TOWN OF BRIDGEWATER, MASSACHUSETTS
ZONING BY-LAWS LATEST REVISION AUGUST 9, 2019
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TOWN OF
BRIDGEWATER
MASSACHUSETTS
ZONING BYLAWS

To promote the health, safety, convenience, and general welfare of its inhabitants, to lessen the danger from fire and congestion, and to improve the town under the provisions of Massachusetts General Laws, Chapter 40A, the use, construction, repair, alteration and height of buildings and structures and the use of premises in the Town of Bridgewater are hereby restricted and regulated as hereinafter provided.

SECTION 1
Purpose and Validity

1.10 ZONING PURPOSES

For the purposes set forth in Massachusetts General Laws, Chapter 40A, and all acts in amendment thereof and in addition thereto and of any other enabling laws, construction, alteration and height, area location and use of buildings and structures and the use of land throughout the Town of Bridgewater are hereby regulated as herein provided, and the town is hereby divided into districts as hereinafter designated, defined and described, and shown on an official copy of the zoning map, dated January 27, 1969, as amended on the file with the town clerk, which map is hereby made a part of the bylaw.

1.20 CONFLICT OF LAWS, VALIDITY, SERVERABILITY

1.21 In general, this bylaw is supplementary to other Bridgewater bylaws affecting the use, height, area and location of buildings and use of premises, but where this bylaw imposes a greater restriction in any respect than is imposed by other Bridgewater bylaws, the provisions of the bylaw shall prevail.

1.22 The invalidity of any section or provision of the bylaw shall not invalidate any other section or provision thereof.
SECTION 2
Definitions

For the purpose of the bylaw, the following words and terms as used herein shall have the meanings or limitations of meaning herein defined, explained or assigned.

2.11 Street
A STREET shall be 1) an approved public way laid out by the Town of Bridgewater or, the Plymouth County Commissioners or, except for limited access highways, the Commonwealth of Massachusetts; 2) a way which the Bridgewater Town Clerk certifies is maintained by a public authority and used as a public way; or 3) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or 4) a way in existence as of March 10, 1956, having in the opinion of the planning board sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed USE of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the BUILDINGS erected or to be erected thereon. A public or private way shall not be deemed to be a STREET as to any LOT of land that does not have rights of access to and passage over said way.

(Amended 11/14/1994)

2.21 Lot
Section 81 -L of Chapter 41 of General Laws.

2.22 Lot-Line, Front
A line dividing a lot from a street. On any lot bounded on more than one side by a street, the street boundary that is to be the lot "Front" shall be so designated in any application for a permit to build on such lot

2.23 Lot Frontage
The required lot frontage distance shall be measured entirely along a continuous section of the front lot line adjoining one street.

(Amended 11/14/1994)

2.24 Lot Width
The width of any lot shall be measured parallel to the front lot line at the required yard depth.

2.25 Open Space
For purposes of this bylaw and except as noted herein, open space shall be defined as that portion of any lot which is not occupied or otherwise located beneath buildings, structures or areas used for parking, loading, access, storage or solid waste disposal activities. Fences, walls, signs, and drainage facilities permissible under subdivision regulations may be allowed within and may comprise a portion of the open space provided said land remains largely landscaped with natural or planted vegetation. Wetlands, as defined by Section 40 of C, 131 MGL, may also comprise a portion of the open space, but not exceeding in percentage the proportion of wetlands within the entire lot.

(Adopted 5/6/1991)

2.26 Lot Depth
The depth of any lot shall be measured as the shortest distance between the front lot line and the rear lot line within a width at least equal to the required lot width.


2.27 Lot Coverage
Is the amount of area on a individual lot covered by buildings, structures, parking and/or storage areas. The maximum percentage of lot coverage allowable on a lot shall be set forth in Section 8.40 (Land Space Requirements Table) of the Zoning By-Law.


2.31 Front Yard
An area extending the entire width of a lot from side lot line to side lot line and from the street line to the front line of a building for the required front yard distance as established under Section 8.4.

2.32 Rear Yard
An area extending the entire width of a lot from side lot line to side lot line and from the rear line of a building to the rear lot line for the required rear yard distance as established under Section 8.4.

2.33 Side Yard
An area extending along a sideline of lot (between the front yard and the rear yard on such lot), and extending between the side lot line to the nearest point of the building for a side yard distance as established under Section 8.4.
2.40 Building Coverage
The measured exterior horizontal footprint of buildings and or structures (covered or enclosed) located on any lot. The maximum percentage of building coverage allowable on a lot shall be set forth in Section 8.40 (Land Space Requirements Table) of the Zoning By-Law.

(Adopted 5/3/1999)

2.41 Structures
Any construction, erection, assembly or other combination of building construction materials upon the land.

2.42 Building
The word "building" shall mean 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.

2.43 Built, Erected
The words "built" and "erected" shall each contain the other and shall include the words "constructed," "reconstructed," "altered," "enlarged," "moved," and any other of like significance.

2.44 Story
That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half of such portion vertically is below the average finished grade of the ground adjoining such building.

2.45 Half-Story
That portion of a building next beneath a sloping roof and in which there are less than four feet vertically between the top of the floor and the intersection of the bottoms of the rafters with the interior faces of the walls.

2.46 Habitable-Space
Those areas within the exterior walls of a dwelling which have headroom of not less than seven feet, measured vertically upward from the top of the finished floor, but excluding basement areas and excluding areas in any accessory structure attached to any dwelling.

2.51 Family
A group of persons related to each other by marriage or blood living together under a single roof and comprising a household the head of which is usually the father or husband, mother or wife.


2.52 One-Family Dwelling
A freestanding building exclusively for residential use by one family.

2.53 Two-Family Dwelling
A freestanding building exclusively for residential use by two families, but not more than two families.

2.61 Dwelling
A building or portion thereof that is principally used for human habitation, with its own cooking and food storage equipment and facilities, and its own bathing and toilet facilities wholly within such building or portion thereof and is not separated from adjoining habitable space by locked doors or partitions.

2.62 Multifamily Building
A freestanding building exclusively for residential use with three or more dwellings.

2.71 Hotel
A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

2.72 Lodging House
A house/dwelling unit where lodgings are let to four or more persons not within the second degree of kindred to the legal owner of the premises, and who do not fall within the definition of "family" as defined in Section 2.51 of these bylaws.

2.73 Motel
A facility offering transient lodging accommodations to the general public with most rooms having direct primary access to the outside without the necessity of passing through the main lobby of the building.

2.74 Home Occupation
An accessory use which is customarily conducted entirely within a dwelling or accessory structure, is incidental and subordinate to the dwelling use, occupies an area no greater than fifty percent of the gross floor area of the dwelling, includes no more than one non-resident employee, and does not in any manner change the residential character of the building or premises. Any retail sales of merchandise on premises shall not exceed two days per month nor eight days per calendar year.
2.81 Special Permit
A special permit is a use that would not be appropriate generally, or without restriction through the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as special permits, where specific provision for such special permits is made in this Zoning Bylaw.


2.82 Adult Bookstore
An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Sec. 31 of Ch. 272 MGL.

(Adopted 11/11/1990)

2.83 Adult Motion Picture Theatre
An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in Sec. 31 of Ch. 272 MGL.

(Adopted 11/13/90)

2.91 Regional Materials Recycling Facility
A facility which receives non-hazardous, non-toxic, solid waste, separates the recyclable and nonrecyclable materials in such wastes, bales each separately, and transships all materials within a forty-eight hour period, exclusive of holidays, to destinations outside of the town for reuse or disposal.

(Adopted 6/29/89)

2.92 Junk
Article that has outlived its usefulness in its original form or which can no longer serve its original intended use.

2.93 Recyclable Material
Means a material is:
(a) Not co-mingled or contaminated with significant amounts of inorganic waste or toxic constituents;

(b) Handled in a manner which will not constitute a danger to the public health or safety or the environment;

(c) Utilized as an ingredient or a feedstock in a process which will result in a beneficial use as a raw material or a finished product.

(d) Not speculatively accumulated. A material is not speculatively accumulated if the person accumulating the material can demonstrate that
1. The material is potentially recyclable;
2. There exists a feasible means of recycling the material; and
3. During the calendar year the amount of recyclable material that is processed or transferred to a different site for processing equals at least 75% by weight or volume of the amount of that material accumulated at the site during the calendar year.

2.94 Driveway
A travel way which accommodates vehicular circulation between a STREET and one adjoining LOT. Within residential zoning districts, such a way shall not be greater than 24 feet in width as measured at the paved surface of the adjoining STREET.

2.95 Common Driveway means a travel way that accommodates vehicular and pedestrian circulation between a public way and pre-existing adjoining lots. (Amended 7/22/16 -D-2016-001)

2.96 Expanded Living Space (In-law living area)
shall be limited to one bedroom of no more than 200 sq. ft. or two bedrooms of no more than 150 sq. ft. each. Total living area for expanded living space including bath, kitchen, living room, bedroom shall not exceed 600 square feet of living area/Unrestricted passage must be maintained on each floor level between units.

(Adopted 11/12/96 S.TM.)

2.97 Trade, Professional and other Educational Uses
A facility for general and/or specialized education that meets all Federal, state and local licensing and certification requirements.


2.98 Adult Retirement Village (ARV)
A group of detached dwelling units on privately owned lots occupied by persons aged 55 and over in accordance with MGL Chapter 15 1 B, Section 6 as amended.

(Adopted 5/11/2000)
Mobile Home
Is a structure constructed in a factory, in accordance with the National Mobile Home Construction and Safety Standards Act of 1975 administered by the U.S. Department of Housing and Urban Development (HUD), intended for use as housing and transported as complete unit to the designated site. Designated sites shall be in conformance of Section 9.70 located within a Mobile Home Elderly Community District. (Adopted 11/13/2000)

Mobile Home Elderly Community (MHEC)
Is a self-contained retirement community occupied by residents of at least fifty-five (55) years of age or older established pursuant to Section 9.70 of the Zoning By-Laws located within a Mobile Home Elderly Community District. (Adopted 11/13/2000)

Screening
A physical method of concealing and/or shielding one site from another. Such screening shall be accomplished by means of natural or landscaped vegetative buffer, fencing, walls or use of earthen landscaped berm. (Adopted 11/13/2000)

Tattoo and/or Body Art Establishments and Practitioners
Businesses and/or individuals involved in the business of body piercing, tattooing and cosmetic tattooing as defined pursuant to the Bridgewater Board of Health regulations and the Department of Public Health regulations. Extreme forms of body art, such as, but not limited to, branding, cutting, braiding and scarifications shall not be permitted. For purposes of this definition, medical procedures regulated by the Board of Registration, such as implants under the skin are not applicable to this definition. (Adopted 5/7/2001)

Parking Lot
A lot and/or area designated for the parking of motor vehicles, which includes parking spaces along with the access to and from the area, circulation with the area and landscaped buffers. (Adopted 11/13/2001)

Parking Structure
A building or structure or part thereof designed for parking of motor vehicles for four (4) or more parking spaces, along with available access, circulation and maneuvering. (Adopted 11/13/2001)

Impervious Surface
Any surface with greater runoff conditions that are substantially changed from the existing natural conditions. In order for a developed area to be considered pervious or permeable, the volume and runoff rate must substantially mimic a lawn state, with rate and volume of runoff between 90% and 110% of good lawn conditions. Techniques such as roof gardens and permeable paving may be used to achieve permeability requirements. (Voted 11/13/2006/Adopted A.G. 2/8/2007)

Low Impact Development Principles
Low Impact Development (LID) involves careful site planning and the application of both structural and nonstructural Best Management Practices, including but not limited to the following criteria:

- Use of bioretention areas, rain gardens, filter strips, swales, and constructed wetlands within parking areas, roof gardens, and surrounding open space designed to ensure adequate stormwater treatment and conveyance capacity.
- Minimizing total paved area including roadways and parking areas, with the goal of protecting site hydrology, topography, and important natural features.
- Protecting/reestabishing permeability throughout the site to remain as close as possible to natural conditions.
- Minimizing tree clearance and removal of mature trees/forest stands.
- Providing a stormwater management and erosion control plan for construction activities.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Ordinance. Only one principal use shall be allowed by-right for each lot. (Adopted 09/3/2013/Effective 10/4/2013)

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, as identified in 6.30 Table of Use Regulations, i. Accessory Uses and Off-Street Parking. An accessory use by area shall not exceed 40 percent of the total area of the structure (s) and/or lot in which such use is located. Only one accessory use shall be allowed by-right for each lot. (Adopted 09/3/2013/Effective 10/4/2013)
**Bed and Breakfast:** A private owner occupied residence with one to five guestrooms. The bed and breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than fourteen (14) days in any one-year period. (Adopted 9/3/2013/Effective 10/4/2013)

**Dispensary Agent:** means a board member, director, employee, executive, manager, or volunteer of a RMD, who is at least 21 years of age. Employee includes a consultant or contractor who provides on-site services to a RMD related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana. (Adopted 11/19/2013/Effective 12/20/2013)

**Duress Alarm:** means a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system. (Adopted 11/19/2013/Effective 12/20/2013)

**Edible Marijuana-Infused Products:** (edible MIPs) means a Marijuana-Infused Product (MIP) that is to be consumed by eating or drinking. (Adopted 11/19/2013/Effective 12/20/2013)

**Enclosed, Locked Area:** means a closet, room, greenhouse, or other indoor or outdoor area equipped with locks or other security devices, accessible only to dispensary agents, registered qualifying patients, or personal caregivers. (Adopted 11/19/2013/Effective 12/20/2013)

**Limited Access Area:** means a building, room, or other indoor or outdoor area on the registered premises of a RMD where marijuana, MIPs, or marijuana by-products are cultivated, stored, weighed, packaged, processed, or disposed, under control of a RMD, with access limited to only those dispensary agents designated by the RMD. (Adopted 11/19/2013/Effective 12/20/2013)

**Marijuana:** means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise. (Adopted 11/19/2013/Effective 12/20/2013)

**Marijuana Agricultural:** Marijuana agricultural any uses or activities associated with Medical Marijuana Treatment and Dispensing Facilities or Marijuana Cultivation. (Adopted 11/19/2013/Effective 12/20/2013)

**Marijuana Cultivation:** The process of propagation, including germination, using soil, hydroponics, or other mediums to generate growth and maturity. The intended process of bringing a plant or other grown product to maturity for harvesting, sale, refining or use as an ingredient in further manufacturing or processing. This definition encompasses marijuana cultivation related to medical marijuana treatment centers, personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients. (Adopted 11/19/2013/Effective 12/20/2013)

**Marijuana-Infused Product (MIP):** means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a RMD, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1. (Adopted 11/19/2013/Effective 12/20/2013)

**Medical Marijuana Treatment Center:** means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. (Adopted 11/19/2013/Effective 12/20/2013)
Production Area: means any limited access area within the RMD where marijuana is handled or produced in preparation for sale. (Adopted 11/19/2013/Effective 12/20/2013)

Qualifying Patient: means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J). (Adopted 11/19/2013/Effective 12/20/2013)

Registration Card: means an identification card issued by the Department to a registered qualifying patient, personal caregiver, or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Department: that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Department and is authorized to work at a RMD. The registration card allows access into appropriate elements of a Department-supported, interoperable database in which detailed information regarding certifications and possession criteria are stored. The registration card identifies for the Department and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and the Act. (Adopted 11/19/2013/Effective 12/20/2013)

Registered Marijuana Dispensary (RMD) means a not-for-profit entity registered under 105 CMR 725.100, to be known as a Medical Marijuana Treatment Center that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. (Adopted 11/19/2013/Effective 12/20/2013)

Sixty-Day Supply: means that amount of marijuana, or equivalent amount of marijuana in MIPs, that a registered qualifying patient would reasonably be expected to need over a period of 60 calendar days for his or her personal medical use, which is ten ounces, subject to 105 CMR 725.010(I). (Adopted 11/19/2013/Effective 12/20/2013)

Ground Solar Mount Photovoltaic Facility: A solar photovoltaic system that is structurally mounted on the ground, and is not roof-mounted, and which is designed to supply less than fifty percent (50%) of its electrical output for use on site. (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Rooftop Mount Solar Photovoltaic Facility: A solar photovoltaic system that is structurally mounted on a roof and is designed to supply its electrical output for use on site. (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Solar Access: The access of a solar energy system to direct sunlight. (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating. (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater). (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)
Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC). (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less). (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Solar Thermal System: An Active Solar Energy System that uses collectors to convert the sun’s rays into useful forms of energy for water heating, space heating, or space cooling. (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC). (Adopted 7-8-2014/Effective 8-8-2014 D-2014-001)

Bank Teller and ATM Kiosks
A building whose principal use is a stand-alone drive through bank teller kiosk and/or walk up or drive-through stand-alone ATM kiosk whether or not the kiosk is ancillary to an adjacent principal retail bank or financial institution. (Adopted 1/19/2016/Effective 2/19/2016 -D2015-010)

Fast Food and Ice Cream Stands
An establishment whose principal business is the sale of pre-prepared or rapidly prepared food or ice cream for sale directly to the customer in a ready to consume state for consumption either within the restaurant building, in the parking lot, or off premises and generally requiring ordering food at a counter with no interior seated dining area. (Adopted 1/19/2016/Effective 2/19/2016 -D2015-010)

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. (Adopted 6/21/2016 Effective 7/22/2016 -D2016-001)

Incubator or Innovation Center means a flexible office building designed to accelerate the growth of entrepreneurial endeavors by providing an array of business, medical, technology or research support resources and services that may include flexible physical space, access to capital, common services, and computer networking connections. (Adopted 6/21/2016 Effective 7/22/2016 -D-2016-001)

Live Work Units or Live Work Space means the conversion of an existing commercial, industrial or institutional building into a building used jointly for commercial and residential purposes whereby the residential use of the space is secondary or accessory to the principle use as a place of work. (Adopted 6/21/2016 Effective 7/22/2016 -D-2016-001)

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. (Adopted 6/21/2016 Effective 7/22/2016 -D-2016-001)

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. (Adopted 6/21/2016 Effective 7/22/2016 -D-2016-001)

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. (Adopted 6/21/2016 Effective 7/22/2016 -D-2016-001)

Retreat Lot a single large parcel of land created for the purpose of reasonable and safe residential use of backland. (Adopted 6/21/2016 Effective 7/22/2016 – D-2016-002)
SECTION 3
Zoning Boundary Descriptions

3.10

The Town of Bridgewater is hereby divided into zoning districts designated as follows:

- RESIDENTIAL A/B
- RESIDENTIAL C
- RESIDENTIAL D
- CENTRAL BUSINESS DISTRICT (Adopted 11/14/94)
- SOUTH BUSINESS DISTRICT (Adopted 11/14/94)
- BUSINESS B
- INDUSTRIAL A
- INDUSTRIAL B
- PLANNED DEVELOPMENT DISTRICT (See Section 9.60) (Amended 5/1/89)
- MOBILE HOME ELDERLY COMMUNITY (See Section 9.70) (Amended 11/14/94)
- FLOOD PLAIN DISTRICT (See Section 14)
- AQUIFER PROTECTION DISTRICT (See Section 15)
- BEDFORD STREET OVERLAY DISTRICT (Adopted A.G. 2/8/2007)
- GATEWAY BUSINESS DISTRICT (Adopted A.G. 9/12/2007)

3.20

a. The location and boundaries of these districts are hereby established as shown on a map entitled “Zoning Map of the Town of Bridgewater,” dated January 27, 1969, bearing the signatures of the members of the planning board and on file in the office of the town clerk, which map, with all explanatory matter thereon, is declared to be a part of this bylaw.

b. Any changes or amendments shall be indicated by the alteration of such map, and the map thus altered is declared to be a part of the bylaws thus amended.

c. Where a district boundary is indicated as within or parallel to a street, highway, railroad right-of-way, watercourse or town municipal boundary such district boundary shall be construed as the centerline or being parallel to the centerline of such street, highway, railroad right-of-way, watercourse or town municipal boundary.

d. Whenever any dispute arises on district boundaries as to the exact location of a district boundary line, the location of such line shall be determined by the building inspector.

3.30 PURPOSE STATEMENTS

The following statements are intended to clarify the reasons for which various zoning districts were created within the Town of Bridgewater, in doing so, said statements provide and overall context for formulating land use policies and regulations within the districts. In no case, however, shall these statements be considered specific requirements imposed under this bylaw.

3.31 Central Business District

To meet the objectives of the Central Business District (CBD), the town shall adopt specific land use design criteria and area designation to interrogate the proposed MBTA parking facility within a neighborhood business setting. Guidelines for proposed land uses within the re-zoned CBD shall include the use of New England architectural style which compliments the historical nature of the downtown district. Goals and objectives for the CBD include economic revitalization and re-development through the attraction of uses which complement and support small retail and pedestrian service establishments within the districts. As the basis for the planned development, the historical nature of existing land uses within the downtown area shall be preserved, and pedestrian orientation of activities therein shall be encouraged.
Goals to be achieved within the CBD shall also include enhancement of recreational uses such as pedestrian walkways, bicycle paths and open space within that portion of the CBD should also reflect an intent that is consistent with growth patterns to be established by its proximity to the proposed MBTA station, Bridgewater State College, related parking areas and pedestrian traffic.

3.31.01 Requirements (Adopted 6/21/2016-Effective 7/22/2016 D-2016-001)

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

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

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

3.31.02 Standards (Adopted 6/21/2016-Effective 7/22/2016 D-2016-001)

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

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

3.32 South Business District

The purpose of the South Business district (SBD) is to encourage the development of major business parks involving a variety of commercial, light manufacturing and transportation–related activities along the southerly portions of Bedford Street. In an attempt to encourage planned development and mitigate existing, as well as, anticipated demands to the Town of Bridgewater traffic distribution network, sufficient area has been incorporated within the district allow for the creation and expansion of such projects. Further, incentives will be offered to maximizes business and development opportunities by means of shared drainage facilities, access ways and open space between sites as well as through the streamlining of permit approval procedures.

3.33 Elm Street Industrial District

The purpose of this district is to facilitate the development of office and industrial development so as to achieve significant revenue or employment benefits, using incentives to protect the Town’s natural resources through the use of Low Impact Design principles. In order to reserve the most suitable locations for commercial development, and to minimize conflicts between incompatible uses, the district is limited to industrial, office, and limited commercial uses.

3.34 East Gateway Business District

The purpose of this district is to preserve and maintain the historic character of the neighborhood that defines the gateways into Bridgewater while facilitating economic development, minimizing traffic impacts and utilizing the advantage of the highly visible and accessible location. Site plan approval for commercial uses will emphasize shared driveways, parking facilities in the rear and sides of buildings, preservation of historic architecture, agricultural resources and rural character.

3.34.1 – Architectural Review

To help facilitate the goal of maintaining traditional New England architecture, all projects subject to the review of the planning board in the EGBD shall seek an opinion of the Design Review Committee, or an appropriate qualified reviewer as appointed by the Planning Board (hereto known as the Architectural Reviewer) as to the style of any structure and how well it fits with keeping with the historic character for this area. It is encouraged that the proponent shall work with the Architectural Reviewer in the development of any plan. The opinion shall be delivered to the Planning Board and shall be weighed heavily in their decisions. In addition, parking incentives may be granted for those projects that satisfy the recommendations of the Architectural Reviewer. See Section 3.34.4.

3.34.2 – Protective Buffers
All developments must create and preserve a visual and acoustical buffer with adjacent properties. There shall be a goal to protect the quality of life of neighboring residential properties. The buffer area may be in the form of fencing, landscaping, earthen berms or any other appropriate screening to reduce impacts of lighting, noise and aesthetics. This buffer shall occur in the side and rear setback areas whenever residential uses or zones abut commercial development or as determined by the Planning Board. No sign shall be placed along the frontage less than 6’ from the right-of-way or 12’ from the edge of pavement, whichever is greater.

3.34.3 – Sidewalk/Lighting Easement
All projects must preserve an area along the entire property frontage of Plymouth Street measured 12-feet from the edge of pavement. No structure or other use shall be permitted in this area and it shall be considered a permanent easement for the establishment of lighting and sidewalk improvements.

3.34.4 – Signage
It is a goal of this district to have all signs add to the historic and architectural elements of this neighborhood. As such, carved, wooden signs externally lit are expected. All signage in this district shall comply with all signage requirements of Section 7 (assumed business district use) and this Section. Where conflicting regulations exist between the two Sections, this Section shall govern.

3.34.4.1 – General Design Standards
A. All signs, including window signs, must be approved as to design, colors, materials, placement, method of attachment and method of illumination.
B. No illuminated sign may contain flashing or moving elements or change its brightness.
C. No sign shall be illuminated by fluorescent or back lighting.
D. The use of plastic on the exterior of a sign is prohibited.
E. The use of fluorescent color on a sign is prohibited.
F. The use of neon bulbs is not allowed.
G. No sign or part of a sign may move or rotate.
H. For buildings with multiple tenants, only one free-standing sign for all tenants is allowed.
I. Letter forms should reflect the historic character of the district.
J. Logos and symbols may be incorporated into signage but must otherwise conform to the criteria contained in these guidelines.

3.34.4.2 – Building Signs
A. Building signs shall be located so as not to dominate the building, and so as to emphasize architectural elements; such signs shall not obscure architectural details or cover windows or moldings.

3.34.4.3 – Pole and Ground Signs
A. No pole or ground sign may have an effective area greater than 32 square feet.
B. No pole or ground sign shall have a total height greater than 10 feet.
C. No signage may be placed within the established sidewalk/lighting easement area or on town property.

3.34.5 – Parking and Loading
Parking areas should not impact the rural view corridors or general aesthetics of this area. As such, parking location and layout shall be designed to ensure this goal. It shall be a goal of this district to implement Green Parking techniques in an effort to reduce total impervious lot coverage and stormwater runoff. In general, the provisions of Section 10 shall be used to determine parking requirements, except as follows:

3.34.5.1 – Parking/Loading Location
In addition to the relevant elements of Section 10, the provisions of section 10.30, paragraphs “b” and “c” of the Zoning Bylaws shall also govern in the EGBD.

3.34.5.2 – Green Parking Incentives
Green parking refers to several techniques applied together to reduce the contribution of parking lots to the total impervious coverage in a lot. From a stormwater perspective, application of green parking techniques in the right combination can dramatically reduce impervious cover and consequently, the amount of stormwater runoff. Green parking lot techniques include setting maximums for the number of parking spaces created, minimizing the dimensions
of parking lot spaces, utilizing alternative pavers in overflow parking areas, using bioretention areas to treat stormwater and encouraging shared parking.

A. Allowable Reduction in Number of Spaces

The number of parking spaces required as part of Section 10.6, may be reduced in accordance with the following table if provision of Section 3.34.1 have been satisfied and other Green Parking techniques are implemented.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Existing Parking Ratio</th>
<th>Incentive (based on Actual Average parking)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Retail/Services</td>
<td>5 spaces per 1000 ft² GFA</td>
<td>3.97 per 1000 ft² GFA</td>
</tr>
<tr>
<td>Commercial Space</td>
<td>5 spaces per 1000 ft² GFA</td>
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<tr>
<td>Medical/ Dental/ Law office</td>
<td>5 spaces per 1000 ft² GFA</td>
<td>4.11 spaces per 1000 ft² GFA</td>
</tr>
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</table>

GFA = Gross floor area of a building except storage or utility spaces.

B. The parking stall widths may be reduced from 9 feet to 8.5 feet for all 90-degree spaces.

C. Provisions shall be made for the safe parking of bicycles segregated from vehicular traffic and parking.

3.34.6 – Landscaping

A key provision of this district is ensuring that appropriate landscaping and design is incorporated into new and expanded development within the overlay district. Landscape design plans should ordinarily be prepared by a landscape architect, although the SPGA may accept a plan prepared by one other than a landscape architect if it believes the plan meets the design guidelines noted below and is in concert with the intent of this regulation.

A. A landscaped buffer strip is required adjacent to adjoining uses (per 3.34.2). This buffer strip shall be planted with a combination of grass, appropriate height shrubs and shade trees.

B. Large parking areas (greater than 20 parking spaces) shall be separated by landscaped islands of eight (8) to ten (10) feet in width. In addition, a minimum of one (1) shade tree shall be planted for every three (3) parking spaces required or built, within appropriate locations on the lot(s). Note that the exact location of the tree plantings is not specified. Rather, the most appropriate location of plantings shall be considered, including use of plantings to buffer neighboring properties, along the street frontage and pedestrian ways. Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area.

C. Exposed storage areas, machinery, garbage “dumpsters,” service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings, fences and other methods compatible with the goals of this regulation.

3.34 Gateway Business District

The purpose of this district is to preserve and maintain the historic character of the neighborhood that defines the gateway into Bridgewater while facilitating economic development, minimizing traffic impacts and utilizing the advantage of the highly visible and accessible location. Site plan approval for commercial uses will emphasize shared driveways, parking facilities in the rear and sides of buildings, preservation of historic architecture, agricultural resources and rural character.

