an amount fixed by the Legislative body of the Town of Bridgewater.

WHEREAS, pursuant to Massachusetts General Laws Chapter 41 § 15 the duties of the Town Clerk are defined as:

> "*record all votes passed at town meetings held during his term of office. He shall administer the oaths of office to all town officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of town officers, transmit to the state secretary, on blanks to be furnished by him, a complete list of all town officers elected and qualified and shall promptly report to the secretary any changes in such officers*".

WHEREAS, the Town, to ensure business continuity and to make certain that the needs of the general public are met, employs two full-time staff to address and perform the day-to-day activities of the Office of the Town Clerk.

WHEREAS, it is intended that these provisions be in accord with all applicable Federal and State laws, rules and regulations, including the Fair Labor Standards Act and the Federal Minimum Wage, and should be applied and interpreted to produce a result harmonious therewith.

WHEREAS, it is intended that these provisions be in accord with the Employee Manual of the Town of Bridgewater and should be applied and interpreted to produce a result harmonious therewith. If there is an irreconcilable conflict between this Order and any other Order of the Town of Bridgewater, this Order shall govern.

WHEREAS, the Town of Bridgewater is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, handicap, disability or otherwise in violation of any federal or state law.

BE IT ORDERED, that beginning in the fiscal year 2017, the salary of the Town Clerk shall be increased to $65,000.00 annually for each of the two (2) years remaining in the current three (3) year term. The Town Clerk is an elected position and eligible for membership with Plymouth County Retirement System (PCR) benefit and insurance benefits per employee policy manual. The Town Clerk shall be paid in accordance with the usual practices for other town employees.

FURTHER ORDERED, that the position of Town Clerk is exempt from the overtime provisions of the FLSA and shall not be entitled to overtime compensations in any form.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•