



BRIDGEWATER TOWN COUNCIL

Tuesday, March 8, 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

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition P-2016-008 – New Common Victualler license - Chessmen's Grill, 10 Summer Street, Bridgewater (formerly Brick & Tin)
- b) Petition P-2016-009 – One Day Entertainment License – VFW, Orange Street

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

- a) Downtown Revitalization – Andrew DeIonno (*Community & Economic Development Director*)
- b) Financial Update (*Enterprise Funds generally*) – Tony Sulmonte (*Finance Director*)

J. DISCUSSIONS

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

M. OLD BUSINESS

- a) Ordinance D-2016-004: Wireless Communications Facilities License Ordinance
The Rules & Procedures Committee meets 2/23/16 and postponed action on this measure. They will meet 3/8/16 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-2016-005 – Zoning Ordinance - Demolition Delay Ordinance (*Councilor Norris*)
- b) Order O-2016-005: Acceptance of a Gift – Calthrop Property (*Town Manager*)
- c) Order O-2016-006: Acceptance of a Gift – Senior Center, Trustees of the Home for Aged Men (*Town Manager*)
- d) Order O-2016-007: Capital Exclusion – Highway Equipment (*Town Manager*)
- e) Order O-2016-008: Olde Scotland Links Golf Course Lease (*Town Manager*)

O. CITIZEN COMMENTS

- P. COUNCIL COMMENTS
- Q. EXECUTIVE SESSION
- R. ADJOURNMENT



Bridgewater Town Council

In Town Council Tuesday, March 8, 2016

Council Petition: P-2016-0008

Date Introduced/Public Hearing: March 8, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE RENEWAL OF A COMMON VICTUALLER LICENSE

WHEREAS, Chessmen's Grill has submitted all applicable documentation as required to renew a license to operate a food establishment at 10 Summer Street, Bridgewater, Massachusetts; and

WHEREAS, Rachel Kelly will serve as the manager of record and the hours of operation will not exceed:

Sunday - Tuesday	12:00 p.m. – 12:00 a.m.
Wednesday - Saturday	12:00 p.m. – 2:00 a.m.

and;

WHEREAS, Chessmen's Grill 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 Chessmen's Grill. be granted a license to operate a food establishment within the Town of Bridgewater.



Bridgewater Town Council

In Town Council Tuesday, March 8, 2016

Council Petition: P-2016-009

Date Introduced/Public Hearing: March 8, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of a One Day Entertainment Permit

WHEREAS, the VFW Post 2125, located at 40 Orange Street, has petitioned for one (1) One day entertainment permit for the following club sponsored events:

	Event	DATE	TIME	APPROXIMATE ATTENDANCE	NOTES
1	Saint Patrick's Day Fundraiser	March 18, 2016	7:00 p.m. - 11:00 p.m.	60	Live Music

;and,

WHEREAS, the VFW Post 2125, located at 40 Orange Street, 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 VFW Post 2125 be granted a one day entertainment permits for the aforementioned event to be held on the grounds of the club at 40 Orange Street.



Bridgewater Town Council

In Town Council, Tuesday, March 8, 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
Fourth Reading:	March 8, 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 of 2.5 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.

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

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. • This measure was Charter Objected on 2/23/16, therefore moves to 3/8/16 agenda.	• 1/12/16: Vote 2-0 return to full council for further consideration with proposed amendments.



Bridgewater Town Council

In Town Council, Tuesday, March 8, 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, March 8, 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 transmission) 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.	2/23/16: Rules & Procedures Committee postponed action on this measure to 3/8/16. The committee will provide their disposition to the full Council at that time.



Bridgewater Town Council

In Town Council, Tuesday, March 8, 2016

Council Ordinance: D-2016-005

Introduced By: Councilor John Norris

Date Introduced: March 8, 2016

First Reading: March 8, 2016

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-2016-005

DEMOLITION DELAY ORDINANCE

ORDERED that; pursuant to M.G.L., Chapter 40A, Section 5, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

.01 Intent and Purpose

This ordinance is enacted to preserve and protect significant buildings within the Town of Bridgewater and to limit the detrimental effect of demolition on the character of the Town of Bridgewater. Through implementation of this ordinance, owners of preferably preserved structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such structures and residents of the Town of Bridgewater are alerted to impending demolitions of significant structures. By preserving and protecting significant structures, streetscapes and neighborhoods, this ordinance promotes the public welfare by making the Town of Bridgewater a more attractive and desirable place to visit, live and work. The issuance of demolition permits is regulated through this ordinance.

.02 Definitions

“Applicant” means any person or entity who files an application for a demolition permit. If the applicant is not the owner of the property where the building is situated, the owner must indicate upon the application assent to the filing of the application.

“Application” means the forms, fees and process for permission to demolish a structure.

“Building” means any three dimensional enclosure by any building materials of any space, for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

“Building Official” means the person occupying the Office of Building Official, or any designee authorized to issue demolition permits.

“Commission” means the Town of Bridgewater Historical Commission.

“Demolition” means the act of pulling down, destroying, removing, dismantling or razing a structure in full or in part.

“Demolition permit” means the permit issued by the Building Official for the demolition of a structure, excluding any permit issued solely for the demolition of the interior of a structure.

“Preferably preserved” means a significant structure that the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved structure is subject to the sixty day demolition delay period of this ordinance.

“Significant” structure means any structure within the Town of Bridgewater constructed in the year 1900, or prior, that is determined by the Historical Commission to be significant based on any of the following criteria:

The structure is listed in, or is within an area listed in, the National Register of Historic Places; or

The structure is eligible for the National Register of Historic Places; or

The structure is historically or architecturally important (in terms of period, architectural style, method of construction or association with a universally recognized architect or builder) either by itself or in the context of a group of structures.