3.34.1 – Architectural Review

To help facilitate the goal of maintaining traditional New England architecture, all projects subject to the review of the planning board in the GBD shall seek an opinion of the Design Review Committee, or an appropriate qualified reviewer as appointed by the Planning Board (hereto known as the Architectural Reviewer) as to the style of any structure and how well it fits with keeping with the historic character for this area. It is encouraged that the proponent shall work with the Architectural Reviewer in the development of any plan. The opinion shall be delivered to the Planning Board and shall be weighed heavily in their decisions. In addition, parking incentives may be granted for those projects that satisfy the recommendations of the Architectural Reviewer. See Section 3.34.4.
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3.34.3 – Sidewalk/Lighting Easement
All projects must preserve an area along the entire property frontage of Pleasant Street measured 12-feet from the edge of pavement. No structure or other use shall be permitted in this area and it shall be considered a permanent easement for the establishment of lighting and sidewalk improvements. All projects shall be required to contribute to an established Gateway Improvement Fund, which shall be used to purchase and install such improvements.

3.34.4 – Signage
It is a goal of this district to have all signs add to the historic and architectural elements of this neighborhood. As such, carved, wooden signs externally lit are expected. All signage in this district shall comply with all signage requirements of Section 7 (assumed business district use) and this Section. Where conflicting regulations exist between the two Sections, this Section shall govern.

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B. No pole or ground sign shall have a total height greater than 10 feet.
C. No signage may be placed within the established sidewalk/lighting easement area or on town property.

3.34.5 – Parking and Loading
Parking areas should not impact the rural view corridors or general aesthetics of this area. As such, parking location and layout shall be designed to ensure this goal. It shall be a goal of this district to implement Green Parking techniques in an effort to reduce total impervious lot coverage and stormwater runoff. In general, the provisions of Section 10 shall be used to determine parking requirements, except as follows:

3.34.5.1 – Parking/Loading Location
In addition to the relevant elements of Section 10, the provisions of section 10.30, paragraphs “b” and “c” of the Zoning Bylaws shall also govern in the GBD.

3.34.5.2 – Green Parking Incentives
Green parking refers to several techniques applied together to reduce the contribution of parking lots to the total impervious coverage in a lot. From a stormwater perspective, application of green parking techniques in the right
combination can dramatically reduce impervious cover and consequently, the amount of stormwater runoff. Green parking lot techniques include setting maximums for the number of parking spaces created, minimizing the dimensions of parking lot spaces, utilizing alternative pavers in overflow parking areas, using bioretention areas to treat stormwater and encouraging shared parking.

A. Allowable Reduction in Number of Spaces
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GFA = Gross floor area of a building except storage or utility spaces.

B. The parking stall widths may be reduced from 9 feet to 8.5 feet for all 90-degree spaces.

C. Provisions shall be made for the safe parking of bicycles segregated from vehicular traffic and parking.

3.34.6 – Landscaping

A key provision of this district is ensuring that appropriate landscaping and design is incorporated into new and expanded development within the overlay district. Landscape design plans should ordinarily be prepared by a landscape architect, although the SPGA may accept a plan prepared by one other than a landscape architect if it believes the plan meets the design guidelines noted below and is in concert with the intent of this regulation.

A. A landscaped buffer strip is required adjacent to adjoining uses (per 3.34.2). This buffer strip shall be planted with a combination of grass, appropriate height shrubs and shade trees.

B. Large parking areas (greater than 20 parking spaces) shall be separated by landscaped islands of eight (8) to ten (10) feet in width. In addition, a minimum of one (1) shade tree shall be planted for every three (3) parking spaces required or built, within appropriate locations on the lot(s). Note that the exact location of the tree plantings is not specified. Rather, the most appropriate location of plantings shall be considered, including use of plantings to buffer neighboring properties, along the street frontage and pedestrian ways. Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area.

C. Exposed storage areas, machinery, garbage "dumpsters," service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings, fences and other methods compatible with the goals of this regulation.

3.35 Bedford Street Overlay District

The purpose of this district is to facilitate the expansion of a commercial node along Bedford Street, enabling high quality commercial development in this location while minimizing adverse impacts on natural resources through the concurrent protection of open space.

3.36 Elm Retail Overlay (ERO) District (Effective 3/31/2017 D-2016-0007)

The Elm Retail Overlay zoning district is a commercial district along the Elm St. corridor that allows medical marijuana treatment center also known as registered medical marijuana dispensaries. The boundaries of the ERO are outlined with the appendix herein.
SECTION 4
Application of Regulations, Modifications and Exceptions

4.10
No buildings shall be erected or used, and no land shall be used or divided unless in conformity with the regulations of this bylaw. All other buildings and all other uses of land or of buildings are hereby expressly prohibited, except those already lawfully existing which by the provisions of this bylaw become lawfully nonconforming.

4.20
When a lot is situated in part in the Town of Bridgewater and in part in the adjacent municipality, the provisions of this bylaw shall be applied to the portion of such lots in the Town of Bridgewater in the same manner as if the entire lot were situated in Bridgewater.

4.30
When a lot is transected by a zoning district boundary, the regulations of the bylaw applicable to the largest part of the area of such lot may also at the option of the lot owner be deemed to govern the smaller part beyond such zoning district boundary but only to an extent not more than thirty linear feet in depth beyond such zoning district boundary.

4.40
No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot.

4.50
Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purpose of meeting the area requirements of this bylaw even though the fee to such land may be in the owners of abutting lots.

4.60
Any single vacant lot or any mutually adjoining lots shown on a plan endorsed with the words “approval under the subdivision control law not required” or words of similar import, pursuant to Section 81P of Chapter 41, and having been lawfully recorded prior to April 25, 1977, is hereby exempted from conforming to the minimum land area and frontage requirements of this bylaw and may be built upon for single family residential use provided such lot contains not less than 18,500 square feet of land area, has frontage of not less than 125 feet, and is located in a zoning district which permits single family residential use as of right. Any proposed structure to be located on such lots must conform to all other applicable requirements in affect zoning exemptions afforded any lot or lots in accordance with the provisions of Chapter 40A, Section 6, of the General Laws.

4.61
The land space requirements specified in Section 8.40 for the south business district shall not apply to any vacant lot therein possessing less than the required lot area and/or frontage distance, provided it was duly recorded prior to October 1, 1994, and contains at least ten thousand square feet with at least one hundred feet of frontage.

Any proposed building to be located on such lots shall be set back at least sixty feet from any adjoining public way and must conform to all other yard depth and lot coverage provisions required as of October 1, 1994.

4.70
Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been taken or was taken by eminent domain, shall not be deemed to be transferred in violation of the land area, width and space provisions of the bylaw.
Whenever any residential dwelling is located in or constructed in an industrial or business zone, then the provisions and restrictions of the nearest residential zone shall apply to such residence.

SECTION 5
Nonconforming Buildings and Uses

5.10
Any lawful structure, lawful use of any structure, billboard structure or land or any or all of these may be continued although not conforming with the provisions of this By-Law, but no such lawfully non-conforming use or structure shall be changed, extended or altered in any manner until a Special Permit has been granted pursuant to Section 11 of this By-Laws. Before granting a Special Permit, the Special Permit Granting Authority must find that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

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

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

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

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

Accepted 11/13/95

5.20
If any nonconforming use of any structure or land or both is changed to a conforming use it shall not thereafter be put into any nonconforming use.

5.30
If any nonconforming development or use of land or of a building be discontinued for a period of not less than thirty-six consecutive months, which in the terms of this bylaw shall constitute abandonment of nonconforming usage, such land or building shall thereafter be used or developed only in accordance with the terms of the Bridgewater Zoning Bylaw for the zoning district in which such property is located.

5.40
Any nonconforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise by at least seventy-five to eighty percent may be rebuilt, subject to a special permit being granted under Section 11 of the bylaw.

5.50
Construction or operations under a building or special permit shall conform to any subsequent amendment of the bylaw unless the use or construction is commenced within six months after the issuance of the permit and in case involving construction, unless such construction is continued through to the completion as continuously and expeditiously as is possible.

5.60
Any non-conforming commercial use in a residential district may, by special permit, use a proximate parcel of owned land to meet minimum parking requirements so long as there is no expansion of the principal, non-conforming use.

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

If the principle non-conforming use is reverted to conforming, the parcel used for parking shall revert back to residential use or must be loamed and seeded.


SECTION 6
Use Regulations

6.10

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

6.11 Multiple Uses

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

In mixed use development projects providing bike or auto sharing or rental facilities the combined parking requirement may be reduced by the Special Permit Granting Authority by 25%. (Adopted 6/21/2016-Effective 7/22/2016 D-2016-001)

Residential units in mixed use development projects.

For a mixed use development in the Central Business District, a maximum of up to 27 bedrooms per acre are permitted regardless of configuration. (Adopted 6/21/2016-Effective 7/22/2016 D-2016-001)

6.12 Retreat Lot (Effective 7/22/2016 D-2016-002)

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

A Retreat Lot shall meet the following minimum Standards:
1. The subject parcel shall have a minimum lot area of 150,000 square feet.
2. The subject parcel shall have a minimum of 40,000 square feet of contiguous upland area.
3. The minimum lot frontage shall be 30 linear feet.
4. The proposed lot shall maintain a minimum lot width of 30 linear feet.
5. A driveway length shall not exceed 300 linear feet without a hammer head or other method of reversing the direction of a vehicle.
6. The applicant shall submit an Approval Not Required (ANR) Plan under the Subdivision Regulations depicting the Retreat Lot and any conforming lots. The Approval Not Required Plan shall not take the place of the site plan otherwise required for the Special Permit application.
A use listed in section 6.30 is permitted as of right in any district under which it is denoted by the letter “Y” subject to such requirements as may be specified elsewhere in the By-Law. A use designated in Section 6.30 by the letters “SP” may be permitted as a special exception only if the Special Permit Granting Authority so determines and grants a special permit therefore subject to such restrictions as set forth elsewhere in this By-Law and such further restrictions as said Special Permit Granting Authority may establish. Unless otherwise stated within this By-Law, the Zoning Board of Appeals shall be the Special Permit Granting Authority for uses identified under Section 6.30 as requiring a special permit within the Residential A/B, Residential C, and Residential D zoning districts. The Planning Board shall be the Special Permit Granting Authority for use identified under Section 6.30 as required a special permit within a Mobile Home Elderly District in addition to all other zoning districts and where specifically designated as the Special Permit Granting Authority within this By-Law.

6.30 TABLE OF USE REGULATIONS

(See following pages)

6.4 Marijuana Establishments Forbidden and Exceptions (Adopted 12-19-17 D-FY18-005 Effective 1-19-18)

The Town of Bridgewater prohibits the operation of any marijuana establishments as defined in G.L. c.94G §1 in all zoning Districts of the Town of Bridgewater, with the exception of marijuana cultivators, marijuana product manufacturers and marijuana testing facilities, as also defined in G.L. c.94G §1. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.
### 6.30 TABLE OF USE REGULATIONS

#### 3-31-2017

<table>
<thead>
<tr>
<th>PRINCIPAL USES</th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
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<th>PD</th>
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</tr>
</thead>
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<tr>
<td><strong>A. RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1 Detached dwelling on a separate lot occupied by not more than one family</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
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<tr>
<td>2 One two-family or one duplex on a separate lot</td>
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</tr>
<tr>
<td>3 Attached dwelling occupied by not more than one family in each unit between side walls, providing that no row of such units shall consist of more than four (4) such units</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>4 Multi-family dwellings, mixed use (See Section 19)</td>
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<td>SP</td>
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<td>5 Renting of rooms in an existing dwelling to not more than three (3) persons</td>
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<td>Y</td>
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<td>SP</td>
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<td>6 Conversions to live-work units</td>
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<td>7 Trailer and Trailer Park</td>
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<td>8 Mobile Home and Mobile Home Park*</td>
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<td>* Except in Section 6.30A.12 Mobile Home Elderly Community</td>
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<td>9 Camp Grounds</td>
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**B. INSTITUTIONAL, RECREATIONAL AND EDUCATIONAL USES**

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<td>Religious, sectarian and non-sectarian denominational, private or public school not conducted as a private business for gain</td>
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<td>Recreational facility owned or operated by an agency of town or other government</td>
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<tr>
<td>6</td>
<td>Private nonprofit libraries or museums</td>
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<tr>
<td>7</td>
<td>Private nonprofit community center building, adult education center or other similar facility provided indoor or outdoor noisy activities shall not be less than one hundred (100) feet from any lot line and shall not be detrimental to the neighborhood by reason of noise in any season</td>
<td>SP</td>
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<tr>
<td>8</td>
<td>Hospital, Infirmary, nursing home, convalescent home</td>
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<td>SP</td>
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<td>SP</td>
<td>SP</td>
<td>SP</td>
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<tr>
<td>9</td>
<td>Day nursery, nursery school, kindergarten or other agency excluding family day care home, but not large family day care home as defined in defined in MGL Section 9 of Chapter28a, giving day care to children provided any outdoor play area is screened by fence, wall, or planting line and from any neighboring residential structure and is not detrimental to the neighborhood by reason of noise</td>
<td>SP</td>
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<td>Overnight camps for children under 18 years of age</td>
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<tr>
<td>11</td>
<td>Trade, professional, or other school conducted as a private business for gain</td>
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<tr>
<td></td>
<td></td>
<td>Trade, professional, or other school conducted as business for gain, limited to one class at a time of no more than thirty (30) students</td>
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<tr>
<td>12</td>
<td></td>
<td>Private, nonprofit membership club or lodge</td>
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<tr>
<td>13</td>
<td></td>
<td>Outdoor sports facility conducted for profit such as a golf courses, tennis clubs &amp; marinas</td>
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<tr>
<td>14</td>
<td></td>
<td>Entertainment and recreation facilities operated as a business for gain, including but not limited to bowling alley, health club, theatre or sport arena provided such use is housed indoors in a sound insulated structure protecting neighborhood from inappropriate noise in any season</td>
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<tr>
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<td></td>
<td>Adult motion picture theatre and/or adult bookstore located no closer than 1,200 ft. from any residential district or any other adult motion picture theatre, adult bookstore or any establishment licensed under Section 12 of chapter 138 of M.G.L. as amended</td>
<td>N</td>
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<td>16</td>
<td></td>
<td>All town and municipal use</td>
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<tr>
<td>17</td>
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<td>Fraternity or Sorority building, house or use, whether attendant to or formally associated with an educational or institutional facility or not</td>
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<td>C. AGRICULTURAL USES</td>
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<td>SBD</td>
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<td>GATEWAY</td>
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<td>Farms- agricultural, orchard, horticultural or silvicultural</td>
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<td>Farms- livestock or poultry, but not swine, provided that any building housing livestock is not less than fifty (50) feet from property boundary</td>
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<td>One roadside stand per farm for sale of agricultural products, the major portion of which are grown or produced on the premises</td>
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**D. OFFICE AND LABORATORY USES**

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<tr>
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<td>Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic</td>
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<td>Laboratory or research facility</td>
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<td>Radio or Television studio</td>
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<td>Radio or Television transmission facility but not studio</td>
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<td>Incubator Innovation Center (Effective 7/22/16 D-2016-001)</td>
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**E. RETAIL, BUSINESS AND CONSUMER SERVICE ESTABLISHMENTS**

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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Store serving retail business needs of residents including but not limited to bakery, grocery, meat market, fruit store, hardware or paint store, florist, news and/or tobacco store, drug store, book store, magazine and periodical store, novelty store, stores providing electronic displays of pictures or movies whether coin operated or otherwise, film store, video tape stores, provided all display, storage and sale of materials are conducted within a building and provided there be no manufacturing or assembly on the premises. In addition, said activity shall not include the conveyance of any material involving subject matter as defined in Section 31 of Chapter 272, M.G.L., as amended.</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>SP*</td>
<td>N</td>
<td>SP*</td>
</tr>
<tr>
<td>2</td>
<td>Eating places serving food and beverages, no dancing or live entertainment permitted</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y**</td>
<td>SP*</td>
<td>SP</td>
<td>SP*</td>
<td>Y</td>
</tr>
</tbody>
</table>

---

Town of Bridgewater Zoning Bylaws  Page 25
<table>
<thead>
<tr>
<th></th>
<th>Principal Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Eating places serving food and beverages with dancing and live entertainment permitted except for those activities relating to sexual conduct or sexual excitement as defined in Section 31 of Ch. 272, M.G.L.</td>
</tr>
<tr>
<td>4</td>
<td>Service business serving local needs, such as barber shops, beauty shops, shoe repair, tailor, self-serving laundry, dry cleaning drop off/pick-up agency or personal copying/printing establishment</td>
</tr>
<tr>
<td>5</td>
<td>On-site dry cleaning business provided personnel is limited to not more than ten persons at any one time on premises</td>
</tr>
<tr>
<td>6</td>
<td>Mortuary, undertaking or funeral establishments</td>
</tr>
<tr>
<td>7</td>
<td>Veterinary establishment, or similar establishment provided that animals are kept wholly indoors</td>
</tr>
<tr>
<td>8</td>
<td>Veterinary establishment, or similar establishment with animals fenced outdoors</td>
</tr>
<tr>
<td>9</td>
<td>Store for retail sale of merchandise such as but not limited to lumber yards and building supply yards wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting street or abutting property where such materials are stored</td>
</tr>
<tr>
<td>10</td>
<td>Banks and similar financial institutions</td>
</tr>
<tr>
<td>11</td>
<td>Motels (See Section 9.30)</td>
</tr>
<tr>
<td>12</td>
<td>Hotels (See Section 9.30)</td>
</tr>
<tr>
<td>13</td>
<td>Convention/Exposition Center</td>
</tr>
<tr>
<td>14</td>
<td>Place for exhibition, lettering, or sale of gravestones</td>
</tr>
<tr>
<td>15</td>
<td>Place for exhibition, lettering, or sale of gravestones conducted entirely within a building</td>
</tr>
<tr>
<td>E</td>
<td>Principal Uses (Amended 3-31-2017 - D-2016-007)</td>
</tr>
<tr>
<td>16</td>
<td>Registered Marijuana Dispensary (RMD)</td>
</tr>
<tr>
<td></td>
<td>Fast Food and Ice Cream Stands (Ordinance D-2015-010)</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>17</td>
<td>Bank Teller and ATM Kiosks (Ordinance D-2015-010)</td>
</tr>
<tr>
<td>18</td>
<td>Sidewalk Café (Ordinance D-2016-001)</td>
</tr>
</tbody>
</table>

*Approval of this uses shall be subject, in part, to the special permit granting authority imposing conditions upon the layout of sites and exterior surface material of buildings which will potentially accommodate other allowable uses within a development of no less than fifteen acres.*

### F. AUTOMOTIVE SERVICE AND OPEN AIR DRIVE-IN RETAIL SERVICE

<table>
<thead>
<tr>
<th></th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Gasoline service station</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

Sale or rental of automobiles, boats or other motor vehicles and accessory storage conducted entirely within an enclosed sound insulated structure to protect the neighborhood from inappropriate noise and other disturbing effects such as but not limited to flashing, fumes, gases, smoke and vapors.

<table>
<thead>
<tr>
<th></th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Print, binding, publishing and related arts and trades</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

Sale or rental of automobiles, boats or other motor vehicles and accessory storage conducted partly or wholly on open lots.

<table>
<thead>
<tr>
<th></th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Bottling of Beverages</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

### G. INDUSTRIAL WHOLESALE AND TRANSPORTATION USES

<table>
<thead>
<tr>
<th></th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Car washing establishment</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

Sales places for flowers, garden supplies, agricultural produce partly or wholly outdoors, including commercial greenhouses.

<table>
<thead>
<tr>
<th></th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Laundries and dry cleaning plants</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Plumbing, electrical or carpentry shop or other similar service or repair establishment conducted entirely within a building with no more than five (5) employees at any one time on the premises</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td></td>
<td>Place for manufacturing, processing, assembling or packaging of goods, provided that all resulting cinder, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor be effectively confined to the premises or be disposed of in a manner that does not create a nuisance or hazard to safety or health</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>6</td>
<td>Wholesale business and storage in a roofed structure</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>SP</td>
</tr>
<tr>
<td>7</td>
<td>Trucking terminals and freight terminals</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>8</td>
<td>Contractors’ yards</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>9</td>
<td>Mini Self-Storage Facility</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>10</td>
<td>Cultivation, Manufacturing and Testing of Adult Use Marijuana (Adopted 7-9-2019/Effective 8-9-2019/D-FY19-003)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
</tbody>
</table>

**H. OTHER PRINCIPAL USES**

<table>
<thead>
<tr>
<th></th>
<th>Signs or advertising devices except as permitted by this bylaw</th>
<th>RES</th>
<th>RES</th>
<th>RES</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND</th>
<th>IND</th>
<th>IND</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>2</td>
<td>Sale, storage of junk or salvaged materials</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>N</td>
</tr>
<tr>
<td>3</td>
<td>Regional Materials Recycling Facility (See Section 2.91)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>N</td>
<td>SP</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>4</td>
<td>The stripping of loam, peat sand, or gravel or other material except for the reuse on the same property (voted A.T.M 5/5/97)</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>5</td>
<td>Any use detrimental to the health, safety or welfare of the public because of inadequacy of storm water management, site drainage or inaccessibility to fire fighting apparatus or other protective services.</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>N</td>
</tr>
</tbody>
</table>

(See Accessory uses on following Page)
## 6.30 TABLE OF USE REGULATIONS

<table>
<thead>
<tr>
<th></th>
<th>ACCESSORY USES AND OFF-STREET PARKING</th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Private greenhouse, stable, tennis court, swimming pool, or other similar structure for domestic use</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>Y</td>
</tr>
<tr>
<td>2</td>
<td>The raising or keeping of livestock or poultry as pets or for use by residents of the premises provided that no building for livestock or poultry may be less than 35 feet from any side or rear lot line nor nearer than 50 feet from any front lot line</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>3</td>
<td>Any customary home occupation or the office of a physician, dentist, attorney-at law, architect, engineer, or member of other recognized profession provided that no more than three (3) persons shall practice or be employed at any one time and provided there is no external change which alters the residential appearance of the building, and further provided that all storage is kept indoors</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>4</td>
<td>The use of a portion of a dwelling or accessory building thereto by a resident builder, carpenter, painter, plumber, electrician or mason or by a resident tree surgeon or landscape gardener or for incidental work and storage in connection with an off-premises occupation, provided there is no external change which alters the appearance of the buildings, and further provided that all storage is kept indoors</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
</tbody>
</table>
5. Accessory uses, whether or not the same parcel as the principal use, which are necessary in connection with scientific research, scientific development or related production activities which are permitted by-right. Before granting a special permit, the special permit granting authority must find that the proposed accessory use does not substantially derogate from the public good.

<table>
<thead>
<tr>
<th>Item</th>
<th>Accessory Use Description</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
<th>SP</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Open lot storage of materials which is not incidental to a permitted principal use</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>7</td>
<td>Drive-up window facilities incidental to permitted principal use</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>SP</td>
<td>Y</td>
</tr>
<tr>
<td>8</td>
<td>Off-street parking and loading facilities located on a lot other than that accommodating the principal use they are designed to serve subject to conditions stated in Section 10 of this by-law</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>9</td>
<td>Common driveways as defined under Section 2.95 and pursuant to Section 9.90</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>10</td>
<td>Expanded living space (in-law living area) in single family dwelling</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>Y</td>
<td>Y</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>11</td>
<td>Conversion of existing structure into a mixed use with a maximum of one commercial use on the first floor and two residential units* The conversion shall maintain the appearance of the existing structure.</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>12</td>
<td>Rooftop Solar Photovoltaic Panels, in all districts except the Historic District, roof top solar photovoltaic panels are allowed by-right subject to a height restriction of five (5) feet above the roof. (Adopted 7-8-2014/Effective 8-8-2014/D-2014-003)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

J. PLANNED DEVELOPMENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Planned Development Description</th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>(See Section 9.60, Planned Developments)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>N</td>
</tr>
</tbody>
</table>

K. PARKING LOTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Parking Lot Description</th>
<th>RES A/B</th>
<th>RES C</th>
<th>RES D</th>
<th>CBD</th>
<th>SBD</th>
<th>BUS B</th>
<th>GATEWAY</th>
<th>EAST GATEWAY</th>
<th>IND A</th>
<th>IND B</th>
<th>IND E</th>
<th>PD</th>
<th>MHEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Parking lots and parking structures</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>N</td>
</tr>
</tbody>
</table>
SECTION 7
Signs

7.10
No signs or advertising devices of any kind or nature shall be allowed be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure in Bridgewater except as specially permitted in this section.

7.20
IN RESIDENCE DISTRICTS, signs or advertising devices are permitted only as follows:

7.21 One sign displaying the street number, or name of the occupant of premises, or both, not exceeding three square feet in area. Such sign may be attached to a building or may be on a rod or post not more than six feet high and not less than three feet from the street line. Such sign may include identification of an accessory studio or professional office in the dwelling or on the premises, or may identify other permitted accessory uses, included customary home applications.

7.22 One bulletin or announcement board or identification sign for a permitted nonresidential building or use, not more than six square feet signboard area. For churches and institutions, two bulletin or announcement boards or identification signs are permitted on each building. Each such church or institution sign shall be not more than ten feet signboard area. No such sign shall be located nearer a street than one-half the required front yard depth.

7.23 One the premises with lawfully a nonconforming use, one sign not more than six square feet signboard area.

7.24 One “For Sale” or “For Rent” sign, not more than six square feet signboard area and advertising only the premises on which the sign is located.

7.25 One building contactors’ sign on a building while actually under construction, not exceeding six square feet signboard area.

7.26 In residence districts, all signs or advertising devices shall be stationary and shall not contain any visible moving or movable parts. No sign or advertising device in such districts shall be of neon or illuminated tube type. Lightning of nay sign or advertising device shall be continuous (not intermittent nor flashing nor changing) and shall be so placed or hooded as to prevented direct light from shining onto any street or adjacent property. No sign or advertising device shall be illuminated after 11:00 P.M.

7.30
IN BUSINESS DISTRICTS and INDUSTRIAL DISTRICTS, signs shall related to the premises on which they are located and shall only identify the occupant of such premises or advertise the articles or services available within said premises.

7.31 No temporary or permanent political, special promotion signs, banners, streamers, or placards shall be erected, suspended, posted, or affixed in any manner outdoors or on the exterior of any building in a business district without permission from the board of selectman and none of the above shall be erected for a period of more than thirty days and removed not later than forty-eight hours from the conclusion of the election or promoted event.

7.32 On each lot in a business district or an industrial district, there are permitted two signs affixed to the exterior of a building, for each occupant. The top edge of each such sign shall be not higher than to roof ridge of the building, or the highest point of the roof ridge, if no ridge pole, nor higher than the plate of a flat roof.

7.33 Signs permitted in business districts and in industrial districts shall not be more than one hundred square feet signboard area per sign.
In Business and industrial districts where buildings are set back thirty feet or more, one freestanding sign per lot is permitted. The top edge of any such freestanding sign shall be not higher than twenty feet vertical measure above the average level of the ground between the supports of each sign. Any such freestanding sign may be located within the front yard space, if any on such lot, but not nearer than twelve feet to any lot line.

(Amended 11/13/90)

No freestanding sign shall have signboard area (or display area, if no signboard) exceeding one hundred square feet gross area, measured from the tops of the topmost display elements to the bottom of the lowest display elements, and from exterior side to exterior side of display elements, and including in such measurements any blank space between display elements. No display or signboard dimension shall exceed sixteen feet for a freestanding sign.

Illuminate signs are permitted, subject to the following conditions:

7.61 No sign shall be intermittently illuminated, nor of a traveling light, animated or flashing light type.

7.62 Each steadily illuminated sign shall not exceed one hundred square feet gross display area as measured in paragraph 7.50 above.

7.63 Sign illumination is permitted only between the hours of seven o’clock in the morning and seven o’clock in the evening, except that signs of retail establishments may be illuminated during any hours these establishments are open to the public.

7.64 Internally illuminated signs are not permitted in the Gateway Business Districts (GBD) and Central Business District (CBD)

In all zoning districts, for safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded that the light source itself shall not be directly visible at any point beyond the lot lines of the premises illuminated.
Section 8
Land Space Requirements

8.10
No building or structure shall be built nor shall any existing building or structure be enlarged or altered except in conformance with the regulations of the Bridgewater zoning bylaws as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear yards, and maximum height of structures, in the several districts as set forth on the following page except as may otherwise be provided elsewhere in the Bridgewater zoning bylaws.

8.20
The land and yard spaces required for any new building or use shall not included any land or area required by any other building or use to fulfill Bridgewater zoning requirements.

8.30
If more than one building (other than a one, two or three-car garage, a tool shed, a greenhouse or a cabana) may lawfully be placed on any lot in a single or common ownership, the distance between the nearest parts of such buildings shall no be less than twenty feet.

8.40 LAND SPACE REQUIREMENTS TABLE
(Numbers in parentheses refer to footnotes)
<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Area Per Dwelling Unit</th>
<th>Minimum Lot Frontage (1)(2)</th>
<th>Minimum Depth (3) FRONT/REAR/SIDE</th>
<th>Maximum Building Height (4) STORY/FEET</th>
<th>Maximum % Building Coverage</th>
<th>Maximum % Lot Coverage</th>
<th>Minimum % Open Space</th>
<th>Maximum % Impervious</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res A/B</td>
<td>43,560</td>
<td>43,560</td>
<td>150'</td>
<td>40' (6) / 30 / 20</td>
<td>3 / 35' (10)</td>
<td>20%</td>
<td>75%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Res C</td>
<td>18,500</td>
<td>Single Family 37,000</td>
<td>125' Single Family (2)</td>
<td>35' (6) / 30 / 20</td>
<td>3 / 35' (10)</td>
<td>20%</td>
<td>80%</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>Res D</td>
<td>18,500</td>
<td>10,000 (5)</td>
<td>125'</td>
<td>35' (5) / 30 (5) / 20 (5)</td>
<td>3 / 35' (10)</td>
<td>20%</td>
<td>80%</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>Central Business District</td>
<td>No Minimum lot size for existing non conforming lots. Newly created lots require 10,000 sq.ft. (through Special Permit)</td>
<td>No Minimum lot frontage for existing non conforming lots. New lots require 100 feet</td>
<td>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.</td>
<td>3.5 / 40' (8)</td>
<td>80%</td>
<td>20%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Business District</td>
<td>40,000 (21)</td>
<td>----</td>
<td>200' (21)</td>
<td>60' (21) / 40' (21) / 25' (21)</td>
<td>---- / 40' (20)</td>
<td>75%</td>
<td>25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business B</td>
<td>10,000</td>
<td>(5)</td>
<td>100'</td>
<td>30' / 25' / 15' (7)</td>
<td>3 / 35' (20)</td>
<td>80%</td>
<td>20%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial A</td>
<td>40,000</td>
<td>(5)</td>
<td>200'</td>
<td>40' (9) / 40' / 25' (9)</td>
<td>---- / 40'</td>
<td>70%</td>
<td>30%</td>
<td>50%*</td>
<td></td>
</tr>
<tr>
<td>Industrial B</td>
<td>40,000</td>
<td>----</td>
<td>200'</td>
<td>40' / 40' / 25'</td>
<td>---- / 40'</td>
<td>50%</td>
<td>75%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Planned Development District</td>
<td>5 Acres (18)</td>
<td>----</td>
<td>200'</td>
<td>(18) / (18) / (18)</td>
<td>(18) / (18)</td>
<td>25%</td>
<td>75%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Mobile Home Elderly Community</td>
<td>50 Acres</td>
<td>(16)</td>
<td>(16)</td>
<td>(16) / (16) / (16)</td>
<td>(16)</td>
<td>(16)</td>
<td>70%</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>Aquifer Protection District</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>---- / ---- / ----</td>
<td>----</td>
<td>(17)</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>Elm St. Industrial District</td>
<td>40,000</td>
<td>----</td>
<td>200'</td>
<td>40' / 40' / 25'</td>
<td>---- / 40'</td>
<td>70%</td>
<td>30%</td>
<td>50%*</td>
<td></td>
</tr>
<tr>
<td>Gateway Business District (GBD)</td>
<td>No minimum size, however no existing lot may be subdivided to less than 10,000 s.f.*</td>
<td>----</td>
<td>100'</td>
<td>30' / 25' / 15'</td>
<td>3 / 35'</td>
<td>15%**</td>
<td>75%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>East Gateway Business District (EGBD)</td>
<td>No minimum size, however no existing lot may be subdivided to less than 10,000 s.f.*</td>
<td>----</td>
<td>100'</td>
<td>30' / 25' / 15'</td>
<td>3 / 35'</td>
<td>15%**</td>
<td>75%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Waterford Village Smart Growth Overlay District</td>
<td>SEE</td>
<td>SECTION 18.7.1</td>
<td>Dimensional</td>
<td>Requirements</td>
<td>For</td>
<td>WVSGOD</td>
<td>DISTRICT</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
IA & EID *May be increased to 60% by Special Permit if development includes appropriate use of Low impact Design Principles and/or building meets LEED Certification criteria (actual LEED Certification is not required).

GBD & EGBD * In an effort to minimize the number of curb openings along this gateway, subdivision of lots must make every effort to use common drives and to consolidate curb cuts onto Route 104.

GBD & EGBD ** Not to exceed 2,000 s.f. total building footprint. This shall exclude single family residential uses, where the existing land space requirements for Residential A/B shall govern.

Notes:
DUPLEXES: Allowed in Residential C & D by Special Permit only. (Amended 7/22/2016-D2016-002)
BUSINESS B: There shall be a 6’ greenbelt contiguous with all public ways except for Approved curb cuts or approved access and egress ways
PLANNED: As specified in Section 9.642, for single-family dwelling the DEVELOPMENT minimum lot size and dimensional standards of RES A/B Zone shall apply.
DISTRICT:
HANDICAPPED RAMPS: See Footnote (13)
STORAGE SHEDS: See Footnote (14)

FOOTNOTES
1. Frontage may be measured at the front yard setback line if the lot width increases form an arc of a curve along a street with a radius of three hundred feet or less to the setback line provided there may be in any event not less than fifty feet width at the font lot line. (Amended 6/21/93)
2. Not less than the frontage requirements shall be maintained throughout the minimum front yard depth, except as provided for in (1) above, for uses described in 6.30 A.11, and lots recorded prior to October 1, 1994. (Amended 11/14/94, Amended 11/10/2003)
3. On lots abutting more than one street, the front yard requirements shall apply to one of the abutting streets where not less than the required frontage distance for the lot exists. The “front yard” shall be so designated in any application to build on such lots.
4. These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy not to wireless or broadcasting towers and other like unenclosed structures, may also be of greater height if so authorized by special permit from the Planning Board and provided said greater height, including any features attached thereto, will be less than two hundred (200) feet. (Amended 12/9/95, Amended 11/12/96)
5. See Section 9 regarding motels.
6. A dwelling need not be set back more than the average of the setbacks of dwellings on the lots adjacent to either side. If a vacant lot exists on one side, it shall be considered as a dwelling set back the depth of the required front yard.
7. Except no requirements when the side of building abuts another building.
8. No restrictions – determine by the required yard depth and parking requirements.
9. Except sixty feet when abutting or across the street from a residential zone.
10. Height restrictions for apartment usage may be varied by special permit.
11. Same as for Industrial A, except may be reduced by up to fifty percent of requirement by special permit.
13. No dimensional lot requirement of a zoning ordinance or bylaw, including but not limited to set back, front yard, side yard, rear yard and open space shall apply to handicapped access ramps on private property used solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in Section 13A of Chapter 22 of the General Laws.
14. Storage sheds, non-commercial greenhouse, tool shed or other similar accessory structure, not in excess of 150 square feet need not be set back more than 5 feet from the side and rear lot lines, provided that they are for non-commercial purpose and that they are not used for the housing of animals.

15. May be reduced by up to twenty percent of requirement by special permit.

16. Land space requirements for elderly community are governed by Section 9.70 Mobile Home Elderly Community District.

17. Refer to Section 15.40 which supersedes other provisions stated herein for only those lands located within an aquifer protection district.

18. This standard is exclusively established under Section 9.632 of these bylaws.

19. A minimum of thirty percent of the area of any lot accommodating used authorized under Section 6.30.E.2 shall be preserved as open space as defined in Section 2.25.

20. A portion of any lot contained twenty thousand square feet or more shall be maintained as open space as defined in Section 2.25. The minimum percentage of open space within any said lot shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Minimum Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 to 39,999 square feet</td>
<td>20%</td>
</tr>
<tr>
<td>40,000 to 400,000 square feet</td>
<td>25%</td>
</tr>
<tr>
<td>over 400,000 square feet</td>
<td>30%</td>
</tr>
</tbody>
</table>

21. The land space requirements shown in the table for the south business district shall not apply to those lots therein which adjoin and gain their sole means of vehicular access and egress from streets approved under the Subdivision Control Law. In such cases, the lot area and frontage requirements shall be ten thousand square feet and one hundred feet respectively. Building on said lots shall be located at least sixty feet from any public way, otherwise the front, rear and side yard depth requirements shall be thirty feet, twenty-five feet and fifteen feet respectively.

8.50

Any land use to satisfy the minimum area requirements for a buildable lot must consist of either fifty percent non-wetlands (upland) as defined by the Wetlands Protection Act, Section 40 of Chapter 131, M.G.L. or ten thousand square feet of upland, whichever is greater. The minimum area of non-wetland shall compromise a contiguous portion of the lot where any principal building for the site shall be located. A qualified botanist must delineate and flag the wetland on the lot. The wetland line, square footage of upland and total area of the lot must be indicated on the plan submitted for a building permit.

Voted November 14, 1988

8.60

Notwithstanding other setback requirements, no building, except those specifically referred to in Section 8.40, footnote (14), shall be located within fifty feet or bordering vegetative wetland, as defined by Section 40 of Chapter 131, M.G.L. The distance between the building and any wetland boundary which is less than one hundred feet away must be indicated on a plan submitted for a building permit.

Voted November 14, 1988
SECTION 9
Special Provisions

9.10

The following uses may be permitted as designated in Section 6.30 Table of Use Regulations provided they meet the following requirements in addition to any other requirements.

9.20 OPEN SPACE CONSERVATION DEVELOPMENT (Effective 7/22/2016 D2016-002)

Section 9.1 Intent
The purpose of this section is to preserve large tracts of open space for natural and historical resource protection. Moreover, the intent of this section is to protect and foster the Town of Bridgewater’s rural and scenic character by promoting residential development that is in harmony with natural features and traditional landscapes. Finally, providing flexibility of residential development standards and procedures allows the Planning Board to protect, preserve and enhance the natural environment.

Section 9.2 Special Permit Required
In any residential district the Planning Board is the Special Permit Granting Authority for Open Space Conservation Development (OSCD) as an alternative to a Definitive Subdivision.

Section 9.3 Minimum Land Area
A minimum of five (5) acres of land area are necessary for OSCD. The parcel of land must have a minimum of fifty (50) feet of frontage on a public right of way.

Section 9.4 Development Standards
Residential building lots in an OSCD must have a minimum of 10,000 sq ft of lot area, and a minimum of frontage of 25 feet. No residential building shall be located within 25 feet of a public right of way, private way, or common driveway. No residential building shall be within 20 feet of a lot line or within 30 feet of a boundary line. No residential building shall be within 30 feet of common land. Only single family residential units are allowed in an OSCD.

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

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

Section 9.5 Maximum Number of Dwelling Units
The maximum number of dwelling units permitted in an OSCD shall be computed by dividing the total developable area of the tract by the minimum lot size required for single family development in the underlying zoning district. For the purpose of this computation, the “developable” area shall be the total area of the tract, including the open space and common land, but excluding all streams, ponds, wetlands, floodplains, stormwater basins, and areas subject to existing valid open space (the excluded area for computation does not include buffers).

Section 9.6 Streets and Utilities
Unless otherwise identified in this section, all streets, sidewalks, sewage, water distribution, drainage and stormwater facilities shall be designed and constructed in compliance with the applicable rules and regulations of the Town of Bridgewater. In all OSCD, rights of way must be 40 feet minimum width. Roads serving 10 or fewer dwelling units require travel lane pavement minimum width of 20 feet. Roads serving 11-20 dwelling units require travel lane pavement minimum width of 22 feet. Roads serving 20 or more dwelling units require travel lane minimum width of pavement of 24 feet.

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

Section 9.7 COMMON LAND
A. DIMENSIONAL REQUIREMENTS
In an OSCD, a minimum of sixty percent (60%) of the total tract area shall be set aside as Common Land for the use of the OSCD residents or the general public.

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

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

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

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

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

Section 9.8 USE OF COMMON LAND

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

a. A portion of the Common Land may be also be used for the construction of leaching areas associated with septic disposal systems serving the OSCD or for water supply wells serving the OSCD, if the Planning Board determines that such use will enhance the specific purpose of Open Space Conservation Development and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary and must be identified in submitted application and plans. If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning Board shall require adequate assurances, deed restrictions and covenants that such facilities shall be maintained by the lot owners within the OSCD.

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

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

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

3. The proposed use of the Common Land shall be specified prior to plan approval and appropriate dedications and restrictions shall be imposed on the deed of the Common Land.

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

Section 9.9 OWNERSHIP OF COMMON LAND

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

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

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

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

Section 9.10 MAINTENANCE OF COMMON LAND

If the Common Land is to be held by a homeowners association, or other approved entity, a management plan shall be prepared establishing responsibilities and schedules for maintenance of the Common Land.
Section 9.11 ADDITIONAL DESIGN CRITERIA

A) FOUR-STEP DESIGN PROCESS.

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

1. Designating the Open Space.
   First, identify the open space to be protected. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic and cultural resources on the property.

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

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

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

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

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

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

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

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

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

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

Section 9.12 SPECIAL PERMIT APPLICATIONS AND PROCEDURES

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

1. Pre-Application Meeting
   Prior to submission of the Special Permit application, applicants are required to meet with requisite Town Offices or other Board designees to review the proposed development of the parcel of land and explore general conditions involving the site and reveal potential problems. Concept plans will assist in this discussion, and should show the critical features to be included in the special permit application as set forth in below. Applicants are strongly encouraged to submit a preliminary plan application to the Planning Board for review.

2. OSCD REQUIRING SUBDIVISION APPROVAL
   If the Open Space Conservation Development requires approval under the Subdivision Control Law, the “Open Space Conservation Development Site Plan” shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Bridgewater Subdivision Rules and Regulations. The applications for an OSCD Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by ordinance, the Planning Board shall consider both applications at the same time.

3. PLANNING BOARD ACTION
   A. In evaluating the proposed OSCD, the Planning Board shall consider the following:
      1) The general purpose and objectives of this ordinance;
2) The existing and probable future development of the surrounding areas;
3) The appropriateness of the proposed layout of streets, ways, lots and structures; and
4) The proposed layout and use of the Common Land in relation to the proposed dwelling units in the OSCD, adjoining public or private common land or open space or the topography, soils and other characteristics of the tract of land in question; and
5) To the extent reasonable, whether the areas designated as Common Land are consistent with the objectives stated in the Town of Bridgewater Open Space and Recreation Plans as well as the Master Plan.

B. The Planning Board may grant a special permit for an OSCD if the Board finds that the OSCD:
1) Complies with the requirements of this chapter, other applicable requirements of the Zoning Ordinances, and where applicable, the construction and design standards of the Town of Bridgewater Subdivision Rules and Regulations.
2) Is consistent with the purposes of this section; and
3) Is in harmony with the existing uses of the area and complementary to the character of the surrounding area and neighborhood.

C. In addition, in order to grant a special permit for an OSCD, the Planning Board must find that the number of housing units to be developed in the OSCD will not exceed by more than ten percent (10%) the number of house lots that could be developed under standard lot area frontage requirements.

Section 9.13 SPECIAL PERMIT CONDITIONS
As condition of approval, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this ordinance, and to protect the health, safety and welfare of the inhabitants of the area and of the Town of Bridgewater. The Special Permit shall specify the timing for conveyance of the Common Land.

Section 9.14 CHANGE IN PLANS UPON GRANTING OF SPECIAL PERMIT
No major or minor change in any aspect of the approved plans shall be permitted without the written approval of the Planning Board. A revised special permit will be required if the Planning Board determines any proposed change to be major.

Section 9.15 BUILDING PERMITS
No building permit shall be issued for any structure within an OSCD unless said structure is in full compliance with this ordinance and the terms and conditions of any Special Permit thereunder. The Planning Board is the Special Permit Granting Authority (SPGA) for this Ordinance.

9.30 MOTELS AND HOTELS  (Amended 11/14/94)

9.31 No motel or hotel shall be constructed on a lot having less than two-hundred feet frontage, nor less than forty thousand square feet of lot area.

9.32 On each lot used for motel or hotel purposes there shall be provided front, rear and side yards each not less than fifty feet depth:

9.33 A space not less than twenty feet shall be maintained open with grass, bushes, flowers or trees all along each side lot, rear lot and front lot, except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

9.34 Each rental unit shall contain not less than two-hundred square feet habitable floor area.

9.35 Each motel or hotel site shall be provided with not more than two motor vehicle driveways for each abutting street which shall intersect the abutting street or streets at ninety degrees. Not less than thirty percent of the lot shall be maintained as open space.

9.40 ACCESSORY USES IN INDUSTRIAL DISTRICTS

9.41 Principal uses listed in Section 6.30 of the Table of Use Regulations which are permitted by special permi in industrial districts, may be permitted as exception provided they meet the following requirements in addition to any requirements of the board of appeals:

The use is confined to the interior of any permitted building.
The primary purpose of such accessory use is to serve the occupants of the building in which such use is located.
There is no external advertising of such accessory use.

9.50

No dwelling shall be erected unless the top of the foundation is at least twelve inches above the center line grade of the roadway opposite the center line of the foundation. All garage floors, attached to the house or not, shall also be at least twelve inches above the center line grade of the roadway opposite the center line of the driveway. In addition, the elevation of the driveway from the gutter line to a distance of at least six feet back of the gutter line shall be graded to a minimum of six inches above the gutter grade. Driveways shall be a maximum of eighteen feet in width from the gutter line of the roadway to the outer edge of the right-of-way. Any exceptions to this regulation shall require the approval of the highway superintendent. The finished grade of the front portion of the property will coincide with the top of the curb. Any exceptions to this regulation shall be by the unanimous recommendation of the town engineer, building inspector, and the highway superintendent.

9.55 Incubator and Innovation Center Development Standards (Effective 7/22/2016 D-2016-001)

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

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

9.60 PLANNED DEVELOPMENT DISTRICT (Amended 11/9/98 & 10/10/2014)

9.61 Purpose:
The purpose of this section is to allow the Town to regulate development of planned industrial parks in designated suitable areas so as to achieve significant revenue or employment benefits without adverse impacts on their neighborhoods or on the Town's natural resources. Thus the approach is to regulate such development through a special permit procedure which is a more flexible process than is possible through conventional zoning. The review by the special permit granting authority will include mixture of uses, site access, internal circulation and parking, probable traffic impacts, overall density, building location, overall project layout, provision and design of open space, visual impact on adjacent ways and neighborhoods and drainage and water resource impacts.

To allow a residential use without special review the district permits single family housing according to the present Residential A/B lot and yard requirements as of right.

9.62 General Provisions:
In a Planned Development District comprehensively, planned industrial/commercial parks shall be allowable by special permit, subject to the following specific requirements and general guidelines, and to the specific conditions set forth by the special permit granting authority in applying those provisions.

9.63 Definitions; Requirements:
9.631 Definitions. Specific definitions for certain terms used in Section 9.60 are set forth in this Section 9.631. To the extent these definitions and their operative provisions are inconsistent with the definitions contained in Section 2, the provisions of this Section 9.631 shall govern. As used in this Section 9.60, the following terms shall have the following meanings:

"Associated Buildings" shall mean a series of buildings either attached or arranged so as to appear to be attached.
"Buffer Adjacent to Public Ways" shall mean an area left in its natural condition or landscaped except that access roads, traffic control equipment, signs, drainage facilities, utility lines and other infrastructure improvements shall be allowed in such an area.

"Gross Floor Area" shall mean the horizontal area of the floor or floors for the building in question.

"Lot Area" shall mean the total land area within a lot.

"Lot Coverage" shall mean the ratio (expressed as a percent) of the area of land within a lot covered by buildings to the Lot Area of the lot.

"Open Space" shall mean the ratio (expressed as a percent) of the area of land within a lot not covered by building or paving to the Lot Area of the lot.

"Public Way" shall mean an accepted state, county or town public way in existence on January 1, 1998 other than in interstate or limited-access state highway.

“Total Permissible Floor Area” shall mean the Gross Floor Area of all buildings approved as part of the special permit issued under this Section (Sec. 9.60).

9.632 Requirements.
Prior to the submission of a formal application for a Special Permit, the applicant, who shall be the owner of the tract or his duly authorized agent, shall submit to the Planning Board, which shall serve as the Special Permit Granting Authority, a Preliminary Plan following the requirements for Preliminary Plans contained in Section III (A), or the Rules and regulations Governing Subdivision of Land, Planning Board, Bridgewater, Massachusetts, as amended. In addition, the plan shall show significant wetlands, zoning district boundaries, and the lot frontage of residential lots across the road from the proposed Planned Development.

The following conditions are to be met with respect to any particular parcel of land in a Planned Development District

1. The tract is in single or consolidated ownership at the time of the application and is at least 10 acres in size.

2. Permitted uses shall be limited to those listed under Section 6.3 Table of Uses Regulations, as amended.

3. The following dimensional requirements shall apply to buildings and structures and the lots on which they are located:

   - Minimum Lot Size: 5 acres
   - Minimum Lot Frontage: 200 feet
   - Front Yard: 40 feet
   - Side Yard: 25 feet
   - Rear Yard: 40 feet
   - Maximum ratio of Gross Floor Area of Building to Lot Area: 0.5
   - Minimum Lot Frontage: 25%
   - Maximum Percentage of Lot Coverage by Building and structures: 25%
   - Maximum Heights shall not exceed for following:
     - Hotels (exceeding a minimum setback of 200 feet on Route 104): (5) stories and 65 feet
     - Water towers: 40 feet
     - Buildings within 300 feet of Route 104: (3) stories and 45 feet
     - Other buildings and structures: (4) stories and 55 feet

4. The manner of sewage disposal shall be approved in writing by the Board of Health.

5. Formal application for Special Permit shall be governed by Massachusetts General Laws, Chapter 40A, Section 9, and Rules and Regulations Governing Subdivision of Land, Planning Board, Bridgewater Massachusetts, Section III (B), Definitive Plan Procedures.
6. The project area shall include a 50' minimum depth buffer adjacent to public ways so as to substantially screen the uses of the premises from adjacent properties. No buffer strip shall be required where the project abuts an interstate highway or access ramp. No building shall be located within 200 feet of Route 104.

(Amended by Ordinance D-2014-005 – Adopted 9-23-2014 – Effective 10-10-2014)

9.64 Use Regulations

9.641 Planned Developments, by Special Permit. In such developments the following uses shall be permitted in the designated proportions:

a) Up to 100% of total Permissible Floor Area may be devoted to office use.
b) Up to 80% of total Permissible Floor Area may be devoted to Health Care Facilities and/or research and development.
c) Up to 5% of total Permissible Floor Area may be devoted to light manufacturing and/or assembly facilities.
d) Up to 5% of total Permissible Floor Area may be devoted to distribution facilities.
e) Up to 25% of total Permissible Floor area may be devoted to a motel or a Convention/ exposition center or Cinema.
f) Up to 85% of the Total Permissible Floor Area may be devoted to retail and supporting commercial services including, but not limited to, fast print or photo processing services, duplicating services, secretarial services, or business equipment repair services, and those commercial uses allowed by special permit in the Industrial A District.

9.642 Single family housing on one acre lots according to the dimensional standards of the Residential AJB district. (See 8.4 Land Space Requirements Table).

9.643 There shall be no storage, processing, treatment or recycling of hazardous waste generated within the Planned Development District. All hazardous waste generated within the Planned Development District shall conform to all applicable federal, state and local laws regarding hazardous waste.

9.65 General Guidelines

Before approving an application for a special permit under this Section, the Planning Board shall find that the proposal meets the requirements under 9.63 and 9.64 above, and:

9.651 That the mixture of uses reflects consideration of the overall purpose of the district, the probable impacts of the proposed uses on one another within the development, and the impacts on existing nearby uses. In making such determination, consideration should be given to proposed hours of operation.

9.652 That the internal vehicular circulation system provides for flexible vehicular circulation connecting all points within the park without use of roads outside the development and that it avoids use of long dead-end roads or provides an alternate emergency bypass route to any dead end roads of over 1000' length.

9.653 That all roads within the development conform to the construction standards in the Rules and Regulations for the Subdivision of Land of the Bridgewater Planning Board and that the developer has met the Performance Guarantee requirements set out in the subdivision rules and regulations of the Planning Board.

9.654 That based on the recommendations of the Planning Board the project has safe access (in terms of sight lines and grade) to an existing public way and that such public way has sufficient capacity in its present state, or with planned improvements, to accommodate the project at its maximum level of development.

9.655 That the pedestrian circulation system includes pathways providing direct routes between major buildings, parking areas and roads and that a secondary walking system allows movement to and through open space areas.

9.656 Parking spaces. Parking spaces shall be provided on the lot computed on the following basis:

1 space per 300 square feet of Gross Floor Area for office, research and development use, health care, child care or educational facilities, or conference center use;
1 space per 600 square feet of Gross Floor Area for light manufacturing or assembly use;
1 space per 1,000 square feet of Gross Floor Area for distribution use;
1 space per 225 square feet of Gross Floor Area for commercial use and retail;
1 space per room for hotel use plus 1 space for each employee on the largest shift; or
1 space per 4 seats for restaurant use.

Where a building is devoted to mixed use, parking spaces at the above ratios shall be provided on a proportional
basis in accordance with the portion of the building devoted to each use.

The Planning Board shall have the authority to grant a special permit to reduce the parking requirements under this Section 9.656 by as much as 20% for parking facilities serving use mixtures whose operating basis and activity patterns indicate that the total number of spaces needed at any one time will be significantly less than the total required by this Section 9.656.

9.657 That adequate off-street truck loading and parking space is provided.

9.658 That the drainage systems serving the development are designed to minimize increases in runoff, to maximize groundwater recharge and to protect the quality of receiving waters, and that the sewerage systems are designed to protect off site water bodies and aquifers from degradation of existing water quality and conform to all applicable federal, state and local laws.

9.659 That the development will not negatively affect normal and fire protection water services in the surrounding area, or if the development would have such affect, that the applicant has provided for on-site water systems to eliminate such negative effect.

9.660 That the applicant has demonstrated its ability, financial and otherwise, to bring the development to completion.

9.661 That the management plan submitted by the applicant is sufficient to insure continued unified management of the development in accordance with the standards set forth by the Planning Board.

9.662 That the applicant has proposed adequate security to insure the payment to the Town for the Town's share of any costs incurred for improvements such as roadway improvements, traffic signalization or water lines required as a direct result of the construction of the development.

9.663 That adequate provisions have been made for the removal of solid wastes produced by the development, with particular consideration being given to the ultimate destination of such wastes; and that provisions have been made for the immediate removal of sludge produced as a result of on-site sewage treatment, if any.

9.664 That yard and setback requirements applicable to the Industrial A District are met, except that the Planning Board may allow reduction of up to 50% in the yard and setback requirements if the applicant demonstrates that the building sites and proposed uses, including possible expansion requirements, warrant such reductions.

9.665 That lot size requirements are met, except that the Planning Board may allow a reduction of up to 20% of such requirements if the applicant demonstrates that the building sites and proposed uses, including possible expansion requirements, warrant such reductions.

9.666 That uses requiring outdoor storage of equipment and supplies screen views of such storage areas from adjacent buildings or ways.

9.667 That the exterior building materials blend with the setting or complement it.

9.668 That building masses and heights along the perimeter of the project are compatible with the views from adjacent ways and neighborhoods.

9.67 Procedures

9.671 An application for a Special Permit to develop a Planned Development shall be submitted and received in a manner pursuant to the procedures set forth in Massachusetts General Laws, Chapter 40A, and all amendments thereto, as well as adherence to the Town's Zoning By-Laws, the Planning Board Rules and Regulations under Subdivision of Land and in this Zoning Amendment and further that Special Permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. Final action shall be taken on such applications within ninety (90) days following the public Hearing on said applications. The rights granted by special permit under this by-law shall lapse if they are not exercised within two (2) years after the special permit is granted.

9.672 A site plan and written plan shall be prepared for the whole tract of land and shall be submitted to the Town Clerk who shall distribute copies to the Board of Appeals, the Planning Board, Board of Health, the Conservation Commission, and the Community Development Coordinator. These agencies shall review the site plan and application and shall report their findings and recommendations for approval or disapproval, together with reasons therefor and any additional requirements, to the Planning Board within 35 days of receipt of the application and
plan. Appeal from this decision of the Special Permit Granting Authority may be taken in accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 17.

9.673 The site plan submitted to the Planning Board, et al., shall include:
(a) The name of the proposed development, north point, date, scale and legend;
(b) The name of the record owner, applicant, architect, engineer and surveyor;
(c) The names of all abutters as determined from the most recent tax list;
(d) Existing and proposed topography of the land at two foot contour intervals;
(e) The existing and proposed lines of streets, ways and easements;
(f) Proposed dedicated open space areas or other public areas;
(g) Proposed lighting and signage;
(h) The proposed drainage system including existing and man-made waterways and retention or detention areas on the property or adjacent property. The last may be shown by reference to an attached smaller scale map showing the project locus and adjacent land uses, circulation facilities, topography and drainage.
(i) The names, approximate location and width of adjacent streets;
(j) The approximate boundaries of any proposed lot or building sites and, where applicable, intended outer edge of the proposed buildings;
(k) All other information required for definitive plans under Bridgewater Rules and Regulations Section III (B) (3) and any other information required by the Planning Board.

9.674 Written material submitted along with the site plan shall include:
(a) The name of the proposed applicant;
(b) The name(s) of the owner of the land within the project area;
(c) The names of the project architect, engineer and surveyor;
(d) A narrative describing the long range development plan including proposed uses, anticipated traffic volumes and general character of building types and materials;
(e) A financial plan showing the proposed sources and methods of financing for the project, the structure and percentage of ownership, evidence of financing commitments;
(f) A management plan describing the method by which the applicant will secure continued, unified management of the project area, including the method for providing security, sewage disposal, maintenance of the privately owned streets and ways, sewers and common areas, and providing services to the tenants of the project area;
(g) A program for meeting the requirements of the by-law with regard to the provision of public improvements and amenities of the Town made necessary by the construction of the project, including the method of financing such improvements and/or amenities; and
(h) A description of existing hydrogeologic conditions and how the proposed sewerage disposal system and storm drainage system will impact existing hydrogeologic conditions.