.03 Procedure

For any structure constructed in the year 1900, or prior, no demolition permit shall be issued without complying with the provisions of this ordinance.

An applicant proposing to demolish a structure subject to this ordinance shall file with the Building Official an application containing the following information:

Official Town of Bridgewater demolition permit application.

The address of the structure slated for demolition.

The property owner's name, address, email address and telephone number.

A description of the structure, including year constructed.

The specific reasons for requesting a demolition permit.

A description of the proposed reuse, reconstruction or replacement of the structure.

Images of the structure.

Initial Determination -- The Building Official shall within seven calendar days of receipt of an application forward a copy of the application to the Commission. The Commission shall within fourteen calendar days after receipt of the application hold a meeting and make a written determination of whether the structure is significant.

Determination of Not Significant -- Upon determination by the Commission that the structure is not significant, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

Determination of Significance -- Upon determination by the Commission that the structure is significant, the Commission shall immediately notify the Building Official and the applicant in writing. No demolition permit may be issued. If the Commission does not notify the Building Official within fourteen calendar days of receipt of the application, the Building Official may proceed to issue the demolition permit.

Should the Commission find that the structure is significant, it shall hold a public hearing within twenty-one calendar days of the written notification to the Building Official. If agreed to in writing by the applicant, the determination of the Commission may be continued beyond the thirty calendar days. At the public hearing the Commission shall decide whether the structure should be preferably preserved.

If the Commission determines that the building is not suitable to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

If the Commission determines that the structure is to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. No demolition permit shall be issued for a period, not to exceed, sixty days from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Official in writing within fifteen calendar days of the public hearing, the Building Official may issue the demolition permit.

Upon a determination by the Commission that any structure subject of an application is a preferably preserved structure, no building permit for new construction or alterations on the premises shall be issued for a period of sixty days from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a structure determined to be a preferably preserved structure shall be granted until all plans for future use and development of the site have been filed with the Building Official and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, an approved site plan for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Official may issue a demolition permit or a building permit for a preferably preserved structure within sixty days if the Commission notifies the Building Official in writing that the Commission finds that the intent and purpose of this ordinance is served even with the issuance of the demolition permit or the building permit.

Following the sixty day delay period, the Building Official may issue the demolition permit.

.04 Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

The Town Council is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a staff member of the Town of Bridgewater.

.05 Emergency Demolition

Upon determination of imminent danger to the public health or safety, the Building Official may issue an emergency demolition permit to the owner of the structure. Nothing in this ordinance shall subvert the statutory authority of the Building Official or otherwise preclude the Building Official from executing the duties and responsibilities of that office.

.06 Enforcement and Remedies

Any owner of a structure subject to this ordinance that demolishes a structure without first obtaining a demolition permit in accordance with the provisions of this ordinance shall be subject to a fine of not more than Three-Hundred (\$300) Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished structure is completed as determined by the Commission or unless otherwise agreed to by the Commission.

If a structure subject to this ordinance is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

.07 Historic District Act

Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

.08 Severability

Should any phrase, clause, sentence, paragraph or section of this chapter be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter.



Bridgewater Town Council

In Town Council, Tuesday, March 8, 2016

Council Order: O-2016-006

Introduced By:	Town Manager
Date Introduced:	March 8, 2016
First Reading:	March 8, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2016-006

ACCEPTANCE OF GIFT

WHEREAS: Massachusetts General Laws, Chapter 44, §53A 1/2, states as follows:

“A city council, with the mayor’s approval if the charter so provides, or a board of selectmen or town council may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the city or town from the federal government, a charitable foundation, private corporation, individual, or from the commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, use said gifts, without specific appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable;” and

WHEREAS: The Town of Bridgewater has received the gift of a \$2,500.00 from Bridgewater Savings Charitable Foundation.

Now, therefore, in accordance with Chapter 44, §53A ½ of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the gift of \$12,000.00 from Trustees of the Home for Aged Men in the City of Brockton and to expend the gift of in accordance with stated purpose thereof.

Explanation:

Trustees of the Home for Aged Men in the City of Brockton donated monies to support the service delivery and activities of the Senior Center.



Bridgewater Town Council

In Town Council, Tuesday, March 8, 2016

Council Order: O-2016-007

Introduced By:	Town Manager (at the request of the Town Accountant)
Date Introduced:	March 8, 2016
First Reading:	March 8, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Order #O-2016-007

Capital Expenditure Exclusion: Public Works

ORDERED: that the Town Council vote to seek voter approval on the April 23rd Town Election ballot of a capital expenditure exclusion authorizing \$250,000.00 to fund the replacement of equipment and a vehicle as allowed under the provisions of M.G.L. c. 59, § 21C(i½) for the fiscal year beginning July 1, 2016.

ORDERED: The question to the voters is as follows:

Capital Expenditure Exclusion (G.L. c. 59, § 21C(i½)):

Shall the Town of Bridgewater be allowed to assess an additional \$250,000.00 in real estate and personal property taxes for the purposes of purchasing one (1) construction truck, one (1) sweeper, (1) mini excavator, (1) trailer and funding building maintenance for the fiscal year beginning July first 2016?

Yes ____ No ____

Explanation:

Voters would be asked to approve a one-year capital exclusion for \$250,000.00 to replace an aging vehicle and failed equipment for the community's roadway operations. As these expenses are too large to be paid within the tax levy, the town may raise taxes outside the levy limit to purchase capital items. The increased taxes do not become part of the calculation for raising the tax levy the following year. Once the capital expense or the debt is paid, the tax levy exclusion ends.

NOT FOR ACTION – FIRST READING ONLY.