9.68 Amendments

9.681 The Planned Development shall be constructed and operated in conformance with the site plan presented to the Board and any conditions imposed by the Board in the Special Permit.

9.682 Variations from the site plan and conditions of the special permit may be authorized by the Planning Board. Requests for substantial variations from the site plan and conditions of the Special Permit as determined by the Planning Board may be granted only after notice and public hearing pursuant to this Section.

9.7 MOBILE HOME ELDERLY COMMUNITY (MHEC): (Amended 11/13/2000)
(Amended 2-19-2016 Ordinance D-2015-009)

9.71 Purpose
The purpose of this section is to provide for the construction, erection, placement and regulation of manufactured homes for residents within manufactured housing communities under M.G.L. ch. 140, Sections 32A et seq. (hereinafter “Park” or “Manufactured Housing Community”), who are defined as elderly (meaning each resident is at least 55 years of age or otherwise permitted within the Park under Massachusetts or federal law) and which such retirement community shall be no less than fifty (50) acres in size provided that (1) the approval of a preliminary plan by the Planning Board; and (2) the issuance of a special permit by the Planning Board in accord with procedures set forth herein. A Special Permit issued here under is and must be issued for authorization.

It is intended of this district that they will have manufactured homes placed on individual sites, which sites shall be on frontage on private ways. Approval of the Planning Board will be required as set forth in the Rules and Regulations governing the sub-division of land for the Town of Bridgewater, unless provisions are waived or otherwise modified, as herein provided or otherwise provided by law including approval of street, utility and drainage systems, whether or not the subject proposal constitutes a subdivision as defined in M.G.L. Chapter 41 S 81L.
Definitions:
For the purposes of this section and wherever the same may appear elsewhere in this Ordinance, the following words and terms as used herein shall have the meanings or limitations of meanings herein defined, explained or assigned.

9.721 Manufactured Housing Elderly Community (or Manufactured Housing Community): a self-contained retirement community constructed expressly for and specifically limited to use and residency by elderly persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years (unless an exception is permitted under Massachusetts or federal law) which such retirement community shall be constructed on no less than fifty (50) acres of land and at all times held under single ownership. Such retirement community shall have been planned and improved for the placement of Manufactured Homes for non-transient use and shall be designed to accommodate three (3) or more Manufactured Homes as hereinafter defined.

9.722 Manufactured Home: A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters. The size of the manufactured home shall be a minimum of 28’ in width and 40’ in length. The definition of Manufactured Home herein shall specifically exclude Trailer as hereinafter defined in 9.724.

9.723 Manufactured Home Site: A designated area of land within a Manufactured Housing Community for the placement of a single manufactured home for the exclusive use of its occupants.

9.724 Trailer: The following for the purposes of these regulations shall be considered a trailer and not permitted in or within a Manufactured Home Elderly Community.

9.7241 Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, or vacation, having a body width not exceeding 8 feet, and a body length not to exceed 32 feet.

9.7242 Pick Up Coach: A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.

9.7243 Motor Homes: A portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of self-propelled vehicle.

9.7244 Camping Trailer: A folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

9.725 Manufactured Home Pad: A Manufactured Home Pad shall be considered as that part of the Manufactured Home Site which is reserved for the Manufactured Home.

9.726 Community Building: A building solely for the use of the residents of the Manufactured Housing Community and their guests containing TV room, card room sewing room, library, poll tables, kitchen, laundry, emergency toilet, lavatory, and bathing facilities for men and women, etc. Community building and other community facilities shall be designed in accord with the most recent Massachusetts standards for accessibility for the handicapped.

9.727 Person: The word “person” shall include individuals, corporation, owners, lessees, licensee, and agents for each of them.

9.728 Permitee: “Permitee” shall be deemed to be any person, firm, or corporation receiving a permit to conduct, operate, or maintain a Manufactured Home Elderly Community.

9.729 Resident, Tenant or Occupant: The term “Resident”, “Tenant” or “Occupant” shall mean a person who has achieved a minimum age of at least fifty-five (55) years (except as permitted under Massachusetts or federal law) and as further defined in M.G.L. ch. 140 and the regulations promulgated thereto and as further defined in M.G.L. ch. 140, Section 32A et seq.

General Provisions
In a Manufactured Housing Elderly Community District, planned self-contained retirement communities constructed expressly and specifically limited to use, residence and occupancy by elderly persons who have achieved a minimum age requirement for such use, residency or occupancy of at least fifty-five (55) years (unless an exception is available under Massachusetts or federal law) shall be allowable by Special Permit subject to the following specific requirements and general guidelines and to this specific conditions set forth by the permit granting authority as it is the Special Permit granting authority applying those provisions. Any and all presently permitted and constructed Manufactured Housing Communities are hereby grandfathered for all purposes and provisions hereunder.

Procedure
9.741 A Preliminary Site Plan shall be submitted to the permitting granting authority, which shall within thirty (30) days submit its preliminary non-binding approval or disapproval and its preliminary recommendations to the permitting granting authority, the Board of Health, the Conservation Commission and Town Council.

9.742 An application for a Special Permit to develop a Manufactured Housing Elderly Community shall be submitted and received in a manner pursuant to the procedures set forth in Massachusetts General Laws, Chapter 40A, and all amendments thereto, as well as adherence to the Town’s Zoning Ordinance, and other requirement applicable in this Zoning Amendment and further that Special Permits shall only be issued following public hearings held within ninety (90) days after filing of an application.
9.743 A site planned and written plan in quintuplicate (5) shall be prepared for the whole tract of land and shall be submitted to the Town Clerk who shall distribute copies to the Planning Board, Board of Health and Conservation Commission or other board with permitting granting authority. These agencies shall review the site plan and application and shall report their findings and recommendations for approval or disapproval, together with reasons therefor and any additional requirements, to the Planning Board within sixty (60) days of receipt of the application and plan.

9.744 The site plan submitted to the permit granting authority, shall include:

(a) The name of the proposed development, north point, date, scale or legend;
(b) The name of the record owner, applicant, architect, engineer and surveyor;
(c) The names of all abutters as determined from the most recent tax list;
(d) Existing and proposed topography of the land at two foot contour intervals;
(e) The existing and proposed lines of streets, ways and easements;
(f) Proposed dedicated open space areas or other common areas;
(g) Proposed lighting;
(h) The proposed drainage systems including existing and man-made waterways and retention or detention areas on the property and on adjacent property, together with a map showing the project locus and adjacent land uses, circulation facilities, topography and drainage;
(i) The names, location and width of adjacent streets;
(j) The boundaries of any proposed site or building sites.
(k) Location of fire alarm boxes and hydrants;
(l) Computations used in designing storm drain system;
(m) All existing and proposed building, structure, parking spaces, driveways, openings, private ways, service areas and open spaces;
(n) Landscape features, including lawns, recreation areas, fences, walls and walks;
(o) A drawing of proposed elevations with regard to exterior architecture of the proposed buildings; and
(p) All other information required for Definitive Plans under Bridgewater Rules and Regulations Section III (B) (3) and any other information required by the Planning Board.

In addition to the foregoing the Applicant shall submit with the Site Plan a written description by a duly qualified engineer of existing hydrogeologic conditions and how the proposed sewage disposal system and storm drainage system will impact existing hydrogeologic conditions.

9.745 The Site Plan may be altered between the date of filing and the date of decision.

### Additional Requirements

Each Manufactured Housing Elderly Community shall conform to the following requirements:

1. **Site Requirements:**
   - Minimum Manufactured Home site size shall be 7,000 square feet. All sewerage systems and water systems must be approved by the State and Local Board of Health. Each Manufactured Home Site is to have a minimum of sixty (60) feet of frontage. Adequate surface water drainage is to be provided for each Manufactured Home Site. There shall be a minimum clearance or twenty (20) feet between each manufactured home with a set back from way layout of twenty (20) feet.
   - A minimum of two (2) parking spaces shall be required for each Manufactured Home Site. Each parking space shall be an area not less than nine (9) feet wide by twenty (20) feet long and hard surfaced, together with a hard surfaced driveway connecting such parking space with the street.
   - All Manufactured Home Sites shall abut a layout of not less than 40 feet in width and have a 28 foot wide paved way. All ways within the community shall be well drained with an adequate gravel base of at least 18”, with 3” of base type 1 bituminous concrete and 1½” of type 1 bituminous concrete top. All ways shall be maintained in good condition. All ways shall be subject to the approval of the Highway Superintendent of the Town of Bridgewater.
   - No manufactured home site shall be located nearer than 200 feet from a Massachusetts state numbered highway. There shall be a green belt of a minimum of 30 feet abutting the perimeter of the community and which shall be placed no closer than 20 feet from the near edge of the perimeter, nor closer than 30 feet from the community perimeter, whichever is greater. The green belt shall remain undisturbed, except by written permission of the applicable permitting authority.
   - Electricity: Each Manufactured Home Site shall be provided with an approved underground electrical connection specifically metered. All electrical, telephone, and TV cable lines throughout the park shall be of an approved underground system. All provisions of the State Electrical Code will be strictly adhered to.
   - Street Lights: Illumination may be provided by lighted post lanterns adjacent to the way associated with each Site.
   - No occupied travel trailer, pick-up-coach, motor home, or other like vehicle shall be permitted in a Manufactured Housing Elderly Community.
   - No Manufactured Home within the Manufactured Housing Community shall comply with current HUD standards.
   - Each building and Manufactured Home Site and Manufactured Home Pad shall be an element of overall plan for site development.
Where possible manufactured home pads shall be oriented with respect to scenic views, natural landscape features, topography, and natural drainage areas. Development proposals shall include a landscape program to illustrate the proposed treatment of space, ways, paths, service and parking areas. Screening devices shall not impair pedestrian or vehicular safety.

All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping station, and meters shall be located and designed so as not to be unsightly or hazardous to the public. Individual water metering for manufactured homes may be provided based upon appropriate Town of Bridgewater approval.

Residual open space within the allowable density limits shall be allocated to the recreational amenity and environmental enhancement of the Manufactured Housing Elderly Community shall be designed as such on the site plan for the proposed development.

After approval of a proposed Manufactured Housing Elderly Community there shall be no further subdivision of land within the proposed development which shall increase the allowable density.

Manufactured Homes shall not have exterior radio, television, or electronic or electrical device for entertainment or communication unless such device is the smallest applicable one on the market for sale and use for such purposes and is located with a location on the rear of the Manufactured Home or is not able to locate it there, obscured and hidden by devices and structures intended to allow such device to blend into the site (e.g. decorative hollow rock structures that are constructed for such purposes). Residents may install satellite dishes no larger than that allowed by current F.C.C. regulations, as long as they obtain prior written approval of the owner/operator, which approval shall not be unreasonably withheld or delayed to insure that such satellite dish is installed with respect for the safety and view of neighbors and to the same extent as provided, herein, hidden or disguised (e.g. decorative rocks or fiberglass units meant to hide the satellite for aesthetic purposes) so as to blend into the site.

Hitches, wheels, axels or other like appurtenances to the Manufactured Home shall be removed by the Permitee. One or more access hatches must be provided through the skirting, but shall be located only in the rear or side(s) of the Manufactured Home. Skirting material will be either the same material as the Manufactured Home siding or an impregnated or treated wood siding, or masonry or aluminum as determined by the Permitee consistent with other such materials used in the Manufactured Housing Community.

All sheds in Manufactured Housing Community shall be limited to 8’ by 10’ (8 feet by 10 feet) and shall be sited in the most inconspicuous location on the Manufactured Home Site. Where garages are associated with a manufactured home, no such sheds shall be permitted.

No permanent additions, by way of example including but not limited to enclosures or rooms shall be added to any manufactured home without proper plans approved by the Permitee and if necessary, by the appropriate permit granting authority. Open porches with awnings and removable skirting may be installed. All structures must conform to the Town’s building code and must be approved and permitted in writing by the building department prior to construction.

A one-family dwelling may be permitted on the site, provided further, that such dwelling complies with the building requirements of the Town of Bridgewater, MA. A portion of such dwelling may be utilized for the management offices.

The Manufactured Housing Elderly Community shall conform to all the requirements for a self-contained retirement community contained in Massachusetts General Laws, Chapter 151B, Section 5, Subsection 8, together with any amendments thereto including a minimum park site of fifty (50) acres.

### Responsibilities of Manufactured Housing Elderly Community Permitee

**9.761** A Permitee shall operate a Manufactured Housing Elderly Community in compliance with all regulations, and shall provide adequate supervision to maintain the Park, its facilities and equipment in good order and in clean and sanitary condition.

**9.762** The sale of manufactured homes by the Permitee for placement within the Manufactured Housing Elderly Community may be accomplished only if there is a free and available manufactured home site in the Manufactured Housing Community on which such Manufactured Homes shall be placed. No Manufactured Homes shall be allowed unless they are placed on Manufactured Home Sites for future residence.

**9.763** All ways in the Manufactured Housing Elderly Community shall be maintained by the Permitee. They shall be kept passable and in good condition at all times. Snow removal and sanding shall be done by the Permitee at its expense.

**9.764** The Permitee shall insure compliance by all tenants with these Rules and Regulations and all Community Rules and Regulations.
All residents of the Manufactured Housing Elderly Community or occupants of any Manufactured Home must be 55 years of age or over (except as provided under Massachusetts or federal law).

No pets are permitted within the Park.

Up to three residents will be approved for each Manufactured Home (age 55 or older), provided that such parties must be related in a manner recognized by Massachusetts law. Guests must register with the Permitee and may not stay for more than two weeks.

Television, radio, stereo and music must be kept at a moderate listening level. Original landscaping will be done by the management. Flowers, shrubs or other land improvements may be done by the tenant but cannot be removed if vacated. Additions of awnings, accessories, or digging must be approved by the management. No fences may be erected. All manufactured home sites must be kept orderly, grass cut and trimmed.

Outdoor drying of laundry may be done only in area designated and provided therefore and approved by Permitee.

Repairing cars in the Manufactured Housing Elderly Community is prohibited, and cars dripping gas or oil must be fixed. No parking of uninsured vehicles or trailers of any description will be allowed on the Manufactured Home site or within the Park.

An individual mail box in a central mailbox location approved by the U.S. Post office must be provided for each such Resident.

Visitors must be accompanied by a tenant, and the tenant shall be responsible for their guests.

The posted speed limit within the park must be maintained, such speed limit shall not exceed 15 MPH.

Posting of “For Sale” signs in the windows is permitted provided that such sign does not exceed 12” by 18”; all other “for sale” signs are prohibited.

Tenants may not lease their Manufactured Homes.

Solicitors or peddlers will not be allowed in the Park.

Each resident must submit to the Permitee, a birth certificate duly authenticated specifying his/her true and accurate date of birth.

The permit granting authority(s) reserves the right to inspect the Manufactured Housing Elderly Community to insure adherence to the above rules and regulations.

Rules and regulations for the Manufactured Housing Elderly Community shall be submitted annually to the Board of Health as required under Massachusetts law.

### 9.80 SITE APPROVAL

#### Purpose
The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Bridgewater by providing, through a limited special permit proceeding, detailed review of the design and layout of certain developments which have a substantial impact upon the character of the town and upon traffic, utilities and services therein.

#### Authority

9.821 The planning board shall be the special permit granting authority for those activities identified in Section 9.83 below as requiring site plan approval. A special permit for the site plan shall be issued if an application conforms to the standards established herein and to the rules and regulations of the planning board as adopted under Section 9 of Chapter 40A M.G.L. If an application does not so conform, the planning board shall normally approve said application with conditions or safeguards to ensure compliance with said standards and rules and regulations. Approval of a site plan shall be separate from, but contingent upon, the use of the site being allowed as-of-right or by the grant of a special permit or variance under other applicable provisions of the zoning bylaw.

9.822 In order to streamline permit approval procedures for uses otherwise requiring site plan approval and special permit under Section 6.30, only the site plan requirements and the design objectives contained within this Section shall apply to such a use and shall be considered in its special permit proceedings conducted under section 6.30. In such cases, the planning board shall act as the special permit granting authority in accordance with Section 9 of Chapter 40A, M.G.L.

#### Applicability
Except for development subject to Section 9.60, site plan approval shall be required for proposed uses, as well as for alterations or expansions to existing uses which necessitate six or more additional parking spaces, for the following activities as identified under Section 6.30 of this bylaw.

a. Motels and Hotels
b. Public Utilities
c. Hospital, Infirmary, Nursing Home, and Convalescent Home
d. Private for-profit Trade, Professional or Other School

e. Entertainment and Recreation Facilities (i.e. Section 6.3.B. 15)

f. Convention/Exposition Center and Hotel

g. Office and Laboratory Uses

h. Retail Business and Consumer Service Establishments

i. Automotive Service and Open Air Drive-In Retail Services

j. Industrial, Wholesale and Transportation Uses

9.84 Procedures

9.841 In order to promote better communication and understanding of the process, applicants are encouraged to initially submit preliminary site plans to the planning board for informal review. Comments and suggestions offered by the board at this time shall only serve in highlighting certain issues which the applicant may wish to consider in designing subsequent plans for a site. Such comments and suggestions are separate and severable from any decision that the planning board may eventually render under Subsection 9.842.

9.842 An application for a special permit required under Section 9.83 shall be submitted and received in a manner pursuant to the procedures set forth in Chapter 40A M.G.L. and all amendments thereto as well as adherence to the town's zoning bylaws. Special permits for site plan approval shall only be issued following public hearings held within sixty-five days after filing of an application and its site plan with the planning board at a regularly scheduled meeting and with the town clerk. Additional copies shall be submitted by the applicant to the planning board for distribution to the board of appeals, conservation commission, board of health, water and sewer commission, police department, fire department, highway department, director of planning and community development, town engineer, and building inspector.

These agencies shall review the application and site plan and shall report their findings, recommendations and any additional requirements to the planning board. Failure of any said agencies to report their recommendations within thirty-five days after receiving the application and plan, shall be deemed lack of opposition thereto. Final action shall be taken on such applications within ninety days following the public hearing on said applications. The rights granted by special permit under this bylaw shall lapse if they are not exercised within two years after the special permit is granted. This paragraph shall not apply to uses requiring a special permit under Section 6.30 of this zoning bylaw.

9.85 Site Plan Requirements

Plans accompanying applications submitted under this section shall be prepared in accordance with the special permit rules and regulations of the planning board. Information required by said rules and regulations for site plan approval shall include the following:

a. Existing and Proposed Conditions. A plan or plans showing the area and dimensions of the site, buildings, structures, parking, drives, lighting, service areas, utilities and easements. The plan shall also show contours, general location of trees, floor plains, wetlands, landscape features and adjoining properties and streets. In addition, photographs may be submitted showing the site and its relationship to adjoining properties and streets.

b. Architectural Design. For proposed buildings and additions which are subject to Section 9.83, elevations showing front and rear facades and side facades where there is no adjoining buildings including color and texture of surface materials.

9.86 Design Objectives

The following objectives, in addition to any other standards prescribed elsewhere in this zoning bylaw, shall be utilized by the planning board in considering all site plans. These objectives are intended to provide specific guidelines for the applicant in the development of site plans.

a. Infrastructure. Efforts shall be made to minimize the impacts of development upon the public water supply, sewer capacity and street system.

b. Circulation. Parking areas shall be designed to facilitate safe pedestrian and vehicular circulation patterns. Special attention shall be given to location and number of access points to the public streets (especially in relation to intersections and access drives serving adjoining properties), width of interior drives and access points, walkways, lighting, delineation of parking stalls and loading zones, surface material, and accommodations for the handicapped.
c. **Surface Water Drainage.** The removal of surface water shall not adversely affect adjoining properties, streets or storm drainage systems nor obstruct circulation of vehicles and pedestrians. For parking areas serving new buildings or expansions to existing parking areas, the performance of surface drainage shall be based on standards set forth in the subdivision rules and regulations. Stormwater management plans and final drainage designs shall demonstrate that no significantly adverse environmental impacts are to be incurred on or near the site of a proposed development.

d. **Landscape.** The landscape shall be preserved in its natural state as much as possible by minimizing tree and soil removal. Abrupt grade changes shall normally be avoided. All open space shall be landscaped with a variety of plant material, berms, and other related features so as to add to the visual amenities of the area.

e. **Building Location.** Proposed buildings and structures shall be integrated as much as possible within the existing landscape and terrain.

f. **Special Features.** Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets. On-site lighting shall not glare onto adjoining properties or streets.

g. **Safety.** All open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.

9.87 **Special Design Objectives**

In addition to the above mentioned design objectives, the following standards shall apply to those applicable projects proposed within residential and business districts and those proposed along public ways within industrial districts. They shall not apply if such developments require the approval of a local historic district commission.

a. **Building Design.** The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, exterior materials, proportion and scale of existing buildings located within the district. Retaining the character of traditional or significant architectural features of existing buildings shall be encouraged.

b. **Outside Advertising Features.** All permanent signs, in terms of their size, location, design, color, texture, lighting and materials, shall not detract from the architectural elements of the buildings they are attached to, or if freestanding, from the landscaping features of the site.

9.88 **Compliance**

a. No construction or site preparation shall commence for a development requiring site plan approval until a decision of the planning board approving the site plan has been filed with the town clerk.

b. No permanent occupancy permit shall be issued for any building subject to this section unless the planning board determines that such building and all its related improvements have been substantially completed according to the special permit.

c. Variations from the site plan and conditions of the special permit may be authorized by the planning board. Substantial variations from the site plan and conditions of the special permit as determined by the planning board may be granted only after notice and public hearing pursuant to this section.

d. Upon issuance of a Certificate of Occupancy and prior to final inspections, the applicant's engineer/surveyor shall submit all site plan drawings/information as required under the Site Plan review process of Section 9 (Special Provisions) on electronic files to the Planning Board. If under circumstances of due hardship, the applicant's engineer/surveyor cannot fulfill this requirement, the Planning Board can waive this requirement after demonstration of a hardship basis.


**9.891 Purpose**

The purpose of design review is to promote safe, functional and attractive development of business and commercial areas; to preserve and enhance the New England character of the Town's commercial centers and thoroughfares as a valid general welfare concern; to unify commercial properties, both visually and physically, with surrounding land uses; to facilitate a more healthful urban atmosphere; to protect and preserve the unique and cultural features within the Town; and to protect commercial property values by enhancing the Town's appearance.
9.892 Application

The design review provisions, as described in this section, shall apply to any external use of land, building, structure or project that requires site plan review or limited site plan review and/or a building permit for signs and is located in one of the following zoning districts:

Gateway Business Districts (GBD)

[It does not apply to single family homes or duplexes.]

9.893 Procedures and authority

**Design Review Committee.** In accordance with the provisions of Section 3.34.1 of the Town of Bridgewater Zoning By-Laws a Design Review Committee is hereby established. The Design Review Committee (DRC) is advisory to the Planning Board and the Zoning Board of Appeals for the Gateway Business Districts with reference to site plan review, limited site plan review, special permits and any variances related to signs. The DRC recommendations are not binding on the permitting board. The DRC shall review applications for all actions that are subject to the provisions of this section and shall make recommendations to the Planning Board or Zoning Board of Appeals, as appropriate, concerning the conformance of the proposed action to the design review standards contained herein.

**Make up.** The Bridgewater Design Review Committee shall be composed of five members appointed by the Board of Selectmen as follows:

- Chair or designee from the Planning Board
- Chair or designee from the Zoning Board of Appeals
- Chair or designee from the Master Plan Implementation Committee
- Retailer doing business in Bridgewater (Bridgewater resident)
- Bridgewater resident trained or experienced in landscape, art or design professions

Staggered terms shall be established for all members of the Design Review Committee and shall be three years in length.

9.894 Design Guidelines.

The Design Review Guidelines specific to the Gateway Business Districts East and West, shall be adopted as part of this Design Review By-Law. The Design Review Guidelines shall be reviewed and incorporated by the applicant in the development of plans. The guidelines shall also serve as the basis for recommendations by the Design Review Committee.

The Design Review Guidelines may be amended by a majority vote of the Planning Board after a public hearing.* Amendments to the Design Review Guidelines can be initiated by written application to the Design Review Committee which will review the request and make a recommendation to the Planning Board within thirty (30) days.

*Design Review Guidelines serve the same purpose as Subdivision Rules and Regulations.

9.895 Criteria.

Section 9.85 of the Bridgewater By-Laws require that Site Plans incorporate:

- Landscaping
- Parking entrances
- Service access
- Pedestrian traffic

The Design Review Guidelines focus on the surroundings of a site and the way in which it influences prospective development. The amount of use and number of people who frequent the area determine how a project collects visitors.
The style and size of nearby buildings should guide the massing and character of any new buildings and landscape elements to be provided in new or re-development projects. The successes of the surrounding area, which contribute to community life, should be emulated, and the pitfalls avoided. When property owners consider a development in Bridgewater they are encouraged to examine the historic buildings that give the town its charm. Tradition lies not only in the materials and forms used but in the planning principles that guided settlement throughout New England.

The tendency to sentimentalize the past should not hinder the use of modern technologies and future construction and materials innovations as planning insights could add vital contributions. Development in the Town of Bridgewater should help maintain the best traditions of the Town while supplying new elements the Town needs.

Adaptive reuse of historic buildings, rather than razing and rebuilding, is encouraged as a way of preserving Bridgewater’s character. New developments should incorporate details of neighboring historic buildings, in scale and spirit, if not in replica. Beyond respect for indigenous architecture, applicants for developments are encouraged to research Bridgewater’s rich historical past for events which may deserve commemoration. Any new development will add greater richness to the community if it acknowledges local history.

The Design Review Committee shall consider, at a minimum, the following characteristics in the course of the design review of a proposed action:

- Preservation/Enhancement of Surroundings
- Landscape
- Relation of Building to Environment
- Design
- Special Features
- Open Space
- Signs and Advertising Devices

9.896 Submittals.

The DRC will receive five (5) copies of any site plan required by Planning Board or Zoning Board of Appeals. In addition, the following materials must be submitted at the time of the application to the DRC:

- **Drawing of existing conditions.** A drawing showing the location, type, size or dimensions of existing structures and site features.
- **Photographs.** Photographs showing the proposed building site and surrounding properties. Applications for alterations and/or additions should depict existing structures to be altered and their relationship to adjacent property.
- **Drawing of proposals.** A drawing of the proposed structure, including color and type of surface materials, showing front and rear elevations and side elevations, where there are not adjoining buildings, and floor plans.

Site Plans should include:

1. Existing Buildings and Plantings*
2. Proposed New Structures*
3. Handicapped Access Features
4. Sidewalks, Drives and Parking Lots
5. All Site Objects and Fixtures (Including Signs and Lighting)*

Landscape Plans (if not included in the Site Plan) should include:

1. Existing and Proposed Grading*
2. Paving Materials
3. Planting Plan, with descriptions of materials*

Building Elevations should include:

1. Facade Treatment and Materials*
2. All Entrances and Windows*
3. Existing and Proposed Plantings, and all Site Objects and Fixtures*
For New Signs or Changes to Existing Signs, the Applicant should also submit:

1. a scale drawing of the sign details, including materials, dimensions, color, lighting and lettering style*
2. scale elevations or photographs, showing existing signs and all the proposed modifications, or the location of the new signs.*

*To be considered by the Design Review Committee

9.897 Procedure for review.

The applicant is encouraged to meet with the DRC to discuss the design of the project or construction activity to prior to submission of any formal application to the ZBA or Planning Board. The applicant will be invited to any DRC meeting held to review the applicant’s proposed project. A formal application is required for a DRC project review.

Application. The applicant shall submit the two page Application for Design Review and five (5) copies of all required drawings and plans, in addition to sample materials to the Design Review Committee.

Plan review. The Design Review Committee will hold a meeting on an application within 30 days of its receipt. The applicant should appear at the meeting of the Design Review Committee at which the proposed project is reviewed. The Committee will review the proposal, taking into consideration reports of Town agencies and boards as well as any interested parties.

Based on compliance with the requirements and design guidelines, the project may be either recommended for approval, with or without conditions, or denial. When a project is recommended to be approved or denial, the applicant shall receive written notice of the recommendation within fourteen (14) days of the date of said meeting; in the case of the latter decision, reasons for recommended denial shall be provided in detail and with specificity. If the Committee fails to make its recommendation within the time frame established, the permitting authority shall consider that the Committee has no objection to the building and other design features.

DESIGN REVIEW GUIDELINES

I. Preamble
The creation of a Design Review in the Gateway Business Districts (GBD) allows that a Design Review Committee (DRC) be established as a recommending body to the Planning Board. This committee’s work is best guided and supported by a set of consistent guidelines approved by the Planning Board. These recommended Design Review Guidelines are for business and would not apply to single family homes or duplexes.

The purpose of Gateway Business Districts is to preserve and maintain the historic and general character of the neighborhood that defines the Pleasant and Plymouth Street (RT 104) gateways into Bridgewater while facilitating economic development, minimizing traffic impacts and utilizing the advantage of this highly visible and accessible location.

The gateway corridors includes a mixture of residential and small-scale commercial development including restaurants, retail operations and professional services. It also has significant traffic volumes serving residential, educational, commercial, and industrial areas in the community. Per the Gateway Business By-law, development in the district is to be designed to complement the rural setting and enhance Pleasant and Plymouth Street as major gateways into Bridgewater. Site plan approval for commercial uses will emphasize shared driveways, parking facilities in the rear and sides of buildings, preservation of historic architecture, agricultural resources and rural character.

II. DESIGN REVIEW GUIDELINES

A. Preservation/Enhancement of Surroundings
Introduction

The design review guidelines listed below focus on the surroundings of a site and the way in which it influences prospective development. Site Plans must incorporate landscaping.

The style and size of nearby buildings should dictate something about the massing and character of any new buildings and landscape elements to be provided in new or re-development. The successes of the surrounding area, which contribute to community life, should be emulated, and the pitfalls avoided. When property owners consider a development in Bridgewater they are encouraged to examine the historic building patterns that give the town its charm. Tradition lies not only in the materials and forms used but in the planning principles that guided settlement throughout New England.

The tendency to sentimentalize the past should not hinder the use of modern technologies and future construction and materials innovations as planning insights could add vital contributions. Development in the Town of Bridgewater should help maintain the best traditions of the Town while supplying new elements the Town needs.

Adaptive reuse of historic buildings, rather than razing and rebuilding, is encouraged as a way of preserving Bridgewater’s character. New developments should incorporate details of neighboring historic buildings, in scale and spirit, if not in replica. Beyond respect for indigenous architecture, applicants for developments are encouraged to research Bridgewater’s rich historical past for events which may deserve commemoration. Any new development will add greater richness to the community if it acknowledges local history.

1.0 LANDSCAPE

Intent

Streets provide powerful images that make up our impression of a place and the means by which we orient ourselves within it. They are our communal living rooms, where civic rituals and activities both great and common take place. For this reason, the design and maintenance of streets must be carefully considered. The contribution of fences, walls, and hedges cannot be overestimated. Variety in street’s scenery is often part of its charm. In addition to their beauty, trees give a street shape and improve the appearance of a street when buildings are set back too far or build too low.

Recommendations

The landscape shall be preserved in its natural state as much as possible by minimizing tree and soil removal. Abrupt grade changes shall normally be avoided. All open space shall be landscaped with a variety of plant material, berms, and other related features so as to add to the visual amenities of the area. (Bridgewater Zoning By-Laws 9.86.d) Emphasis shall be on functionality, harmony, and concern for the environment by employing “Green” concepts.

a. Landscape design plans should ordinarily be prepared by a landscape architect, although the SPGA may accept a plan prepared by one other than a landscape architect if it believes the plan meets the design guidelines noted below and is in concert with the intent of this regulation. (Bridgewater Zoning By-Laws GBD section 3.34.6)

b. Landscaping should be used to enhance the design and to either strengthen or buffer the visual relationship with surrounding areas. A landscaped buffer strip is required adjacent to adjoining uses. This buffer strip shall be planted with a combination of grass, appropriate height shrubs and shade trees. (Bridgewater Zoning By-Laws, Section 3.34.6A – Establish a GBD)

c. Landscaping should provide definite spatial separation between lots, vehicular and pedestrian traffic areas, and buildings.

d. Plant materials should be chosen for longevity, low maintenance requirements, attractive appearance, and ability to survive, potential to screen noise, pollution and unattractive areas. Attention should be paid to the size and scale of plants at maturity in relation to buildings and traffic areas. Use of boulders should be limited and used for accent only.

e. Landscaped lots should use mulch minimally to retain moisture around plant materials and maximize the use of living plant materials (grass, ground covers etc.) for the greatest environmental impact.

f. A mixture of landscape planting to include evergreens, shrubs, flowering ornamental trees, and shade trees should be provided along perimeters of driveways, walkways and parking areas that are covered with impervious materials.

g. Shade trees should be a minimum of 2” caliper measured at a height of five (5) feet with a branching height of 6 feet. They should be deep rooted. No pavement should be placed within a 4 foot radius of the center of the trunk.
Along all streets and common access drives, the front yard setback should contain at least four shade trees for each 150 feet of frontage.

B. Relation of Building to Environment

Introduction

The design of proposed new construction in Bridgewater should acknowledge and respect the surrounding existing patterns of development and should be such that those desirable existing patterns are complimented and strengthened. Proposed development should be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings. When building in a historically sensitive area, attempts to harmonize with the surroundings become particularly important. All attempts should be made to develop a compatible style of building and materials that blend with the area. Distinctive stylistic features and examples of skilled or period craftsmanship which characterize a building, structure or site, should be treated with sensitivity. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the surrounding environment and district character.

Intent

Development should occur in a way that enhances the visual quality of the town and the quality of life for its residents. This quality will result from a harmonious relationship among the various elements of the built environment with the natural environment. It is the intent of this criterion to identify the elements of design to preserve and enhance qualities that affect the subjective relationship between the existing fabric of the Town and proposed new construction, and to provide guidelines for ensuring that the new construction will add to the visual quality of the townscape. The intent is not to discourage new and innovative architectural forms, rather to identify certain characteristics which contribute to the overall environmental harmony of the Town. New styles and building technologies can be appropriate for the Town as long as they are not harshly discordant with the existing forms.

Recommendations

Design

The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, exterior materials, style, quantity and size of windows, proportion and scale of existing buildings located within the district. Retaining the character of traditional or significant architectural features of existing buildings shall be encouraged. (Bridgewater Zoning By-Laws 9.87.a)

a. The removal or alteration of any historic material, architectural features, or trees should be avoided when possible.

b. Architectural styles should be compatible with the character of the neighborhood and existing structures. The proposed building should not be too large or too small to fit with the surrounding buildings. As a rule, a building’s size and style should respond to both the distant and immediate surrounding area without jarring contrasts in scale or character. The neighborhood context should be considered.

c. Materials should be chosen carefully and it is generally more desirable to use as few differing materials as possible. The proposed material for the building should blend with the materials of neighboring buildings. Avoid stark contrast whenever possible. Building materials and color scheme should be evaluated on their attractiveness, appropriateness, and suitability to the surrounding.

d. Cluttering of roof lines as a result of too many different angles and roof pitches should be avoided.

e. Exposed foundation walls should be minimized, or softened by landscaping and architectural design.

f. A study model should be submitted when designing major construction projects to demonstrate the relationship with surrounding areas.

Special features

Special features, including exposed machinery, utility storage structures, disposal containment storage shall be screened from view of adjoining properties and streets. Plantings, fences, and other methods should be compatible with the Town’s current By-laws. On site lighting shall not glare onto adjoining properties or streets. (Bridgewater Zoning By-laws 9.86 f) (GBD 3.34.5c)

a. Mechanical equipment, including metal chimneys, at grade, attached to, or on the roof of a building, should be screened from view; or be integrated into the overall design of the building.
b. Placement of energy producing devices (e.g., solar panels and windmills), should be considered with regard to orientation, building materials, shading, landscaping, and effect on the building and appropriateness to the surroundings. To the maximum extent reasonably practicable, proposals should utilize energy-efficient technology and renewable energy resources and should adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements.

c. A balance between environmental conservation devices (e.g., cisterns, awnings, etc.) to control solar heat, wind management, and the aesthetics of the building and the surroundings must be carefully weighed to minimize a disadvantage to either.

d. Outdoor extensions of the building such as decks, porches and elevators at any level, must be integrated into the design of the building by use of materials, placement, roof shape or form so as to be a complimentary architectural feature.

C. Open Space - The Architectural Street

**Intent**

To characterize the beauty of Bridgewater the design and maintenance of its streetscapes must be carefully considered. The amount and type of illumination of the buildings, driveways, parking lots and sidewalks defines the shape and feel or the entire street. The contribution of fences, wall, hedges, trees, landforms, shrubs and vegetation define and create an impression.

**Recommendations**

1. Where appropriate, benches, trash containers and shade trees should be available for public use.
2. Low wattage metal halide lamps for small parking lots, walkways, and driveways should be used. Accent lighting on buildings, signs and landscaping where appropriate.
3. Use of “Green and Solar” is encouraged.

D. Signs and Advertising Devices

**Introduction**

Signs identify a property or business and direct customers clearly and easily to the desired location. Additionally, signage can unify the streetscape or building façade by creating an organized pattern of information. Because signs are viewed publicly, they can either add or detract from the community image. A well-designed sign increases the visual quality and character of the business being served as well as the Town of Bridgewater. Thus, signs not only enhance the architecture, but support the intended function of the business being advertised.

Signs affixed to buildings or placed on building grounds can help preserve the aesthetic and historic appearance (where applicable) of a neighborhood, promote economic development, protect property values and reduce traffic safety hazards. Signage can be used to accent a building’s façade by introducing color, texture, and sophistication.

If any of these sign criteria conflicts with a provision of the Bridgewater Zoning By-laws (specifically Article XXVIII, Historic Commission and Historic District and Section 7: Signs) the latter shall govern.

**Definitions**

**Awning Sign** - Any and every sign displayed on an awning or canopy. An Awning or Canopy is any device, fixed or retractable, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space whether that area or space is intended for pedestrians, vehicles or other purposes.

**Banner** - Any and every sign whatever the nature of the material or manner of composition, message, or design, frequently displayed on a pole or staff which can be free standing or attached to a building or structure, and temporary or removable in nature. Official flags of governmental jurisdictions properly displayed should not be considered as banners or otherwise considered as signs for the purposes of this Zoning By-law.

**Business Establishment** - Each separate place of business whether or not consisting of one or more buildings.

**Facade of the Business Establishment** - That portion of the building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space rented or owned by the tenant of the business establishment.
Freestanding/Standing Sign - Any and every freestanding sign erected on or affixed to the land and includes any and every sign that is not attached to a building.

Height - The maximum vertical distance measured from the finished grade to the highest point of the sign or its supporting structure, whichever is higher.

Internally Illuminated Sign - Each and every sign which utilizes translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through.

Moving Signs - Any and every sign any part of which moves, is designed to move, or to be moved, by any means.

Non-Conforming Sign - Any non-conforming sign legally erected prior to the adoption of this section, or any amendment thereof.

Pole sign – Flag or other material sign that is mounted on a pole.

Roof Sign - Any and every sign located above, or projecting above, the lowest point of the eave or the top of a parapet wall of any building, or which is painted or otherwise attached or affixed to a roof.

Sign - Any letter, word, symbol, drawing, picture, design, device, article or object that advertises, calls attention to or indicates any premises, persons, products, businesses or activities, or that conveys or is intended to convey any message whatever the nature of the material and manner of composition or construction. (Historical date plaques and markers approved by the Historical Commission and flags and insignia of governmental jurisdictions should not be considered signs except when displayed for the purpose of commercial promotion.)

Temporary Signs - Any and every sign which by its design and/or use is temporary in nature, frequently composed of paper, posterboard and/or cardboard or other material attached so as to be visible through windows and glass doors or otherwise displayed on a property, typically containing messages relative to sale, lease, rental or construction of property, garage or yard sales and similar occasional uses, special sales, bazaars, dinners or other events. Banners, ornamental flags, signs announcing “open” and “closed”, and lawn ornament signs can be considered temporary and should be able to be removed easily at the conclusion of the event.

Traffic Signs - Any sign limited solely to directing traffic within or setting out restrictions on the use of parking areas.

Trailer or Vehicle Signs - For the purposes of this Sign By-law a vehicle, motor vehicle or self-propelled vehicle should be considered and regulated as a sign when or under such circumstances any such vehicle is not engaged in the usual business or work of the owner or lessee but is used merely or mainly for advertising purposes.

Wall Sign - Any and every sign attached to a building and not considered to be a roof sign or a window sign.

Window Sign - Any and every sign consisting of individual letters or graphics painted or otherwise similarly affixed directly to the glass surface of a window or door and designed to be visible from the outside of any building.

Intent
Every sign should be an integral, but noticeable part of its building, and each building should be complimentary to its group of buildings to maximize the effectiveness of the sign and building architecture. As a result, the building and its sign become a part of an overall image, each supporting the other and helping to draw customers. A sign on a building should be integrated into the building and not treated as an unrelated object attached to it.

Recommendations - General
These criteria apply to new signs. Existing signs are allowed to remain and are not subject to these requirements unless said sign is removed and replaced with a different sign or different type of attachment brackets. Existing signs may be removed for maintenance, relettering or name change, without requiring review under this section.

a. Signs must relate to the context of the building façade, pattern of the street front, and other permanent structures and elements in the immediate vicinity in terms of size, brightness, style, height, and color.

b. Building signs shall be located so as not to dominate the building and so as to emphasize architectural elements; such signs shall not obscure architectural details or cover windows or moldings. (Bridgewater Zoning By-Laws, Section 3.34.4.2A – Establish a GBD). All permanent signs, in terms of their size, location, design, color, texture, lighting and materials, shall not detract from the architectural elements of the buildings they are attached to, or if freestanding from the landscaping features of the site. (Bridgewater Zoning By-Laws 9.87.b).
c. Signs on a row of storefronts on the same building should all be of a similar size, material, and proportion.

d. Signs including brackets and mounting appurtenances, should be consistent with building design.

e. No sign should extend above the roof line or façade, whichever is higher; roof signs should not be permitted.

f. Moving signs and internally illuminated signs are not permitted in the GBD.

g. Externally illuminated signs
   - Must be white, steady, stationary light shielded and directed at the sign.
   - No sign shall be intermittently illuminated, nor of a traveling light, animated, or flashing light type. (Bridgewater By-Law 7.61).
   - No sign shall consist of moving or rotating lights.
   - Each steadily illuminated sign shall not exceed one hundred square feet gross display area (Bridgewater By-Law 7.62 and 7.50). Sign illumination is permitted only between the hours of seven o’clock in the morning and eleven o’clock in the evening, except that signs of retail establishments may be illuminated during any hours these establishments are open to the public (Bridgewater By-Law 7.63).
   - In all zoning districts, for safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded that the light source itself shall not be directly visible at any point beyond the lot lines of the premises illuminated. (Bridgewater By-Law 7.70)

h. Temporary banner signs may be placed across public or private ways with permission of Board of Selectmen. Awnings should be used where allowable and appropriate, i.e., in the area of wide sidewalks or on the sunny side of the street. Awnings are especially useful when used at the rear of a building as a cost effective way to highlight a building’s entry and improve the general character of the parking area.

i. All pre-existing non-conforming signs can be maintained but not altered unless to bring them into conformance with Bridgewater regulations.

j. Standing signs must be setback at least 12 feet from the nearest property boundary and located on the same lot as principal building.

k. Signs trailered in or having blinking lights and large letters to advertise grand openings, anniversaries, etc., may be used, if restricted to being located on the property to which they relate. They may not be used more than once per calendar year for a period not to exceed 30 days.

l. Projecting wall signs (perpendicular to the building) may not project more than four (4) feet off the building and cannot interfere with public shade trees or other architectural features.

m. No sign should be placed which prevents the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic.

n. Maximum Number of Signs Allowed – A maximum of two (2) signs affixed to the exterior of a building are allowed for each occupant on each lot in a business district or an industrial district. The top edge of each sign should be not higher than the roof ridge of the building, or the highest point of the roof ridge, if no ridge pole, nor higher than the plate of a flat roof.

   Two of the following four (4) sign types are encouraged: wall, window, standing, or awning for each business. If there is more than one (1) entrance or a business is located in more than one (1) building, an additional wall sign of the lesser of 25 square feet or 10% of the façade is permitted. Lettering height on secondary signs must be smaller than on the primary sign. Multiple signs on a building should be coordinated for shape, materials, colors, typefaces and graphics. Multiple signs on a building should be aligned with each other and with adjacent buildings

o. Signs cannot be painted or posted directly onto building but must have an intermediate surface except for individual lettering.

p. Individual letters may be mounted on the building.

q. Signs may be applied to cloth or awnings which conform to the requirements of this section. Lettering may be painted on windows but font and colors should be consistent with main signage and neighborhood.
Paper signs and temporary signs taped directly on to the glass never look good, and are discouraged. Paper signs should be hung one foot behind the glass attached to a rigid backer board and highlighted with a spotlight.

Freestanding signs in general should be carefully considered. The overall design should be compatible with the design of the building itself. Features, detailing and materials of the building should be incorporated in the design of the sign. Exposed structural supports are discouraged. Freestanding signs shall not detract from the landscaping features of the site (Bridgewater Zoning By-Laws 9.87.b).

Thoughtful landscaping around the base of a sign will enhance the sign and the image of the business.

Colors should be limited to two.

**Recommendations**

**Sign Types & Dimensions**

- **Freestanding signs** should be incorporated into the street side landscape buffer and appropriately transitioned into the landscape by incorporating a base and supporting structure that utilizes building design architectural features and materials.

  In business and industrial districts where buildings are back thirty feet or more, one freestanding sign per lot is permitted. The top edge of any such freestanding sign shall be not higher than twenty (20) feet vertical measure above the front yard space, if any on such lot, but not nearer than twelve (12) feet to any lot line. (Bridgewater By-Law 7.40)

  No freestanding sign shall have signboard area (or display area, if no signboard) exceeding one hundred (100) square feet gross area, measured from the tops of the topmost display elements to the bottom of the lowest display elements, and from the exterior side to exterior side of display elements, and including in such measurements any blank space between display elements. No display or signboard dimensions shall exceed sixteen (16) feet for a freestanding sign. (Bridgewater By-law 7.50). and one side cannot be greater than 60% of the height or width.

**Wall signs** are helpful when located over doorways or over storefronts and all wall signs must be well integrated and should incorporate existing or proposed building architectural features. Of primary importance is the location and their format which should not confuse by containing too much information. A wall mounted sign should measure to one square foot of sign per running foot of a front building wall. The length of the sign should not exceed 60% of the front building wall length. Directory wall signs are permitted based on 1 square foot per each business located in the building or 6 square feet total, whichever is less. **Projecting wall signs** (perpendicular signs), if small and of high design quality, can be effective and eye-catching. The shape and size of projecting wall signs should relate to the proportions of the structure or the portion of the building affected. Signs may be permitted to overhang a public way or project from the front face of a building, provided they do not exceed nine (9) square feet in surface area per side. Such signs should not project more than three (3) feet from the front face of the building wall and the overhead clearance of a projecting sign should be a minimum [no less than] of eight feet nor interfere with street shade trees and other architectural features.

- **Window signs**, such as information signage (hours of operation, sales info, etc.) should be high quality vinyl die cut letters or painted directly on to the glass. Font should coordinate with other signage. All temporary signs should not cover more than 20% of the total glass area.

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9.91 Purpose and Intent

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

9.92 Special Permit Required

The Planning Board shall serve as the Special Permit Granting Authority under this section. The Planning Board may approve through a Special Permit the construction of a common driveway in a commercial or industrial district for commercial or industrial uses only.
9.93 Requirements
Common driveways are allowed by Special Permit only in commercial districts and for commercial, mixed use and industrial lots or uses only. Common driveways are not allowed in residential districts. Regardless of district residential lots or uses are not permitted common driveways.

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

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

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

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

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

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

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

SECTION 10
Off-Street Parking and Loading Requirements

10.10
Except as specified herein, no land shall be used and no building or structure shall be erected, enlarged or used unless the off-street parking and loading space requirements are provided as specified in this section. Parking and loading requirements may be reduced by means of a special permit issued by the planning board for the uses within the central business district. For the purpose of this section an enlargement of any building shall require the provision of off-street parking for the existing building as if it were newly constructed.

(Amended 11/14/94)

10.20
Where the computation of required parking space or loading by results in a fractional number, only the fraction of one-half or more shall be counted as one.

10.30 (Amended 7/22/2016 D-2016-001)
Required off-street parking facilities or loading bays shall be provided on the same lot as the principal use they are designed to serve, except as described herein.

a. In the central business district, required off-street parking facilities or loading bays may be located on any lot within five hundred feet of the principal use they are designed to serve provided a special permit granted by the planning board determines that such conditions will not be detrimental to pedestrian or traffic safety. The board may impose, among other conditions, that certain pedestrian circulation improvements and amenities be upgraded between the required off-street parking facilities or loading bays and the principal use.
b. In the central business district, all off-street parking facilities and loading bays which are to be constructed or expanding after the effective date of this provision, shall be constructed or expanded between a principal building and the rear and/or side lot lines unless otherwise allowed under paragraph (c) below. Such facilities or bays shall be set back at least the same distance as the principal building from the right of way of any street or a minimum of fifteen feet, whichever is greater.

c. In the central business district, all off-street parking facilities existing as the effective date of this provisions may be expanded between the setback line of the principal building and any street, provided a special permit is granted by the planning board. The special permit shall be granted if the planning board determines that:
   i. such expansion could not be adequately accommodated elsewhere on the lot;
   ii. the design and layout of said improvements and related appurtenances are approved under Section 9.80, or in cases when site plan approval would not otherwise be required, by at least a majority of all members of the planning board.

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

e. In the south business district and the business–B district, required off-street parking facilities and loading bays may be located on an adjoining lot to the principal use they are designed to serve provided:
   i. the adjoining lot is within the same zoning district;
   ii. the design and layout of said improvements and related appurtenances are approved under Section 9.80, or in cases when site plan approval would not otherwise be required, by at least a majority of all members of the planning board.

### 10.40 TABLE OF MINIMUM DIMENSIONAL REQUIREMENTS FOR PARKING FACILITIES

(Adopted 5/6/1991)

<table>
<thead>
<tr>
<th>ANGLE OF PARKING</th>
<th>STALL WIDTH</th>
<th>STALL DEPTH</th>
<th>CURB LENGTH</th>
<th>AISLE WIDTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>9'-0&quot;</td>
<td>9'-0&quot;</td>
<td>20'-0&quot;</td>
<td>12'-0&quot;</td>
</tr>
<tr>
<td>30 Degrees</td>
<td>9'-0&quot;</td>
<td>17'-0&quot;</td>
<td>18'-6&quot;</td>
<td>12'-0&quot;</td>
</tr>
<tr>
<td>45 Degrees</td>
<td>9'-0&quot;</td>
<td>19'-0&quot;</td>
<td>12'-9&quot;</td>
<td>13'-0&quot;</td>
</tr>
<tr>
<td>60 Degrees</td>
<td>9'-0&quot;</td>
<td>19'-9&quot;</td>
<td>10'-6&quot;</td>
<td>18'-0&quot;</td>
</tr>
<tr>
<td>90 Degrees</td>
<td>9'-0&quot;</td>
<td>18'-0&quot;</td>
<td>9'-0&quot;</td>
<td>24'-0&quot;</td>
</tr>
</tbody>
</table>

10.41
Parking aisle requirements, as specified above, shall not apply to single family and two family dwellings.

### 10.50

Each loading bay shall be not less than ten feet in width and thirty-five feet in length exclusive of drives and maneuvering space and all required bays, drives and maneuvering space shall be located entirely on the lot with direct access to the building intended to be served. (See Section 10.70)

### 10.60 TABLE OF OFF-STREET PARKING REQUIREMENTS

Where one building is used for more than one use, parking requirement shall be computed for each use (a motel with a restaurant would be required to provide parking for both rental units and for seating capacity of the restaurant; a professional office in a residence must provide the space for office use in addition to the residential requirement.)

<table>
<thead>
<tr>
<th>PRINCIPAL USE</th>
<th>NUMBER OF SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>One and two family dwelling</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Rooming house</td>
<td>2 spaces plus 1 space for each rental unit over 2</td>
</tr>
<tr>
<td>Motels and Hotels</td>
<td>2 spaces plus 1-1/2 spaces for each unit plus 1-12 spaces for each 20 square feet of floor area available for meeting of functions</td>
</tr>
<tr>
<td>Permitted offices in residences</td>
<td>3 spaces plus 3 spaces for each nonresident employee</td>
</tr>
<tr>
<td>Retail stores and services</td>
<td>1 space for each 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Retail and consumer services developments containing greater than 10,000 square feet of gross leasable floor area</td>
<td>1 space for each 225 square feet of gross floor area</td>
</tr>
<tr>
<td>Commercial space</td>
<td>1 space for each 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Category of Use</td>
<td>Number of Loading Bays Required for New Structures by Gross Floor Area Of Structure (In Thousands of Square Feet)</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Restaurants, theaters and other places of assembly, exclusive of churches</td>
<td>1 space for each 4 seats</td>
</tr>
<tr>
<td>Office or R &amp; D space</td>
<td>1 space for each 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Light manufacturing or assembly</td>
<td>1 space for each 600 square feet of gross floor area</td>
</tr>
<tr>
<td>Warehouse/distribution</td>
<td>1 space for each 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Mortuary, Undertaking or Funeral Establishments (Effective 2/19/2016-Ordinance D-2015-010)</td>
<td>1 space per 3 persons of maximum occupancy, plus 1 space for each 200 square feet of gross floor area; plus 1 space for each funeral vehicle regularly used or stored on site</td>
</tr>
<tr>
<td>Fast Food and Ice Cream Stands (Effective 2/19/2016-Ordinance D-2015-010)</td>
<td>1 space per 75 square feet of gross floor area plus one space per employee</td>
</tr>
<tr>
<td>Bank Teller and ATM Kiosks (Effective 2/19/2016-Ordinance D-2015-010)</td>
<td>3 spaces for any stand-alone walk up ATM Kiosk. 1 space per on-site employee plus 4 stacked spaces per lane for any stand-alone, drive through ATM or bank teller kiosk vehicle for queuing without utilization of the public right of way.</td>
</tr>
</tbody>
</table>

10.70 Table of Off-Street Loading Space Requirements

<table>
<thead>
<tr>
<th>Category of Use</th>
<th>Number of Loading Bays Required for New Structures by Gross Floor Area Of Structure (In Thousands of Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Trade</td>
<td>0</td>
</tr>
<tr>
<td>Wholesale Storage</td>
<td>1</td>
</tr>
<tr>
<td>Transportation Terminals</td>
<td>2</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>3</td>
</tr>
<tr>
<td>Consumer Service</td>
<td>4</td>
</tr>
<tr>
<td>Office Buildings</td>
<td>1</td>
</tr>
<tr>
<td>Residential Uses</td>
<td>0</td>
</tr>
<tr>
<td>Recreation</td>
<td>1</td>
</tr>
<tr>
<td>Research Laboratories</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Under 4</th>
<th>4-15</th>
<th>15-20</th>
<th>51-100</th>
<th>100-150</th>
<th>Each Add’l 150 Fraction Thereof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Trade</td>
<td>Wholesale Storage</td>
<td>Transportation Terminals</td>
<td>Manufacturing</td>
<td>Consumer Service</td>
<td>Office Buildings</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>
SECTION 11
Zoning Board of Appeals and Planning Board

11.10
As provided by Massachusetts General Laws there shall be in Bridgewater a board of appeals for zoning matters. Such board of appeals shall consist of three members and two associate members all of whom shall be appointed by the selectman in the manner specified in the Massachusetts General Laws. Such members shall have and exercise the powers available under Massachusetts General Laws.

11.20
The board of appeals shall have the following powers:

11.21 To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative office under the provisions of the Zoning Act, by the Old Colony Planning Council, or by any person including an officer or board of the Town of Bridgewater or of any abutting town aggrieved by an order or decisions of the inspector of buildings, or other administrative official, in violation of any provisions of the Zoning Act or this law.

Accepted 6/12/1978

11.22 To hear and decide applications for special permits as provided in this bylaw, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the board. A special permit shall only be issued following a public hearing held within sixty-five days after the filing of an application by the petitioner with the town clerk who shall forthwith transmit a copy thereof to the board. Any special permit granted under the provisions of this bylaw shall lapse if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun except for good cause within two years from the grant thereof and including such time required to pursue or await the determination of an appeal referred to in Chapter 40, Section 17, M.G.L. from the grant thereof.

Accepted 6/12/1978

11.23 To grant upon appeal or open petition with respect to the particular land or structure a variance from the terms of this bylaw where the board specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw. The board of appeals is expressly authorized to entertain petitions or appeals for use variance.

Accepted 6/12/1978

11.30
On each appeal, application or petition arising under the Bridgewater zoning bylaw, the board of appeals shall hold a public hearing, of which notice shall be given by publication in a newspaper of general circulation in Bridgewater once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the town hall for a period of not less than fourteen days of such hearing. The board shall also notify by mail the petitioner, abutters, owners of the land directly opposite on any public or private street or way and owners of land within three hundred feet of the property line as they appear on the most recent applicable tax list notwithstanding that the land of any such owner is located in another town, the planning board and the planning board of every abutting town.

11.40
In accordance with section 81A of Chapter 41, M.G.L., as amended, the planning board within the Town of Bridgewater shall be established as specified under Article XVII of the General bylaws.

11.41 In addition to Article XVII of the general bylaws, the position of associate member is hereby established in the planning board. The chairman of the planning board may designate the associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board. The associate member shall be appointed annually by the majority of all members of the planning board.

Accepted Town Meeting 5/4/1992
The planning board shall have the authority to hear and decide applications for special permits as provided in this bylaw, subject to any general and specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the board. Said authority shall include applications involving the extension of alteration of preexisting non conforming structures and uses except when said structures and uses are located within the Residential A/B, Residential C, Residential D and Mobile Home Elderly Community zoning districts. In such cases, the zoning board of appeals shall serve as the special permit granting authority. All other provisions specified under Section 11.22 shall apply.

SECTION 12
Zoning Amendments

12.10 An amendment to this bylaw must be initiated by submission to the board of selectman of a proposed zoning amendment by the planning board, the board of appeals, the board of selectman, by an individual owing land to be affected by the proposed amendment, by request of registered voters of the Town of Bridgewater pursuant to Chapter 39, Section 10, M.G.L. The board of selectmen shall within fourteen days of receipt of a proposed zoning amendment submit it to the planning board for review.

12.20 If geographic change of a zoning boundary description be proposed, words of boundary description change for insertion in the warrant shall be accompanied by a brief written statement of the nature, extent and location in the town of the zoning map change proposed, together with three black-line prints of a diagram to scale showing the area to be changed, stating pertinent dimensions in feet.

12.30 On each zoning amendment proposal accepted by the selectman for insertion in a town meeting warrant, or on any such proposal inserted in a town meeting warrant by petition as provided by statute, the planning board shall hold a public hearing, of which notice shall be given by the planning board under the statutory zoning notice provisions.

12.40 The costs of publication and of mailing of notices of hearing and the costs of holding such zoning hearing and of making a public record of the proceedings at such hearing, if such a record be made, shall be paid by the planning board, but the planning board may determine whether a fee to cover such costs shall be required of the zoning amendment proponents.
SECTION 13
Enforcement and Penalties

13.10
No building shall be erected, altered or moved in Bridgewater without a written permit issued by the building inspector. Such permits shall be applied for in writing to the building inspector. The building inspector shall not issue any such permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of the Bridgewater Zoning Bylaws, except as any have been specifically permitted otherwise by action of the Bridgewater Board of Appeals, provided a written copy of the terms governing any such permission be attached to the application and to the resulting building permit issued. One copy of each such permit as issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the building inspector.

13.20
Each application for a permit to build, alter, or move a building shall be accompanied by a plot plan in such number of copies and drawn to such scale as is required in the Bridgewater building bylaw. Each such plot plan shall show dimensions and areas of lots, and of structures to be erected, altered or moved, and adjacent streets or ways. Such plot plans shall accurately indicate dimensions and angles of all lot lines shown thereon, also of any streets or ways. Such plot plans shall indicate approved street grades and proposed elevations of the tops of foundations. Also such plot plans shall show the locations of existing sanitary sewers, storm drains, and water pipes in any street shown and the locations of all existing buildings and structures within the application area.

13.30
Bridgewater zoning bylaw shall be enforced by the Bridgewater building inspector. The building inspector upon being informed in writing of a possible violation of the bylaw or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violations may exist. The building inspector, on evidence of any violation, after investigation and inspection shall give written notice of such violation to the owner and to the occupant of such premises. The building inspector shall demand in such notice that such violation be abated within a reasonable time, designated therein by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town of Bridgewater and to the occupant at the address of the premises of such seeming violation.

When the building inspector is requested in writing to enforce the provisions of the bylaw against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor, within fourteen days of receipt of such request. Anyone who is unable to obtain an enforcement may make an appeal to the zoning board of appeals. The zoning board of appeals may then make orders or decisions, reverse or affirm, in whole or in part or modify any order or decision of the enforcing agent. Should the board of appeals affirm the decision of the enforcing agent, an action suit or proceeding may then be brought to the Superior Court to enforce the provisions of the zoning ordinance or bylaw.

Accepted by A.G. 6/12/1978

13.40
If, after such notice and demand such violation has not been abated within the time specified, the building inspector shall institute appropriate action or proceedings in the name of the Town of Bridgewater to prevent, correct, restrain or abate any violations of the bylaw.

13.50
Any violation of any provision of the bylaw or of any regulation by the town health officer pursuant of this bylaw shall be punished by a fine of not more than three hundred dollars. Each violation and each day of violation shall constitute a separate offense, punishable by fine as aforesaid.
SECTION 14

14.10 PURPOSES

a. The purpose of the Flood Plain District is: To provide that lands in the Town of Bridgewater subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety, of the occupants thereof or of the public generally, or as to burden the public with costs resulting from unwise individual choices of land use.

b. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety.

c. To assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

14.20 DISTRICT BOUNDARIES:

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Bridgewater designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Bridgewater are panel numbers 25023C0188J, 25023C0189J, 25023C0193J, 25023C0281J, 25023C0282J, 25023C0283J, 25023C0284J, 25023C0292J, and 25023C0301J, dated July 17, 2012; and panel numbers 25023C0302K, 25023C0303K, 25023C0304K, 25023C0306K, 25023C0307K, 25023C0308K, 25023C0311K and 25023C0312K, dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

14.30 USE REGULATIONS:

a. The Flood Plain shall be superimposed on existing Zoning By-law Districts.

b. In Flood Plain applicable use and provisions of the Zoning By-Law continue in force. All uses permitted in the underlying district are allowed, except mobile homes and trailers.

14.33 BASE FLOOD ELEVATION AND FLOODWAY DATA:

a. Floodway Data - in Zone A and AE, alone watercourses that have not had a regulatory floodway designated the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. Base Flood Elevation Data - in a Zone A, applicants may be required under the Wetland Protection Act, to determine base flood elevation information on engineering calculations. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres; whichever is the lesser, within unnumbered A. Zones.

c. In floodway, the following provisions apply: All encroachments (fill, construction, etc.) are prohibited unless engineer's certification is provided that such encroachment does not increase flood levels.

d. In Flood Plain District, NO mobile homes, trailers,
14.34 In Flood Plains no new building shall be erected, altered, enlarged, unless special permit is received from the Board of Appeals.

14.35 Board of Appeals shall issue a permit stating the conditions under which a building may be erected in the Flood Plain.

14.36 All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.

**14.40 PERMIT PROCEDURE:**

a. Any person undertaking action described in Subsection 14.33B above, within the Flood Plain shall submit six (6) copies of application for permit to the Building Inspector, who transmits to the Board of Appeals, Board of Health, Department of Public Works, Conservation Commission and Planning Board. Application accompanied by plans that conform to existing Rules and Regulations of Subdivision Control.

b. No permit to be issued by the Board of Appeals until receipt of recommendations from the Planning Board and Conservation Commission.

c. Board of Appeals to issue permit under this Section if it does not endanger health, safety, welfare of occupants, and Board shall be satisfied:
   1. That floor level elevation is proper.
   2. That other land is protected against detriments.
   3. That safe vehicular and pedestrian passage be provided.
   4. That methods of drainage are adequate.
   5. That methods of filling will assure that the health and safety of occupants is protected.
   6. That the land is not subject to periodic flooding.
   7. That the portion of any lot used to meet the yard and area requirements, does not exceed 50% of the minimum lot area, except in the Residential A/B District, wherein the portion of any lot used to meet the yard and area requirements shall not exceed 50% of the minimum lot requirements.

d. Nothing in this section limits the authority of the Board of Health in respect to premises in the Flood Plain or the applicability of the Town's Building Code.

e. Nothing in this section shall limit the applicability of Section 40 of Chapter 131, Massachusetts General Laws.

f. A permit issued by the Board of Appeals, or a building permit issued by the Building Inspector, shall be deemed to be a permit hereunder provided work is started within six (6) months, or take any other action relative thereto.

**14.50 COMPLIANCE WITH OTHER REGULATIONS:**

All development in the Flood Plain District including structural and non-structural activities whether permitted by right or special permit must be in compliance with Chapter 131 Section 40, of the Massachusetts General Laws and the following, (where applicable):

- 780 CMR Massachusetts State Building Code,
- 310 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP)
- 310 CMR 13.00 Inland Wetlands Restriction
310 CMR 15, Title V, Minimum Requirements for Subsurface Disposal of Sanitary Sewage (DEP) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedure of these state regulations.

14.51 Prior to the alteration and/or relocation of any river or watercourse in a riverine situation, notice shall be given to the following:
Adjacent Communities
NFIP State Coordinator,
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

NFIP Program Specialist
Federal Emergency Management Agency
Region I,
99 High Street 6th Floor
Boston, MA 02110

Councilor ___________________

SECTION 15
Aquifer Protection District

15.10 PURPOSE:
The purpose of this section is:
   a. To preserve and protect the groundwater resources of the Town of Bridgewater;
   b. To protect, preserve and maintain the existing and potential groundwater supply and surface water quality to present and future residents of the town;
   c. To prevent pollution of ground and surface water and water supplies;
   d. To assure continued availability of the water supply of the town;
   e. To promote and protect the public health, safety and general welfare;

15.20 ESTABLISHMENT OF THE AQUIFER PROTECTION DISTRICT:
There are hereby established within the town, certain aquifer protection districts, consisting of the aquifer itself, the land above the aquifer, and the aquifer’s most significant recharge areas. An aquifer protection district shall be considered as overlaying other zoning districts and shall be so identified on the zoning map of the Town of Bridgewater. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of the aquifer protection district.

15.30 DEFINITIONS:
For the purposes of this section, the following words and phrases shall have the following meanings:
AQUIFER:
   Geologic formation composed of rock sand, or gravel that contains significant amounts of potentially recoverable water.

IMPERVIOUS SURFACE:
   Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

MINING:
   The removal or relocation of geological materials such as topsoil, sand, gravel, metallic ores, or bedrock.
RECHARGE AREAS:
Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III.

TOXIC OR HAZARDOUS MATERIAL:
Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Bridgewater. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (M.G.L.) Chapter 21C and 21E and 310 C.M.R. 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

ZONE I:
The protective radius required around a public water supply well or wellfield.

ZONE II:
The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable-materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide a contact with till or bedrock, or a recharge boundary).

ZONE III:
The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage areas as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In some locations, where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

15.40 Use Regulations:

15.41 Prohibited Uses: In those portions of the town within aquifer protection district, the following activities are prohibited as a principal or accessory use unless otherwise noted. Where lawfully existing, such uses may continue but not expanded, or altered without obtaining a special permit under paragraphs 15.42 and 15.50

landfills and open dumps as defined in 310 C.M.R 19.006;

storage of liquid petroleum products, except the following:
a. normal household use, outdoor maintenance and heating or a structure;
b. waste oil retention facilities required by statute, rule, or regulation; provided that such storage, listed in items a. and b. above, is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity;
iii. gasoline service station;
iv. landfilling of sludge or septage as defined in 310 C.M.R. 32.05;
v. storage of sludge and septage, unless such storage is in compliance with 310 C.M.R. 32.31; vi storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
vii. storage of animal manure in quantities greater than one cubic yard unless covered or contained in accordance with the specifications of the United States Soil Conservation Service;
viii. facilities that generate, treat, store or dispose of hazardous waste subject to M.G.L. 21C and 310 C M R. 30.00, except the following:
a. very small quantity generators as defined under 310 C.M.R. 30.000;
b. household hazardous waste centers and events under 310 C.M. R. 30.390;
c. waste oil retention facilities required by M.G.L., Chapter 21, Section 52A;
d. water remediation treatment works approved by D.E.P. for the treatment of contaminated ground or surface waters;
ix. automobile graveyards and junkyards, as defined in M.G.L., Chapter 140B, Section 1 and repair shops except for those shops deemed to be very small quantity generators as defined under 310 C.M.R. 30.000;
x. treatment of disposal works for non-sanitary wastewaters that are subject to 314 C.M.R 5.00, except the following:
a. the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); and

b. treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated ground or surface waters;

xi. storage of hazardous materials, as defined in M.G.L., Chapter 21E, unless in a free-standing container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;

xii. stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;

xiii. storage of commercial fertilizers, as defined in M.G.L., Chapter 128, Section 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;

xiv. the use of septic system cleaners which contain toxic or hazardous chemicals;

xv. the application of fertilizers and pesticides, including herbicide, insecticides, fungicides, and rodenticides, unless in accordance with state and federal standards;

xvi. earth removal, consisting of the removal of soil, loam, gravel or any other earth material (including mining activities) to within six feet of maximum high groundwater, unless otherwise stated herein, as determined from monitoring wells in accordance with the provisions of the earth removal bylaw of the town, except excavations for building foundations, approved roads, utility works, or exempted agricultural uses.

Properties which have received approval under the earth removal bylaw for such activities before the effective date of this provision, shall not be excavated to within four feet of maximum high groundwater;

xvii. stormwater drainage systems serving nonresidential lots unless said systems are designed to recharge the drainage system serving said lot must be provided with a stormwater drainage system designed in accordance with standards set forth in Section 15.43 of this bylaw.

15.42 Uses and Activities Requiring a Special Permit: The following uses and activities are permitted only upon the issuance of a special permit under such conditions as may be required by the special permit granting authority (SPGA) as identified under Section 15.51:

i. expansion or alteration of existing uses that do not conform to the aquifer protection district;

ii. the construction of dams or other water control devices, ponds, pools or other changes in waterbodies or courses, created for swimming, fishing, or other recreational uses or drainage improvements. Such activities shall not adversely affect water quality or quantity;

iii. the construction of dams or other water control devices, ponds, pools or other changes in waterbodies or courses, created for agricultural uses which do not constitute normal maintenance or, emergency practices under state and federal laws. Such activities shall not adversely affect water quality or quantity;

iv. any use that will render impervious more than 2,500 square feet of any lot containing 10,000 square feet of land or less. Said lot must be provided with a stormwater drainage system designed in accordance with standards set forth under Section 15.43 of the bylaw. In addition, elements of the drainage system serving said lot may be located on adjacent or nearby land within the same watershed, if so authorized by the SPGA, under the following conditions:

a. the overall recharge characteristics of the watershed under consideration will not be altered;

b. the land to be utilized shall remain as part of the proposed use in perpetuity or until its use as a recharge area is not required to meet the requirements of this bylaw;

c. recharge areas authorized under this provision shall not be utilized by any additional parties for similar use unless so authorized by the SPGA in accordance with the standards stated herein;

v. any lot containing a land area greater than 10,000 square feet but less than or equal to 43,560 square feet whose percentage of impervious area would exceed the maximum allowed under the following:

Maximum percent = \( \frac{0.5745 \text{ (lot area)}}{3,244.9} \)

Example: 0.5745 (21,000 s.f.) - 3,244.9 – 8,819.6 s.f. An impervious area exceeding 8,820 square feet (rounded to the nearest foot) for this size lot would require a special permit.

Said lot must be provided with a stormwater drainage system in accordance with the standards set forth in Section 15.43 of this bylaw. In addition, elements of the stormwater drainage system may be located on adjacent or nearby land within the same watershed in accordance with the conditions stated in paragraph iv above;

vi. any use that will render impervious more than 50% of a lot containing more than 43,560 square feet in land area. Said lot must be provided with a stormwater drainage system designed in accordance with standards set forth in Section 15.43 of this bylaw. The stormwater drainage system serving said lot must be located entirely within the lot;

vii. relief from the provisions of this bylaw in cases where the location of the aquifer protection district boundary in relation to a particular parcel is in doubt. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should be properly located. If it may be demonstrated to the SPGA, with reasonable
degree of scientific certainty, that the boundary line upon the owner(s) property may warrant revisions, then at the request of the owner(s), the town may engage a professional engineer, hydrologist, geologist or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land. Based upon the outcome of said dispute resolution, if it is determined that the original line serves as a correct approximation of the Zone II boundary or that the owner(s) parcel in question is to be more greatly affected, the town may charge the owner(s) for all or part of the cost of the investigation. For disputes arising from the boundaries of the Zone II, as defined herein, the determination of its location shall be based on criteria set forth in 310 C.M.R. 22.00 and in the D.E.P.'s Guidelines and Policies for Public Water Systems.

15.43 Performance Standards for Stormwater Drainage Systems

i. outflow of a stormwater drainage system will not degrade existing groundwater quality.

ii. for nonresidential uses, recharge shall be by stormwater infiltration basins or similar systems covered with natural vegetation.

iii. drywells may be allowed as an alternative provided that the volume to be recharged is pretreated by means of open swales, detention areas or other similar filtration devices acceptable to the SPGA.

iv. for all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination.

v. any and all recharge areas shall be permanently maintained in full working order by the owner of the lots on which they are located.

15.50 PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT:

15.51 The special permit granting authority (SPGA) under this bylaw shall be the planning board. The SPGA shall hold a hearing, in conformity with the provision of M.G.L., Chapter 40A, Section 9.

15.52 The applicant shall file six copies of a site plan and attachments. The site plan and its attachments shall be prepared in accordance with the rules and regulations adopted by the SPGA and shall at a minimum include the following information where pertinent:

i. a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those reasonably associated with normal household use;

ii. for those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the hazardous materials coordinator, fire chief, and board of health. The plan shall include:
   a. provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and cleanup procedures;
   b. provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
   c. evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act 310 C.M.R., including obtaining an E.P.A. identification number from the Massachusetts Department of Environmental Protection,

iii. subsurface excavations or test borings shall be performed so as to demonstrate maximum seasonal high water elevations and direction of groundwater flow. The SPGA may require, as a condition of any approval, that the owner install and maintain wells for the purposes of monitoring groundwater quality;

15.53 Upon receipt of the special permit application, the SPGA shall transmit one copy to the board of health, the conservation commission and the water and sewer commission for their written recommendations. Failure of any one of said agencies to respond in writing within thirty-five days of receiving a copy of the application shall be deemed a positive recommendation by that agency. The SPGA shall not act upon an application within said thirty-five day period.

15.54 The special permit shall be granted if the SPGA determines, in consideration of written recommendations offered by the board of health, the conservation commission, the water and sewer commission and other agencies designated by the SPGA, that the intent of this bylaw as well as any regulations or guidelines adopted by the SPGA are met. The SPGA shall not grant a special permit under this section unless the petitioner's application includes sufficiently detailed, definite, and credible information to support positive findings in relation to standards given in this section.
The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.

Section 16  Additional Special Provisions

16.1 Commercial/Industrial Park

16.11 Purpose
A special permit process allows greater flexibility for larger-scale planned development projects within the Elm Street Industrial Park. The review by the special permit granting authority will include mixture of uses, site access, internal circulation and parking, building location, overall project layout, provision and design of open space, and drainage and water resource impacts.

16.12 Requirements
Opening paragraph and conditions are same as PD (9.632) except for differences in the following conditions:

1. The tract is in single or consolidated ownership at the time of the application and is at least 5 acres in size.
2. Uses may include Office and Laboratory, Industrial, Wholesale, and Transportation. Up to 20% of floor area within a commercial/Industrial Park development may be dedicated to Retail, Restaurant, or Commercial Service use.
3. Dimensional requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Condition</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5 acres</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
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<tr>
<td>Minimum Depth (Front/Rear/Side)</td>
<td>40’/20’/20’</td>
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<tr>
<td>Maximum Building Floors/Height</td>
<td>-/40’</td>
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<tr>
<td>Maximum % Building Coverage</td>
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</tr>
<tr>
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<td>75%</td>
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<tr>
<td>Minimum % Open Space</td>
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<tr>
<td>Maximum % Impervious</td>
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</tr>
</tbody>
</table>

* May be increased to 60% by Special Permit if development includes appropriate use of Low Impact Design Principles and/or building meets LEED Certification criteria (actual LEED Certification is not required).

4. [same as Section 9.632]
5. [same as Section 9.632]
6. To the extent possible, required open space shall retain natural (pre-existing) vegetation.

16.13 General Guidelines for Commercial/Industrial Park
[Same as General Guidelines provided for Planned Development (Section 9.65) with the following exceptions]

16.131 That the mixture of uses reflects consideration of the overall purpose of the district.

16.136 Parking spaces shall be provided on the lot computed on the same basis as under Planned Development (Section 9.656).

The Planning Board shall have the authority to reduce the parking requirements by as much as 20% for parking facilities serving use mixtures whose operating basis and activity patterns indicate that the total number of spaces needed at any one time will be significantly less than the total required by this Section, or if the development proposal includes provisions for transportation demand management.

9.668 – omit.

16.14 Procedures for Commercial/Industrial Park
[Same as for Planned Development (Section 9.67)]

16.15 Amendments
[Same as for Planned Development (Section 9.68)]

16.4 Bedford Street Overlay District

16.41 Purpose and Intent
The purpose of this district is to facilitate the expansion of a commercial node along Bedford Street, enabling high quality commercial development in this location while minimizing adverse impacts on natural resources, in particular the groundwater resources located within the Aquifer Protection District. A special permit process allows the transfer of development rights from a nearby residentially zoned sending parcel to facilitate intensive commercial use within the APD without adverse impacts to groundwater recharge.

16.42 General Provisions
Within the Bedford Street Overlay District (BSOD), commercial development consistent with use and dimensional requirements of the Business B district shall be allowable by special permit, subject to the following specific requirements and general guidelines, and to the specific conditions set forth by the special permit granting authority in applying those provisions.

Development is allowed by right according to the underlying zoning district without requiring a special permit through the provisions of the Bedford Street Overlay District, Section 16.3.

16.43 Requirements

16.431. Prior to the submission of a formal application for a Special Permit, the applicant, who shall be the owner of the tract or his duly authorized agent, shall submit to the Planning Board, which shall serve as the Special Permit Granting Authority, a Preliminary Plan following the requirements for Preliminary Plans contained in Section III (A), or the Rules and regulations Governing Subdivision of Land, Planning Board, Bridgewater Massachusetts, as amended. In addition, the plan shall show significant wetlands, and zoning district boundaries.

16.432. The applicant shall also submit a map showing site conditions on a proposed “sending parcel”, showing wetlands, floodplains, steep slopes, and other significant features. The sending parcel must be located within Residential C portion of Zone II area contiguous with Bedford Street Overlay District.

- The area of uplands within the sending parcel shall be equal to or greater than the uplands contained within the parcel proposed for development within the Bedford Street Overlay District.
- If the proposed development located within the APD exceeds 50% impervious surface, the area of the uplands within the sending parcel shall be equal to area of uplands proposed for development plus the area of impervious surface within the APD that exceeds 50%. For example, where eight (8) acres of a ten (10) acre parcel are to be made impervious under a proposed development, the area of the sending parcel should be at least thirteen (13) acres.

16.433. The sending parcel must be permanently restricted from future development by way of a permanent conservation restriction in accordance with Massachusetts General Law Chapter 184, Sections 31-33 as most recently amended or donated to the Bridgewater Conservation Commission. Draft restriction(s) or donation language on the sending lot(s) shall be submitted to the Planning Board with the application. The Planning Board shall require the restriction or donation language on the sending parcel(s) to be recorded at the Plymouth County Registry of Deeds/Land Court prior to approval of commercial use within the Bedford Street Overlay District. On property which will be protected by way of a conservation restriction, a management plan(s) shall be provided to the Planning Board, which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with best management practices, and in accordance with APD regulations under Section 15.4.

16.434. The record owner of the sending parcel(s) shall, within forty-five (45) days of receipt of a special permit authorizing TDRs, record at the Registry of Deeds either: a Conservation Restriction as defined by Massachusetts General Law Chapter 184, Sections 31-33 running in favor of the Town prohibiting, in perpetuity, the construction, placement, or expansion of any new or existing structure or other development, or transferring of the deed to the Conservation Commission, on said sending parcel(s). Evidence of said recording shall be transmitted to the Planning Board indicating the date of recording and deed book and page number at which the recording can be located. The grant of the special permit to transfer development rights shall be conditioned upon such restriction or donation, and no special permit for a transfer of development rights shall be effective until the restriction or donation noted above has been recorded at the Registry of Deeds.

16.44 Criteria
A special permit for commercial use within the Bedford Street Overlay District may be granted by the Planning Board upon its written determination that the proposed development will not have detrimental impacts on groundwater resources or the neighborhood. The Board shall review and make a positive finding on each of the following criteria:

16.442. The development may include any uses allowed by right within the B-B district, provided that such uses are not prohibited in the APD. Special Permit requirements for the APD shall apply within the BSOD;

16.443. The development shall meet all dimensional requirements applicable to the Business B district;
16.444. The development provides adequate water and sanitary facilities;

16.445. The development design is appropriate to the architectural style of the neighborhood, as well as to other characteristics of the site;

16.446. Projected traffic generation from development onto local roads and intersections is within the capacity of road network and does not create any safety concerns;

16.447. The design and layout of driveways, parking and loading of the development is acceptable to the Planning Board;

16.448. Parking spaces shall be provided on the lot computed on the same basis as under Planned Development (Section 9.656).

The Planning Board shall have the authority to reduce the parking requirements by as much as 20% for parking facilities serving use mixtures whose operating basis and activity patterns indicate that the total number of spaces needed at any one time will be significantly less than the total required by this Section, or if the development proposal includes provisions for transportation demand management.

16.45 Procedures
A special permit for commercial use within the Bedford Street Overlay District shall be submitted and received in a manner pursuant to the procedures set forth in Massachusetts General Laws...[copy from Section 9.67]

16.46 Amendments
[Copy from Section 9.68]

Section 16.5 Live Work Units (Effective 7/22/2016 D-2016-001)

16.51. Purpose.
The purpose of this section is:

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

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

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

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

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

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

16.52. Conversion to Live Work Units.
Live Work Units are the result of the conversion of an existing commercial, industrial or institutional building or structure or portion of a building or structure:
(A) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business and that person’s household; and,
(B) Where the resident owner is largely responsible for the commercial or manufacturing activity performed; and
(C) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.
(D) Promote appropriate mixed uses by allowing only studio, one and two-bedroom unit configurations for live work space.
16.53. Business License Required
At least one resident in each live work unit shall maintain a valid business license for a business operating on the premises.

16.54. Standards and allowable commercial uses.

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

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

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

A special permit to convert an existing commercial, industrial and institutional building to live work space requires the existing structure or building have a minimum gross floor area of 10,000 square feet and be located on a lot with a minimum of 40,000 square feet of area within the designated zoning districts. Through the Special Permit process the Planning Board may allow the existing building an addition or expansion of up to 100% of existing gross floor area.

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

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

### 17.0 REGULATING STORMWATER DISCHARGES GENERATED BY CONSTRUCTION ACTIVITY

**I. AUTHORITY**

This Zoning By-Law (hereinafter referred to as the By-Law) is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution and M.G.L. Chapter 43B section 13. The Board of Selectmen is delegated hereby the responsibility and authority to enforce and administer this By-Law. The Board of Selectmen may re-delegate such aspects of By-Law enforcement and administration to the Stormwater Committee. This By-Law will be applied in consideration of all other existing federal, state and local governing laws and regulations.

**II. PREAMBLE**

In partial fulfillment of the obligations of the Town under the Clean Water Act (33 U.S.C. 1251 & seq.) (the “CWA”) and under the Town’s National Pollutant Discharge Elimination System General Permit, the Town hereby establishes a comprehensive system of regulation of Stormwater Discharges generated as a result of Construction Activity.

**III. PURPOSE**

The purpose and intent of this By-Law is to:
- Prevent Pollutants caused by Stormwater Discharges from Construction Sites from entering Waters of the U.S.
- Minimize Erosion and Sedimentation generated by Construction Activity with the goal of removing 80% of the average annual load of total suspended solids in Stormwater discharged from Construction Sites.
- Minimize the volume of Stormwater discharged from Construction Sites with the goal that the post-development peak discharge rate of Stormwater does not exceed the pre-development peak discharge rate.
- Ensure that Stormwater Management Measures are undertaken as outlined in the Stormwater Pollution Prevention Plan.
e. Ensure that Stormwater Management Measures are continually maintained as outlined in the Stormwater Pollution Prevention Plan.

IV. APPLICABILITY

The Stormwater By-Law applies to industrial, commercial, institutional, residential, and roadway projects, including the site preparation, construction, redevelopment, and on-going operation that disturb one-acre or more.

V. DEFINITIONS

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use as defined by the Massachusetts Wetlands Protect Act (M.G.L. C. 131 s. 40) and its implementing regulations (310 C.M.R. 10).

APPLICANT: That Person who owns the land at the time of the application for a Stormwater Permit and his successors and assigns. An Operator may apply on behalf of the owner if such authorization is in writing and is submitted with the application.

AWARDING AUTHORITY: The Board of Selectmen of the Town of Bridgewater or its designated committee or agent shall have authority to exercise the powers granted by this By-Law.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of Storm Water Discharges.

CERTIFICATE OF COMPLETION: A certificate issued by the Awarding Authority indicating that Final Site Stabilization has occurred, been inspected and approved by a representative of the Awarding Authority, and as-built plans filed with the Awarding Authority.

CONSTRUCTION ACTIVITY: Any activity that disturbs one acre or more that causes a change in the position or location of soil, sand, rock, gravel or similar earth material for the purpose of building roads, parking lots, residences, office buildings, industrial buildings or demolitions.

CONSTRUCTION SITE: The plot of land located within the Town on which the Construction Activity will occur.

DISTURB: Any activity such as clearing, grading and excavating that exposes soil, sand, rock, gravel or similar earth material.

EROSION: The wearing of the land surface by natural or artificial forces such as: wind, water, ice, gravity or vehicles traffic and the subsequent detachment and transportation of soil particles from their origin to another location.

FINAL SITE STABILIZATION: Means that all Construction Activity at the site has been completed and naturally sustainable, perennial, vegetative cover with a uniform density of 70% has been established on all unpaved areas and areas not covered by permanent structures or equivalent permanent stabilization measures.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE: Means a contiguous land area under one ownership on which multiple separate and distinct Construction Activities are occurring under one development plan.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): Means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned or operated by the Town designed and used for collecting or conveying stormwater to an outfall.

National Pollution Discharge Elimination System (NPDES) PERMIT: Construction General Permit issued by the Environment Protection Agency to the Applicant.

OPERATOR: The party associated with the Construction Activity that meets the following criteria:
   a. The party who has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications or,
   b. The party who has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Stormwater Pollution Prevention Plan for the site or other permit conditions or,
   c. The Town of Bridgewater or its contractor or agent.

OUTFALL: A point source at which a Municipal Separate Storm Sewer System discharges to Waters of the U.S.
PERMITTEE: The owner of the land on which Construction Activity is proposed who has applied for and received a Stormwater Permit from the Awarding Authority.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such Person.

POLLUTANTS: Include without limitation the following: Dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, rock, sand, animal or agricultural waste, oil, grease, gasoline or diesel fuel.

SEDIMENTATION: The process or act of depositing mineral or organic soil material in Stormwater as a result of Erosion.

STORMWATER: Rainfall and snow melt that exceeds the soil’s capacity contemporaneously to absorb it and which, instead, runs across the surface of the ground as run-off.

STORMWATER COMMITTEE: This committee will serve as the Stormwater Manager until such time as a Stormwater Manager position is created. The committee shall have the powers to establish fees as necessary to implement the provisions of this By-Law. Members of the committee shall be designated by the Board of Selectmen to serve in this capacity and shall consist of six members representing the Highway Department, Planning Board, Conservation Commission, Board of Health, Inspectional Services and Zoning Board of Appeals.

STORMWATER DISCHARGES: Stormwater that runs off from the Construction Site into the MS4 or otherwise into Waters of the U.S.

STORMWATER MANAGEMENT MEASURES: Infrastructure improvements that are constructed or installed during Construction Activity to prevent Pollutants from entering Stormwater Discharges or to reduce the quantity of Stormwater Discharges that will occur after Construction Activity has been completed. Examples include but are not limited to: on-site filtration, flow attenuation by vegetation or natural depressions, outfall velocity dissipation devices, retention structures and artificial wetlands, and water quality detention structures.

STORMWATER MANAGER: That municipal employee designated by the Board of Selectmen to serve in this capacity.

STORMWATER PERMIT: The permit issued by the Awarding Authority to the Applicant which allows Construction Activity to occur as outlined by the Applicant in its application and Stormwater Pollution Prevention Plan.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): That plan required of all Applicants in which they outline the Erosion and Sedimentation BMPs they will use, the BMPs they will use to control wastes generated on the Construction Site, the Stormwater Management Measures they will implement and their plan for long-term maintenance of these measures.

TOTAL MAXIMUM DAILY LOAD (TMDL): A calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources.

WATERS OF THE US: These include:

d. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

e. All interstate waters including interstate wetlands;

f. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

1. That are or could be used by interstate or foreign travelers for recreational or other purposes;

2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

3. That are used or could be used for industrial purposes by industries in interstate Commerce;

a. All impoundments of waters otherwise defined as waters of the United States under this definition;

b. Tributaries of waters identified in paragraphs (a) through (d) of this definition;

c. The territorial sea; and

d. Wetlands adjacent to waters (other than waters that are themselves wetlands) Identified in paragraphs (a) through (f) of this definition.
VI. PROHIBITIONS
a. No Construction Activity which Disturbs one acre or more of total land area including smaller areas that are part of a Larger Common Plan of Development or Sale shall take place until a Stormwater Permit has been obtained from the Awarding Authority. Normal maintenance and improvement of land in agricultural or aquacultural use as defined by the Mass. Wetlands Protection Act regulation are exempt.
b. No Stormwater Discharges containing Pollutants are permitted.
c. Sources of non-Stormwater may be combined with Stormwater Discharges as long as they do not contain Pollutants.

VII. APPLICATION PROCEDURE
Applicant must sign and file an Application for a Stormwater Permit on the form provided by the Town. The Application should be submitted to the Stormwater Committee and to be deemed complete must be accompanied by:
   a. An application fee, as established by the Stormwater Committee
   b. Identification of the Construction Site by book, page, and plot number in the records of the Assessor’s Office.
   c. A narrative description of the Construction Activity intended, the proposed use of any improvements to be constructed and the construction timetable.
   d. A site plan.
   e. A list of abutters, certified by the Assessor’s Office, including addresses.
   f. A Stormwater Pollution Prevention Plan.

VIII. SITE PLAN REQUIREMENTS
The site plan that is submitted must contain the following information:
   a. Names, addresses and telephone numbers of the person(s) or firm(s) preparing the plan.
   b. Title, date, north arrow, scale, legend and locus map.
   c. Location and description of natural features including watercourses and water bodies, wetland resource areas and all floodplain information including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map (or as calculated by a professional engineer for areas not assessed on these maps) located on or adjacent to the Construction Site.
   d. A description and delineation of existing Stormwater conveyances and impoundments located on the Construction Site with their point of discharge noted.
   e. Location and description of existing soils and vegetation including tree lines, shrub layer, ground cover and herbaceous vegetation and trees with a caliper twelve (12) inches or larger with run-off coefficient for each.
   f. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species located on or adjacent to the Construction Site.
   g. Lines of existing abutting streets showing drainage and driveway locations and curb cuts.
   h. Surveyed property lines of the Construction Site showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire Construction Site and the delineation and number of square feet of the land area that is to be disturbed.
   i. Proposed improvements including location of buildings or other structures and impervious surfaces (such as parking lots).
   j. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed.
   k. The existing site hydrology including drainage patterns and approximate slopes anticipated after major grading activities.
   l. Location of the MS4 with relation to the Construction Site.
   m. Identification of Outfalls discharging to Waters of the U.S. which are located on the Construction Site.
   n. Stormwater Discharge calculations prepared and certified by a Registered Professional Engineer describing the pre-development volume of Stormwater that discharges from the Construction Site and the estimated volume post-development.
   o. Identification of any existing Stormwater Discharge emanating from the Construction Site and discharging into the MS4 for which a NPDES Permit has been issued (include Permit number).
   p. A list of water bodies that will receive Stormwater Discharges from the Construction Site with the location of drains noted on the map. A brief description of known water quality impacts and whether the water bodies receiving such Stormwater Discharges have:
      1. Been assessed and reported in Section 305 (b) of CWA reports submitted by the Mass. Department of Environmental Protection to EPA and
      2. Been listed as a Category 5 Water (Waters Requiring a TMDL) by DEP under section 303(d) of CWA.

IX. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS

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Applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) with its Application for a Stormwater Permit. The SWPPP must include all of the following: A Plan to Control Wastes generated by the Construction Activity on the Construction Site, Erosion and Sedimentation Control Plan, Plan to Construct Stormwater Management Measures and, Plan for Operation and Maintenance of Stormwater Management Measures

a. Plan to Control Wastes
   Applicant must list the construction and waste materials expected to be generated or stored on the Construction Site. These wastes include but are not limited to: discarded building materials, concrete truck washout, chemicals, litter, sanitary waste and material stockpiling. Applicant must also describe in narrative form the BMPs it will utilize to reduce pollutants from these materials including storage practices to minimize exposure of the materials to Stormwater and spill prevention and response plans. If any structural BMPs are proposed, they must be identified and located on the site plan. At a minimum Applicant’s plan should provide for the following:
   X. Areas designated and controlled for equipment storage, maintenance and repair.
   XI. Convenient locations for waste receptacles and a schedule for regular removal.
   XII. Wash down areas for vehicles selected to prevent contamination of Stormwater.
   XIII. Covered storage areas for chemicals, paints, solvents, fertilizers and other toxic materials.
   XIV. Adequately maintained sanitary facilities.

b. Erosion and Sedimentation Control Plan
   Applicant must describe in narrative form its plan for properly stabilizing the site before construction begins and the BMPs that it will use during construction to minimize erosion of the soil and sedimentation of the Stormwater. These BMPs should include both stabilization practices such as: seeding, mulching, preserving trees and vegetative buffer strips and also contouring and structural practices such as, earth dikes, silt fences, drainage swales, sediment traps, check dams, subsurface or pipe slope drains. Applicant must locate structural BMPs on the site plan. Applicant must also provide details of construction including the timing, scheduling and sequencing of development including clearing, stripping, rough grading, construction, final grading and Final Site Stabilization.

c. Plan to Construct Stormwater Management Measures
   Applicant must describe its proposed drainage system and identify the Stormwater Management Measures it plans to construct on the site in order to recharge Stormwater on-site and prevent Pollutants from entering Stormwater Discharges. These measures include but are not limited to: on-site filtration, flow attenuation by vegetation or natural depressions, outfall velocity dissipation devices, retention structures and artificial wetlands and water quality detention structures.

   Applicant is required to show the following on its site plan:
   1. The estimated seasonal high groundwater elevation in areas to be used for Stormwater Management Measures.
   2. Detailed plans and description of all components of the proposed drainage system including:
      i. locations, cross-sections and profiles of all brooks, streams, drainage swales and their method of stabilization,
      ii. all Stormwater Management Measures to be used for the detention, retention or infiltration of water, their size and location on the Construction Site, and the volume of Stormwater that each will hold,
      iii. all Stormwater Management Measures for the protection of water quality if Category 5 waters are located on or adjacent to the Construction Site,
      iv. the structural details for all components of the proposed drainage system and Stormwater Management Measures, including cross-sections,
      v. notes on drawings specifying materials to be used, construction specifications and typicals and,
      vi. expected hydrology with supporting calculations of post-development Stormwater Discharges.

d. Plan for Operation and Maintenance of Stormwater Management Measures
   Applicant must outline its plan for the long-term operation and maintenance of the Stormwater Management Measures that have been implemented at the Construction Site. This plan must include the following:
   1. A description of the annual maintenance activities that will be performed and identification of the individual or entity who will perform them, and
   2. An estimate of the annual cost of these maintenance activities and a description of the operation and maintenance fund that the Applicant will establish, and
   3. The language of a covenant and restriction which Applicant will record in the appropriate Registry of Deeds binding and enforceable against the Construction Site, the Owner from time to time thereof to maintain the Stormwater Management Measures.

XV. PROCEDURE FOR SITE PLAN REVIEW

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a. Following receipt of a complete Application for a Stormwater Permit, the Stormwater Committee will refer it to either the Planning Board (if the proposed construction project requires sub-division approval under C. 41 of the M.G.L.) or the Zoning Board of Appeals for review and comment.

b. The Stormwater Committee will promptly schedule and notice a public hearing in the local weekly newspaper at which public comment on the Application will be received and recorded by the Stormwater Committee. They will give notice by first class-mailings to abutters at least seven (7) days prior to the hearing and will make the Application available for inspection by the public during normal business hours at the Town Hall.

c. After receipt of the recommendation of the Planning Board or the Zoning Board of Appeals and public comment at the public hearing, the Stormwater Committee may approve or deny the Application, require changes to any part of the SWPPP, revise the amount of the required annual maintenance deposit or may impose additional conditions in the Stormwater Permit issued.

d. The Stormwater Committee may not issue the Stormwater Permit until final plans approved by either the Planning Board or Zoning Board of Appeals have been filed with the Stormwater Committee and twenty-one (21) days have elapsed. If there are changes on the final plans which affect the Stormwater Permit, the Stormwater Committee (after written notice to the Applicant) shall review these changes and may impose additional conditions in the Stormwater Permit.

XVI. CONDITIONS OF THE STORMWATER PERMIT

The following standard conditions shall apply to each Stormwater Permit issued in accordance with this By-Law.

a. The Permittee shall comply with all conditions of the Stormwater Permit and its Stormwater Pollution Prevention Plan.

b. Permittee shall comply with all other local permits related to the Construction Site.

c. Permittee shall make an annual deposit of funds in a specially segregated account in the amount equal to the estimated annual cost to operate and maintain the Stormwater Management Measures.

d. Permittee shall maintain on-going records of the operation and maintenance fund which shall show:
   1. The maintenance activities performed on the Construction Site, the dates on which they were performed and the names of the individuals who performed them, and
   2. The costs of such maintenance activities, and
   3. The current balance in the fund.

e. Within ten (10) days of receipt of the Stormwater Permit the Permittee shall record in the appropriate Registry of Deeds a covenant and restriction, which in form and substance is identical to that submitted with the Application and approved by the Stormwater Committee.

f. The Permittee shall furnish the Stormwater Committee any information which is requested to determine compliance with the Stormwater Permit.

g. The Permittee shall allow authorized representatives of the Awarding Authority to:
   1. enter upon the Permittee’s Construction Site and
   2. have access to and the right to copy at reasonable times any records required to be kept under the conditions of this By-Law and

h. Permittee shall allow representatives of the Awarding Authority to make regular, unannounced inspections of the Construction Site. These typically will occur at the following times:
   1. Initial Site Inspection prior to Construction Activity starting but after a complete Application has been filed.
   2. After Erosion and Sedimentation controls are in place.
   3. After Construction Site clearing has been substantially completed.
   4. After rough grading has been substantially completed.
   5. Prior to backfilling of any underground drainage and/or after Stormwater Management Measures have been installed.
   6. After final grading has been substantially completed.
   7. At the end of the construction season if Construction Activity has not yet been completed.
   8. After Final Site Stabilization.

i. The Permittee shall report the release of a reportable quantity of hazardous substances or oil which occurs on the Construction Site during Construction Activity. This report must be made within fourteen days of knowledge of the release and must include the date and description of the release, the circumstances leading to the release, responses to be employed for such release and measures to prevent re-occurrence of such release. Reportable Quantity means the quantity of oil or hazardous material the release of which, or threat of release of which, requires notification to the Massachusetts Department of Environmental Protection under M.G.L. c. 21E, § 7, and/or 310 CMR 40.0350 through 310 CMR 40.0352.

j. The issuance of the Stormwater Permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.

k. The provisions of the Stormwater Permit are severable and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

l. The Stormwater Permit is not transferable.
m. The Stormwater Committee reserves the right during the Permit Term to modify the Permit and impose additional conditions.

n. Conditions contained in Permittee’s NPDES Comprehensive General Permit will be incorporated by reference in the Stormwater Permit.

XVII. PERMIT TERM

The Stormwater Permit shall be effective upon the date of issuance and remain in effect until the earlier to occur: 1) a Certificate of Completion is issued by the Awarding Authority indicating that all Construction Activity has ceased, Final Site Stabilization has been completed and inspection and approval by a representative of the Awarding Authority has occurred, or 2) three years from the date of issuance of the Stormwater Permit has elapsed without Applicant starting Construction Activity on the Construction Site.

XVIII. DEFAULT OF THE PERMITTEE

The Stormwater Committee may, during the Permit Term and after notification and hearing, find a Permittee in default if it shall reasonably be determined that:

a. Permittee knowingly made a false material statement, representation or certification in his Application or SWPPP, or
b. Permittee is no longer the owner or Operator of the Construction Site and thus not authorized to sign the Application for a Stormwater Permit,
c. Permittee is not in compliance with the terms of its Stormwater Permit or SWPPP.

Permittee shall be given not less than ten days prior written notice of the time and place of the hearing and shall have the opportunity at the public hearing to present evidence.

XIX. ENFORCEMENT

The Stormwater Committee will report any Permittee that is found to be in default as described in the preceding section to the Awarding Authority. The Awarding Authority may take any of the following actions:

a. Issue a written order requiring the Permittee to cease and desist from Construction Activity until there is compliance with the By-Law and the Stormwater Permit;
b. Issue a written order requiring maintenance, installation or performance of additional Erosion and Sedimentation control measures by a certain deadline;
c. Issue a written order requiring the repair, maintenance or replacement of Stormwater Management Measures by a certain deadline;
d. Issue a written order requiring remediation and/or cessation of any Pollutants entering Stormwater Discharges as a result of the Construction Activity by a certain deadline;
e. Suspend or revoke the Stormwater Permit;
f. Enforce the covenant and restriction against any or all of the following:
   1. the operation and maintenance fund,
   2. the Construction Site, or
   3. the owner from time to time thereafter as the Town may elect in its discretion;
g. Take any other enforcement action available under applicable federal, state or local law.

XX. APPEALS

An Applicant or Permittee aggrieved by a decision of the Stormwater Committee under this By-Law may within thirty days of such action request a hearing before the Board of Selectmen at which the Applicant or Permittee shall be afforded the opportunity to present evidence and argument concerning final action by the Board of Selectmen. The Board of Selectmen shall hold such hearing within a reasonable time following the request and within a reasonable time thereafter shall either confirm the Stormwater Committee’s previous action or order such other final action as it may determine. Appeals from a decision of the Board of Selectmen may be taken to a court of competent jurisdiction.

XXI. WAIVERS

The Awarding Authority may, where such action is allowed by law, in the public interest, and not inconsistent with the purpose and intent of this By-Law, waive strict compliance with any requirement of this By-Law provided:

a. Applicant has submitted a written request to be granted a waiver, has explained and/or documented the facts supporting his waiver request, and has demonstrated that the strict application of the By-Law to his case will not further the purpose or objective of the By-Law, and
b. Applicant’s waiver request has been discussed and voted on at a public hearing following public notice and notice to abutters.
XXII. **SEVERABILITY**

If any clause, section or part of this By-Law shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this By-Law shall not be affected thereby but shall remain in full force and effect.

XVII. **EFFECTIVE DATE**

This By-Law shall take effect upon adoption by Town Meeting.

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### 18.0 WATERFORD VILLAGE SMART GROWTH OVERLAY DISTRICT (WVSGOD)

#### 18.1 PURPOSE

It is the purpose of this Section to establish a Waterford Village Smart Growth Overlay District and to encourage smart growth in accordance with the purposes of M.G.L. c.40R, and to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
2. Provide for a range of housing choices for households of various incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs, both for the Town of Bridgewater and its residents, including Bridgewater State College;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow context-sensitive design and creative site planning;
7. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with M.G.L. c.40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with M.G.L. c.40S arising from the development of housing in the Waterford Village Smart Growth Overlay District.

#### 18.2 DEFINITIONS

For purposes of this Section, the following definitions shall apply. To the extent that there is any conflict between the definitions set forth is this Section 18.2 and the Enabling Laws, the terms of the Enabling Laws shall govern.

**Administering Agency** - the local housing authority or other qualified housing entity designated by the PAA (as defined below), pursuant to Section 18.5.6, to review and implement the affordability requirements affecting Development Projects under Section 18.5.

**Affordable Homeownership Unit** - an Affordable Housing unit required to be sold to an Eligible Household.

**Affordable Housing** - housing that is affordable to and occupied by Eligible Households.
Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in M.G.L. c.184, Section 31 and the requirements of Section 18.5.5 of this Bylaw.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

Applicant- A landowner of other petitioner that files a Development Project for Plan Approval.

As-of-right Project or Project - means a development of housing under zoning without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires approval pursuant to this Section 18.0 shall be considered an as-of-right Project.

Basement- the lowest floor level of a building which is either fully or partially below grade, whether or not fully enclosed.

Building Coverage- The measured exterior horizontal footprint of buildings and/or structures (covered or enclosed) located on any lot.

Development Lot- One or more lots which are designated as a Development Lot on a site plan for a Development Project proposed within the WVSGOD and for which Plan Approval is required under the provisions of this Section 18. The lots comprising a Development Lot need not be in the same ownership. Where the Development Lot consists of more than a single lot, the lots, in combination, shall be treated as the Development Lot, may be contiguous or non-contiguous and shall be considered as one lot for the purpose of calculating parking and dimensional requirements. Any Development Project undertaken on a Development Lot is subject to the Design Standards established under Section 18.12 of this Section 18.

Development Project- A residential, commercial or Mixed-Use development constructed under this Section 18. A Development Project shall be identified on the Plan which is submitted to the PAA for Site Plan Review.

DHCD- The Department of Housing and Community Development of the Commonwealth of Massachusetts or any successor agency

Dwelling Unit- one (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit inclusive of, if applicable, an In-Law Apartment. Dwelling Unit includes, but is not limited to, single-family detached or attached dwellings, multi-family dwellings, and two or three-family dwellings.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - M.G.L. c.40R and 760 CMR 59.00, as the same may be amended or supplemented.

Frontage- The required distance shall be measured entirely along a continuous section of the front lot line adjoining one street.

Front Yard- An area extending the entire width of a lot from side lot line to side lot line and from the street line to the front line of a building.

Height- The distance between the average finished grade adjacent to the building (exclusive of Basements) and the ceiling of the upper-most heated space in the building in the case of a building with a flat roof and, in the case of a building with a pitched roof, at the point at which such ceiling intersects with the exterior portion of the building, excluding from such calculation chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above the roof and not used for human occupancy and excluding wireless or broadcasting towers and other like unenclosed structures.

Lot Frontage- The required lot frontage distance shall be measured entirely along a continuous section of the front lot line adjoining the street.

Mixed Use Development Project- a Development Project containing a mix of residential uses and non-residential uses, as allowed in Section 18.6, and subject to all applicable provisions of this Section 18.

Multifamily Use - Dwelling containing four or more dwelling units.

Open Space - the part or parts of land within the WVSGOD which are reserved or restricted for permanent open space. This space shall exclude parking areas and stormwater detention areas, but include required setbacks and walkways. The Open Space shall be open and unobstructed to the sky; however; trees, planting, arbors, flagpoles, sculptures, fountains, swimming pools, atriums, outdoor recreational facilities, such items as streetscape elements (lights, planters, benches, etc.), outdoor areas devoted to dining, cafe or similar uses, and
decorative surface treatments for sidewalks and other hard surfaces (such as pavers, cobblestones or concrete surface treatments designed to resemble pavers or cobblestones), and similar objects shall not be considered obstructions. Wetlands, as defined by the requirements of M.G.L. c.131, Section 40, may be included in the open space calculation.

**PAA Regulations** - the rules and regulations of the PAA adopted pursuant to Section 18.9.3.

**Plan Approval** - standards and criteria which a Development Project in the WVSGOD must meet under the procedures established herein and in the Enabling Laws.

**PAA or Plan Approval Authority** - the local approval authority authorized under Section 18.9.2 to conduct the Plan Approval process for purposes of review Development Project applications and issuing Plan Approval decisions within the WVSGOD.

**Rear Yard** - An area extending the entire width of a lot from side lot line to side lot line and from the rear line of a building to the rear lot line.

**Recreational Uses** - Active recreational uses, including but not limited to ballfields; and passive recreational uses, including but not limited to walking and bicycle paths. Amusements or motorized uses shall not be considered eligible recreational uses.

**Residential Project** - a Development Project that consists solely of residential, parking, and accessory uses.

**Side Yard** - An area extending along a sideline of lot (between the Front Yard and the Rear Yard on such a lot) and extending between the side lot line to the nearest point of the building.

**Site Plan** - A plan depicting a proposed Development Project for all or a portion of the WVSGOD and which is submitted to the PAA for its review and approval in accordance with Section 18.9.

**Townhouse Use** - Dwelling containing two or three dwelling units.

**WVSGOD** - The Waterford Village Smart Growth Overlay District established in accordance with this Section 18.

**Zoning By-law** - the Zoning By-laws of the Town of Bridgewater

### 18.3 OVERLAY DISTRICT

**18.3.1 Establishment** - The Waterford Village Smart Growth Overlay District, hereinafter referred to as the WVSGOD, is an overlay district having a land area of approximately 128.5 acres in size, being Assessor’s Map 22, Parcels 25, 47, 48, 26, 49, 52 and 50 that is superimposed over the underlying zoning district. Within the WVSGOD, there are two subdistricts: New Development Subdistrict and Substantially Developed Subdistrict. The boundaries of the WVSGOD and the two subdistricts are as set forth on the plans entitled “Figure 1: Waterford Village Smart Growth Overlay District and Sub-Districts” prepared by Daylor Engineering. This map is hereby made a part of the Zoning By-law and is on file in the Office of the Town Clerk.

**18.4 APPLICABILITY OF WVSGOD**

**18.4.1 Applicability of WVSGOD** - In accordance with the provisions of M.G.L. c.40R and 760 CMR 59.00, an Applicant for a Development Project located within the WVSGOD may seek Plan Approval in accordance with the requirements of this Section 18.0. In such case, then notwithstanding anything to the contrary in this Zoning By-law, such Plan Approval shall not be subject to any other provisions of this Zoning By-law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations, including but not limited to any rate of development limitations provided in the Zoning By-law. When a building permit is issued for any Development Project approved in accordance with this Section 18.0, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the Site Plan which was submitted pursuant to Section 18.10.2 for such Project.

**18.4.2 Underlying Zoning** - The WVSGOD is an overlay district superimposed on all underlying zoning districts in all districts. To the extent that the provisions of this Section 18 are inconsistent with the provisions of the underlying zoning, the provisions of this Section 18 shall govern. The regulations for use, dimension, and all other provisions of the Zoning By-Law governing the underlying zoning district(s) shall remain in full force, except for those Development Projects undergoing development pursuant to this Section 18 or the maintenance, alteration, extension, reconstruction or expansion of an existing development which may be governed by the provisions of this Section 18. Within the boundaries of the WVSGOD, a developer may elect to either (i) develop a Development Project in accordance with the requirements of this Section 18, (ii) develop a project in accordance with the requirements of the regulations for use, dimension, and all other provisions of the Zoning By-law governing the underlying zoning districts, or (iii) maintain, alter, extend,
reconstruct or expand an existing development which was previously allowed by right or by special permit and which is allowed by right in the WVSGOD without the requirement of Plan Approval, provided such use is allowed in Section 18.6 hereof.

18.5 HOUSING AND HOUSING AFFORDABILITY

18.5.1 Number of Affordable Housing Units. Where Affordable Homeownership Units are proposed in a Development Project, not less than twenty percent (20%) of housing units constructed in a Development Project shall be Affordable Housing. Where Affordable Rental Units are proposed in a Development Project, not less than twenty-five percent (25%) of housing units shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

18.5.2 Marketing Plan. Prior to granting Plan Approval for housing within the WVSGOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section 18.10.2, below, shall include details about construction related to the provision, within the Project, of units that are accessible to the disabled.

18.5.3 Requirements. Affordable Housing shall comply with the following requirements:

1. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

2. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

3. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4. The WVSGOD shall not include the imposition of restrictions on age upon the entire District, but the development of specific Development Projects within the WVSGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Development Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Development Project shall be restricted as Affordable Housing.

18.5.4 Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Development Project of which they are part and be comparable in initial construction, quality and exterior design to other housing units in the Development Project. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all the units in the Development Project of which the Affordable Housing is part.

18.5.5 Affordable Housing Restriction. Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be no less than thirty (30) years;

2. The name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;

3. A description of the unit of Affordable Housing by address and number of bedrooms;

4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law.
The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. A requirement that residents will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;

6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders.

8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease Affordable Rental Housing shall be given to the Administering Agency;

9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;

10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or The Town of Bridgewater, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;

11. Provision that the restriction on an Affordable Rental Unit shall run with the rental Development Project or rental portion of a Development Project and shall run in favor of the Administering Agency and/or The Town of Bridgewater, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.

12. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

18.5.6 Administering Agency. An administering agency which may be the local housing authority, or other qualified housing entity shall be designated by the PAA. In a case where the administering agency cannot adequately carry out its administrative duties, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such agency shall ensure the following:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;

3. The housing marketing and resident selection plan conforms to all requirements and is properly administered;

4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;

5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds;

18.5.7 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

18.5.8 Phasing. For any Development Project that is approved and developed in phases in accordance with Section 18.9.4, the proportion of Affordable Housing Units shall be consistent across all phases.
18.5.9 Computation. Prior to the granting of any Building Permit for the housing component of a Development Project, the applicant for such building permit must demonstrate, to the satisfaction of the PAA, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to The Town of Bridgewater.

18.5.1 No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 18.5 shall not be waived.

18.6 PERMITTED USES

18.6.1 Permitted Uses.

New Development Subdistrict:

The following uses are allowed as of right in the New Development Subdistrict:

1. Commercial uses, provided such commercial uses are located within 200 feet of Route 104:
   
   a. Store serving local retail business needs of residents of vicinity (except adult uses are defined by G.L. c. 40A s. 9A);
   
   b. Eating places serving food and beverages, no dancing or live entertainment permitted, and not including fast-food restaurants for the purchase of food to be consumed off of the premises
   
   c. Business, financial, leasing or professional offices,
   
   d. Office Service, such as Travel or Financial Agency
   
   e. Service business serving local needs, including but not limited to beauty shops, barber shops, salons, dry cleaning facilities
   
   f. Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic
   
   g. Day nursery, nursery school, kindergarten or other agency excluding family day care home
   
   h. Banks and similar financial institutions
   
2. Dwelling Units at a density of up to 22.5 units per acre.

3. Accessory Uses:
   
   a. Parking, including surface, garage-under, and structured parking (e.g. parking garages). “Surface parking areas” shall include all areas devoted to parking other than structured or garaged parking.
   
   b. Open space and Recreational Uses.
   
   c. Privately owned wastewater treatment facility and leaching fields.
   
   d. Accessory uses customarily incidental to any of the above permitted uses, including, without limitation, leasing offices, business centers, recreational facilities and similar such uses.

Substantially Developed Subdistrict:

1. Commercial uses, provided such commercial uses are located within 200 feet of Route 104:
   
   a. Store serving local retail business needs of residents of vicinity (except adult uses are defined by G.L. c. 40A s. 9A);
b. Eating places serving food and beverages, no dancing or live entertainment permitted, and not including fast-food restaurants for the purchase of food to be consumed off of the premises

c. Business, financial, leasing or professional offices,

d. Office Service, such as Travel or Financial Agency

e. Service business serving local needs, including but not limited to beauty shops, barber shops, salons, dry cleaning facilities

f. Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic

g. Day nursery, nursery school, kindergarten or other agency excluding family day care home

h. Banks and similar financial institutions

2. Dwelling Units at a density of up to 20 units per acre, including, without limitation, the maintenance, alteration, extension, reconstruction or expansion of an existing development which was previously allowed by right or by special permit and which is allowed by right in the WVSGOD, provided the requirements of Sections 18.7 and 18.8 of this Section 18 are met.

3. Accessory Uses:

a. Parking, including surface, garage-under, and structured parking (e.g. parking garages). “Surface parking areas” shall include all areas devoted to parking other than structured or garaged parking.

b. Open space and Recreational Uses.

c. Privately owned wastewater treatment facility and leaching fields.

d. Accessory uses customarily incidental to any of the above permitted uses, including, without limitation, leasing offices, business centers, recreational facilities and similar such uses.

Uses not authorized in this Section 18.6.1 are not allowed.

A Development Project may be located in more than one subdistrict, provided the use is allowed in both subdistricts and the other applicable provisions of this Section 18 are met.

18.7 DIMENSIONAL AND DENSITY REQUIREMENTS

18.7.1 Dimensional Requirements. Notwithstanding anything to the contrary in the Zoning By-law, the dimensional requirements for all projects in the WVSGOD are as follows. All dimensional requirements shall be computed based upon the entire WVSGOD rather than on a project basis or building by building basis:

<table>
<thead>
<tr>
<th>WVSGOD District:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area per Dwelling Units</td>
<td>1,000 square feet</td>
</tr>
<tr>
<td>Minimum Frontage</td>
<td>100 feet</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>70 feet or 6 stories</td>
</tr>
<tr>
<td>Minimum Setback from a Public Street</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum Open Space</td>
<td>15%</td>
</tr>
<tr>
<td>Total Coverage by Buildings</td>
<td>75%</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>30 feet, except 200 feet from Route 104 for associated parking structures</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

18.7.2 Density Requirements. The following density shall be allowed as of right in the WVSGOD: Residential Density of 22.5 units per acre in the New Development Subdistrict and 20 units per acre in the Substantially Developed Subdistrict.
18.7.3 **Protective Buffers.** A buffer area may be in the form of fencing, landscaping, earthen berms or any other appropriate screening, as specified in the Design Standards set forth in the attached Appendix A, to reduce impacts of lighting, noise and aesthetics. This buffer shall occur in the side and rear setback areas whenever residential uses or zones abut commercial development.

18.8 **PARKING REQUIREMENTS**

18.8.1 **General.** Notwithstanding anything to the contrary in this Zoning By-law, the parking requirements applicable in the WVSGOD are as follows.

18.8.2. **Number of Parking Spaces.** Unless otherwise approved by the PAA, the minimum numbers of off-street parking spaces below shall be provided by use, either in surface or on-street parking, within garages or other structures. The PAA may allow for a decrease in the required parking as provided in Section 18.8.3 and 18.8.4 below.

<table>
<thead>
<tr>
<th>Residential Use</th>
<th>1.5 spaces per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store serving local retail business needs of residents of vicinity;</td>
<td>3 spaces per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Eating places serving food and beverages, no dancing or live entertainment</td>
<td></td>
</tr>
<tr>
<td>permitted, and not including fast-food restaurants for the purchase of food to</td>
<td></td>
</tr>
<tr>
<td>be consumed off of the premises; Business, financial or professional offices;</td>
<td></td>
</tr>
<tr>
<td>Office Service, such as Travel or Financial Agency; Service business serving</td>
<td></td>
</tr>
<tr>
<td>local needs, including but not limited to beauty shops, barber shops, salons,</td>
<td></td>
</tr>
<tr>
<td>dry cleaning facilities; Offices and clinics for medical, psychiatric, or other</td>
<td></td>
</tr>
<tr>
<td>health services for the examination or treatment of persons as outpatients,</td>
<td></td>
</tr>
<tr>
<td>including only laboratories that are part of such office or clinic; Day nursery,</td>
<td></td>
</tr>
<tr>
<td>nursery school, kindergarten or other agency excluding family day care home;</td>
<td></td>
</tr>
<tr>
<td>Banks and similar financial institutions</td>
<td></td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Residential requirement plus nonresidential requirement</td>
</tr>
</tbody>
</table>

18.8.3. **Shared Parking.** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process or prior to submission of any application for a building permit, if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

18.8.4 **Waiver of Parking Requirements.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process or prior to submission of any application for a building permit if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

1. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus station or major transportation route;

2. The availability of public or commercial parking facilities in the vicinity of the use being served;

3. Shared use of off street parking spaces serving other uses having peak user demands at different times;

4. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
5. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and

6. Such other factors as may be considered by the PAA.

18.9 PLAN APPROVAL

18.9.1 Plan Approval. Any Application for a project requiring Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 18.9 through 18.14. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Development Projects shall be subject to the Plan Approval process:

1. Any Residential Project
2. Any Mixed Use Development Project;
3. Any Development Project consisting solely of non-residential uses; and
4. Any Development Project Seeking a Waiver...
5. Any expansion of an existing development which would increase the number of Dwelling Units over those which were in existence on the date of adoption of this Section 18.

18.9.2 Plan Approval Authority (PAA). The Planning Board consistent with M.G.L. c.40R and 760 CMR 59.00, shall be the PAA and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the WVSGOD.

18.9.3 PAA Regulations. The PAA may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations, if adopted, must be approved by DHCD.

18.9.4 Development Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Development Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 18.5.8.

18.10 PLAN APPROVAL PROCEDURES

18.10.1 Pre-application. Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive site plan for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas;
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Development Project design will be consistent with the Design Standards and Guidelines and the other requirements of the WVSGOD.

18.10.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, along with application fees which shall be as set forth in the PAA Regulations. The application shall be accompanied by site, engineering and landscaping plans and building elevations. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at an appropriate scale of at least one inch equals forty feet (1”=40’), or at a scale as approved in advance by the PAA, and shall show the following:

1. The perimeter dimensions of the lot; Assessors Map, lot and block numbers.
2. All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.

3. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).

4. All facilities for sewage, refuse and other waste disposal and for surface water drainage.

5. Landscaping plan, showing all proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract, with types, quantities, and sizes of proposed plantings.

6. Existing major natural features, including streams, wetlands and all trees six inches or larger in caliper (caliper is girth of the tree at approximately waist height).

7. Scale and North arrow (minimum scale of one inch equals 40 feet).

8. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.

9. Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.

10. A marketing plan showing the proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type: number of one bedroom units, two-bedroom units, etc., if appropriate.

11. Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the applicant).

12. Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).

13. Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed: either one bedroom, two bedrooms or more.) The area in square feet of each typical unit should be indicated.

14. Developer's (or his representative's) name, address and phone number.

15. Any other information which may include required traffic study and in order to adequately evaluate the scope and potential impacts of the proposed Development Project, including a grading plan, parking layout plan, utilities plan, and lighting plan.

16. Evidence that the Development Project complies with cost eligibility requirements of Section 18.5.3.

17. Project plans that demonstrate compliance with the requirements of Section 18.5.4.

18. A form of Affordable Housing Restriction that satisfies the requirements of Section 18.5.5.

All plans and elevations presented with the application shall remain a part of the records of the PAA. The provision of the plan and the application shall be the sole responsibility of the applicant.

18.11 PROCEDURES

18.11.1 Filing. An Applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 15 copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

18.11.2 Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Building Department, Community Development Department, Conservation Commission, Fire Department, Health Department, Highway Department, Planning Board, Police Department, Sewer Department, Transportation Management Department, Water Department, the Administering Agency (for any Development Project subject to the Affordability Requirements of Section 18.5) for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
18.11.3 Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of M.G.L. c.40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

18.11.4 Peer Review. In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M.G.L. c.40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

18.12 DESIGN STANDARDS

18.12.1 General. Any Development Project undergoing the Plan Approval process shall be subject to the Design Standards set forth in the attached Appendix A. The purpose of such Design Standards is to ensure that the physical character of Development Projects within the WVSGOD will be complementary to nearby buildings and structures, will be consistent with the Comprehensive Housing Plan, and will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the Town or in the region of the Town. All applications for Plan Approval shall comply, except where a specific waiver is granted, to such Design Standards and Guidelines.

18.13 DECISION

18.13.1 Waivers. Upon the request of the Applicant, the PAA may waive dimensional and other requirements of Section 18, including the Design Standards and Guidelines of Appendix A, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the WVSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section 18.

18.13.3 Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. The applicant has submitted the required fees and information as set forth herein and in the PAA Regulations, if applicable; and

2. The Project and site plan meet the requirements and standards set forth this Section 18, or a waiver has not been granted therefrom; and

3. Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Development Project subject to the Affordability requirements of Section 18.5, compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 18, or to mitigate any extraordinary adverse potential impacts of the Development Project on nearby properties.

18.13.4 Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth herein; or

2. The Project and site plan do not meet the requirements and standards set forth this Section 18, or a waiver has been granted therefrom; or

3. It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.

18.13.5 Form of Decision. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision shall be provided to the Building Inspector. A copy of the decision or application bearing such certification shall be recorded in the Plymouth County Registry.
of Deeds, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

18.13.6 Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that initial construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended in the Development Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Development Project.

18.14 CHANGE IN PLANS AFTER APPROVAL BY PAA

18.14.1 Minor Change. After Plan Approval, an Applicant may be apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Minor changes, for the purposes of this Section 18.14.1, shall mean those changes which do not result in an increase of over ten percent (10%) in impacts to traffic, water, wastewater or other similar environmental conditions. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Building Inspector.

18.14.2 Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

18.15 SEVERABILITY
If any provision of this Section 18 is found to be invalid by a court of competent jurisdiction, the remainder of Section 18 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 18 shall not affect the validity of the remainder of the Zoning By-law.

APPENDIX A

I. DISTRICT DESIGN STANDARDS
In order to have high quality design that respects the architectural features of the existing structures as well as the character of Bridgewater, the following design standards are established. These standards are intended to be applied flexibly by the Plan Approval Authority (as defined in the WVSGOD, the “PAA”) and may be waived at the discretion of the PAA to enable the purpose of this District to be realized.

II. SITE PLANNING
1. Residential Open Space.
   a. Maintain setback as required in the WVSGOD to preserve building context.
   b. Create a courtyard-style open space that is accessible to the public view.
   c. Where practicable retain existing trees and plantings.

   a. Preserve and enhance the pedestrian environment by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken by vehicular access and parking.
   b. Limit the number of driveways that enter or exit over the main frontage sidewalks.
   c. Screen from view by use of planting or landscape structures, surface parking areas facing adjacent properties.
   d. Parking areas shall be setback from streetlines and property lines a minimum of five feet (5').
   e. Multi-purpose parking areas paved with unit pavers are encouraged (i.e., areas that serve both parking and public open space needs).

III. EXTERIOR FINISH MATERIALS
Building exteriors should be constructed of durable and maintainable materials. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.
1. Consider wood or quality vinyl shingles, clapboard, Hardiplank or Fypon, and cement plaster stucco residential structures.
2. Provide operable windows of metal or vinyl clad wood framed windows that meet or exceed the minimum thermal resistant requirements of the Massachusetts State Building Code. The design, layout and color of doors and windows should reflect the style and character of the existing buildings.

3. Use materials that are consistent with the existing or neighborhood character, including wood, brick, cement plaster stucco and stone.

4. Finish materials that are susceptible to staining, fading or other discoloration are strongly discouraged.

IV. PEDESTRIAN ENVIRONMENT

1. Pedestrian Open Spaces and Entrances. Paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

2. Screening of Dumpsters, Utilities and Service Areas. All utilities shall be underground.
   a. All dumpsters, utilities, mechanical equipment and service areas should be screened with adequate plantings and/or landscape structures.

3. Lighting.
   a. Consider pedestrian-scale lighting, such as a twelve foot (12’) to fifteen foot (15’) high pole or bollard fixtures or other appropriate lighting that complements the existing site lighting.
   b. Architectural lighting should complement the architecture of the structure including transparent windows allowing views into and out of the structure.
   c. Fixtures that produce glare or that spill light to adjoining sites, such as “wallpacks,” are discouraged.
   d. Installation of pedestrian light fixtures as part of a development’s sidewalk improvements is strongly encouraged.

V. GENERAL DESIGN STANDARDS

1. Lighting.
   a. Applicability. The following limitations should be observed by all new exterior lighting installations, except those within illuminating a right of way, or up to two (2) security lights on any premises.
   b. Lighting Installations. Exterior area lighting, such as for parking lots or recreation areas, and building flood lighting shall employ fixtures of a type, height, location, brightness and direction such that light sources are not exposed to normal view from any adjacent dwellings or traveled ways. Light overspill onto adjacent premises shall not exceed one-half (1/2) footcandles measured in residential districts or three (3) footcandles in nonresidential districts, except that in the ambient level exceeds that, then overspill shall not be such as to produce shadows observable without instruments.
   c. Lighting Plan. An exterior lighting plan is required for application proposing in aggregate more than 5,000 watts of exterior lighting, to include indication of location, mounting height, and orientation of luminaires, and sufficient technical information on the fixtures to determine their type and resulting illumination levels.
   d. Departures. Departure from the above requirements may be authorized upon determination by the PAA that either it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, or that the installation involves no more than two (2) luminaires, and that all reasonable efforts have been made to avoid glare or light overspill onto streets or residential premises.

2. Noise.
   a. Noise Standards. The following noise standards, unless otherwise specifically indicated, shall apply to noise as heard at any location off the premises within a designated noise zone, except for that produced by warning devices, agricultural activity, temporary construction or maintenance work, yard maintenance, public events, or other circumstances, but specifically not excluding recurrent vehicle noise associated with fixed points, such as that of refrigerator trucks at loading areas.
   b. Limitations. No development shall be allowed which would result in the following standards being exceeded by more than twenty (20) decibels at any time, or by more than then (10) decibels for more than ten (10) minutes in an hour, or at all for more than thirty (30) minutes in an hour, measured at any point off-site. If the generated noise has a single dominant frequency above 4,800 cycles per second, these standards shall be reduced by five (5) decibels.

<table>
<thead>
<tr>
<th>Allowable Exterior Noise Level</th>
<th>7:00 AM - 9:00 PM</th>
<th>9:00 PM - 7:00 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>65 decibels</td>
<td>60 decibels</td>
</tr>
</tbody>
</table>

3. Landscaping and Screening.
   a. Applicability. Street parking area and buffer strip landscaping and screening shall be provided as specified below when any new building addition, or change of use requires a parking increase of seven or more spaces.
   b. Plantings. Required plantings shall include both trees and evergreen shrubs, and preferably will include ones existing on site. To be credited towards meeting these requirements, trees must be two and one-half inches (2 ½”)
caliper four feet (4’') above grade, be of a species common to the area, and reach an ultimate height of at least thirty feet (30’). Credited shrubs must be at least thirty inches (30’’) in height at the time of planting, each an ultimate height of at least four feet (4’’) (except where lower height is necessitated for egress visibility as determined by the inspector of buildings) and be of an evergreen species common in the area. Plantings shall average at least one (1) tree per forty linear feet (40’’) of planting area length and at least one (1) shrub per three feet (3’’). Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be located wholly within the lot.

c. Street Plantings. Plantings are required along the entire street frontage for nonresidential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings shall be located within fifteen feet (15’) of the street property line.

d. Parking Area Plantings. A minimum of two percent (2%) of the interior area of parking lots containing thirty (30) or more spaces must be planted. A minimum of one (1) tree and four (4) shrubs exclusive of any required perimeter plantings must be planted for every 1,500 square feet of parking lot. Planting areas must each contain not less than thirty (30) square feet of unpaved soil areas. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

e. Buffer Strip Plantings. Buffer strip plantings shall be provided in required buffer strips and for any premises along the full length of any boundary abutting or extending into a residential district. Required plantings shall be located within ten feet (10’) of the boundary line.

f. Screening.
   i. Applicability. Screening is required to obscure visibility from beyond the boundaries of the premises as follows: in residential districts for parking areas of seven or more spaces, if otherwise visible at normal eye level within a residential district within fifty feet (50’) of the lot line.
   ii. Materials. Screening as required shall consist of plantings of species, size and spacing to effectively obscure vision within fifty (50) years of expected growth, must be supplemented by an opaque fence or wall at least six feet (6’) tall.

g. Existing Vegetation. Whenever possible, the above requirement shall be met by retention of existing plants. If located within twenty-five feet (25’) of a street, no existing tree of six inches (6’’) caliper or greater (measured four feet (4’) above grade), dense hedgerow of four or more feet (4’) in both depth and height, or existing earth berm providing similar visual screening shall be removed or have grade changed more than one foot (1’) unless dictated by plant health, access safety, or identification of the premises.

h. Maintenance. All plant materials required by this bylaw shall be maintained in healthful condition. Dead limbs shall be promptly removed and dead plants shall be promptly replaced at the earliest appropriate season. Any fences required for screening shall be property maintained.

i. Nonconforming Landscaping and Screening.
   i. Continuation. Any improvement along the property boundary, including landscaping, screening, and fencing, legally erected may continue to be maintained, even though the boundary improvements do not conform to this Section.
   ii. Change. Such boundary improvements shall not be enlarged, redesigned, or altered except so as to make them conform to said requirements. Any such boundary improvements which have been destroyed or damaged to such an extent that the cost of restoration would exceed fifty percent (50%) of the replacement value of the boundary improvements at the time of destruction or damage, shall not be repaired, rebuilt, or altered, except to conform to the requirements of this bylaw.
   iii. The exemption for nonconforming landscaping and screening herein granted shall terminate with respect to any boundary improvements which
      (1) shall have been abandoned or
      (2) shall not have been repaired or properly maintained for at least sixty days after notice to that effect has been given by the inspector of buildings.

4. Environmental Protection Requirements.
   a. Storm Water Management. The design and construction of stormwater management systems for development subject to Development Plan Review will be consistent with the following:
      i. Discharging untreated stormwater runoff directly into rivers, streams, watercourses, or increasing the volume, rate, or further degrading the quality of existing discharges/runoff is prohibited.
      ii. Post-development peak runoff shall be maintained at or below pre-development peak runoff rates.
      iii. Storm runoff shall be routed through structural and nonstructural systems designated to increase time of concentration, decrease velocity, increase infiltration, and allow suspended solids to settle and remove pollutants. These systems shall utilize subsurface infiltration as the primary technique to treat runoff and shall be designed to remove eighty percent (80%) of the annual average Total Suspended Solids (TSS).
      iv. When in the opinion of the Town Engineer subsurface infiltration of runoff is deemed infeasible because of soil conditions, retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat
runoff. However, there shall be a minimum of two feet (2') of naturally occurring solids between the basin bottom and ground water table or six inches (6") of naturally occurring solids if an impermeable barrier is placed between the basin bottom and ground water table.

v. Storm management systems shall have an operation and maintenance plan to ensure that systems functions as designed.

b. Erosion Control.

i. Any area of bare earth exposed through building or site development or demolition must be permanently stabilized through replanting, paving, or other means of eliminating wind or water erosion. The PAA may require that a performance bond be posted in an amount sufficient to assure completion of such work.

All construction must comply with the following. An erosion control plan shall be submitted for every development which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership, and for developments exposing 20,000 to 60,000 square feet of bare earth in areas having existing slopes in excess of ten percent (10%), highly erodable soils, or other conditions determined by the PAA to necessitate such a plan. Such a plan shall have sufficient information on existing and proposed topography, vegetation, and control measure to allow determination of compliance.

(1) Stripping of vegetation, regarding, or other development shall be done in a way which will minimize soil erosion.

(2) Whenever practical, trees and other natural vegetation shall be retained, protected, and supplemented.

(3) The disturbed area shall be kept to a minimum.

(4) Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.

(5) Sediment basins (debris, desilting basins or silt traps) shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.

(6) A ground cover sufficient to retain erosion must be planted or otherwise provided within thirty (30) working days, season permitting, on any portion of the tract upon which further active construction is not to be undertaken.

(7) The development plan or land-disturbing activity shall be fitted to the topography and soils so as to minimize erosion potential.

c. Tree Protection. Location and design shall not cause avoidable removal or damage to any tree exceeding twelve (12) inches trunk diameter four and one-half feet (4 ½") above grade.

SECTION 19
MIXED USES (CBD)

19.01 Purpose:

The purpose of this section is to allow for the redevelopment of the Central Business District to expand small retail and restaurant uses while providing flexibility to respond to changing household sizes and needs.

19.02 Powers and Administrative Procedures

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Mixed Use Development. The SPGA shall adopt rules relative to the issuance of special permits for Mixed Use Development and file a copy with the Town Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A.

In all matters in which it has jurisdiction to issue use Special Permits pursuant to the provisions of this Section, the Planning Board may issue such Special Permits only upon a finding that the proposed use is in harmony with the general purpose and intent of this Section. Any such Special Permit shall be subject to such conditions and safeguards as the Planning Board may prescribe and shall include design guidelines applicable to development of the site. In reviewing any application for such a Special Permit, the Planning
Board shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

Approval criteria. No Special Permit under Section 19 shall be granted unless the Planning Board finds that:

(a) The Plan complies with the provisions of this Article.

(b) The impact of the development activities shown on the Plan is anticipated to be of benefit to the Town.

(c) The intersections and roadways providing access to the project will operate at an acceptable level of service based on the anticipated impact of vehicular traffic from all proposed development.

(d) The Plan provides adequately for the convenience and safety of vehicular and pedestrian movement within the Project and in relation to streets, property or improvements outside the Project.

(e) The Plan provides for the adequacy of the methods of disposal of sewage, refuse and other wastes, provision of utilities, and the methods of drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes.

After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable conditions as the SPGA finds reasonably appropriate to improve the site design, housing, traffic flow, safety and or otherwise serve the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

19.03 Applicability:

No Mixed Use Development special permit shall be granted unless the application and site plan meet the requirements contained in Section 19.4 and the SPGAs Rules and Regulations for Mixed Use Development applications.

19.04 Requirements (Amended 7/22/2016 D-2016-001) (Amended 10/12/2018 D-FY19-001)

A Mixed Use Development shall be allowed by special permit, subject of the following requirements:

1. The proposal shall meet all the land space requirements table (Section 8.40);
2. The location, size and proposed uses of the development are properly located on the site;
3. Adjacent properties are protected from nuisance caused by noise, fumes, drainage, shading, traffic and/or glare of lights;
4. Significant natural features are preserved as much as possible;
5. Preservation of historic features or buildings;
6. Properties located within the Historic District shall comply with the rules and regulations of the Historic District Commission.
7. Commercial uses shall be required on the first floor in its entirety. No residential uses are allowed at ground floor, or first floor, in mixed use development;
8. The allowed residential density under this Section is 18 units per acre. The Planning Board may allow for density bonuses up to 26 units per acre for the following:
   a. Transfer of Development Rights (TDR) – 1.5 units for every 1 TDR
   b. Preservation of Historic Structures – 2 units for the preservation of 1 Structure
   c. Donation of Open Space or the Preservation of Land through a Conservation Restriction – 1 unit for every 2 acres protected
   d. Payment to the Affordable Housing Trust Fund – a 1 bedroom unit for each donation of $30,000 and a 2 bedroom unit for each donation of $60,000. These amounts will be adjusted annually for inflation at a rate of 2% beginning in 2020.
   e. Public Streetscape Improvements (i.e. plantings, sidewalk improvements, crosswalks, bike lanes, traffic amenities, benches, public art, pocket parks, etc.) – Developer’s Agreement with the Town Manager in consultation with the Community & Economic Development Director shall be completed prior to Special Permit application. The Developer’s Agreement shall recommend the appropriate density bonus.
f. Providing Solar Energy or Green Roofs if allowed under the Town’s zoning ordinance — 1 unit for the construction of solar energy or green roof for each building.

Density Bonuses are solely at the discretion of the Planning Board, if the Board finds that the bonus provides a significant benefit to the Town of Bridgewater or public at large.

9. Architectural details of new buildings and additions, textures of wall and roof materials, should be harmonious with the building’s overall architectural style and should preserve and enhance the character of the surrounding area and meet Design Guidelines as established herein.

10. The mass, proportion and scale of the building, proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area and meet Design Guidelines established herein.

11. Parcels in contiguous ownership shall be designed as and considered one project.

12. Projects designed under this section shall have no minimum lot size, frontage requirement or setback requirement.

13. Each project submitted under this section must provide the commercial development on the first floor of each building or the commercial development shall equal 30% of the gross floor area of the project. In all instances the first floor of and street facing building shall be commercial development. The SPGA may reduce this requirement with a finding of exceptional circumstances. Exceptional circumstance may include: topography, environmental conditions, soil conditions and shape of the lot.

BDesign Guidelines

14. The building’s location shall be parallel or perpendicular to the street. The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.

15. Buildings should be placed close to the road and sidewalk to encourage pedestrian traffic;; long horizontal facades should be avoided by incorporating recesses and projections, of a minimum of two feet in depth; entrance ways should be emphasized by use of rooflines, changes in materials, landscape treatments or other architectural elements; franchise architecture with highly contrasting color scheme, non-traditional forms, reflective siding and roof materials should be avoided; drive-through elements should be architecturally incorporated into the building; drive-through elements generally should not face the street; the material used for additions should complement the materials of the original structure.

16. Building styles do not necessarily have to be identical to existing styles or mimic historic styles, but should be complimentary and enhance the appearance of the area.

17. Buildings may be 4 stories tall or 45’ in height.

18. Rooflines: A-frame roofs are preferred, but flat roofs may be allowed for taller building and when green roofs are proposed; roof colors should be earth tones or a color that is darker than the facade and garish roof colors should not be used; visible roofing materials should complement the color and texture of the building’s facade; roof mounted mechanical equipment should be screened from public view or grouped at the rear of the structure where visibility is limited. To prevent a canyon effect along the street scape, proposed structures achieving the maximum building height must utilize terracing of the structure, or creating architectural elements (including angled roofs, dormers and gable elements) above the second story.

19. 20% of the gross square feet of each lot shall be vegetated. A landscaping plan stamped by a Registered Landscape Architect shall be submitted to the SPGA for review and approval.

20. Street facades should ensure that the building and landscaping enhances the streetscape and does not detract from the character of the area.

21. Building Signs: sign colors should complement the colors on the building; carved wooded signs are encouraged; internally illuminated signs are not allowed; lighting fixtures illuminating signs should be located so light is directed only onto the sign facade.

22. A minimum of 60% of the building’s street side facade shall contain windows. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building facade; metal awnings are discouraged.

CThe requirement for commercial development may be accommodated on an adjacent parcel or parcels, providing the commercial development is constructed in conjunction and coordination with the residential development and reflects the character of a village or town center. An approved site plan of the entire development project must outline project phasing and scheduling as well as conditions of approval. Unless otherwise permitted elsewhere in this section, no residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

23. No units larger than 2 bedrooms will be allowed. All projects should provide a balanced mix of 1 & 2 bedrooms.

24. One parking spaces per unit plus one visitor parking space for every three units shall be provided.

25. The Planning Board may allow for shared parking between the Commercial and Residential uses on site.
26. All parking areas shall be designed behind the buildings and not adjacent to the street. The SPGA may waive this requirement if topography or other extenuating circumstances warrant it.

27. All drive aisle widths shall be a minimum of 18’ unless one-way traffic is proposed and all parking areas shall maintain a minimum of 10% of the gross area as landscaping in addition to the requirement in section B (19).

28. A properly screened dumpster shall be located that meets the following requirements; buffer adjacent residential uses, provides easy access for removal service, doesn’t conflict with parking or interior vehicle access, plastic tops to reduce noise.

29. A suitable snow storage area shall be provided without loss of any of the required parking spaces or displacement of drainage basin, swales, etc. The snow storage area shall accommodate a six (6) inch storm event for the driveways and access ways, parking, loading and sidewalk areas contained within the development.

30. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed.


19.05 Compliance:

An as-built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development’s conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives. Any changes in the approved special permit shall be submitted to the SPGA for review and approval prior to issuance of permanent occupancy permit.

The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date, except for good cause shown and provided that said construction once begun shall be actively and continuously pursued to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

19.06 Appeals:

Any person aggrieved by a decision of the SPGA under this section may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

SECTION 20
BED AND BREAKFAST

(Adopted 09/3/2013/Effective 10/4/2013)

20.01 Purpose:

The purpose of this section is to preserve the existing housing stock and neighborhood character while providing efficient use of larger homes and providing flexibility to respond to changing household sizes and needs.

20.02 Powers and Administrative Procedures:

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Bed and Breakfast. The SPGA shall adopt rules relative to the issuance of special permits for Bed and Breakfast and file a copy with the Town Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such
applicable as the SPGA finds reasonably appropriate to improve the site design, traffic flow, safety and or otherwise serve the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

### 20.03 Applicability:

No bed and breakfast special permit shall be granted unless the application and site plan meet the requirements contained in Section 20.4 and the SPGAs Rules and Regulations for Bed and Breakfast applications.

### 20.04 Requirements:

A bed and breakfast operation shall be allowed by special permit be subject of the following requirements:

a. The Residential building hosting a bed and breakfast must be in existence prior to the approval of this by-law.

b. In the R-A/B, SBD and GBD districts a bed and breakfast shall have a minimum lot size of 87,120 square feet and a minimum lot frontage of 300 feet.

c. In the CBD and Bus-B districts a bed and breakfast shall have a minimum lot size of 20,000 square feet and a minimum lot frontage of 120 feet.

d. In the RC and RD districts a bed and breakfast shall have a minimum lot size of 37,000 square feet and a minimum lot frontage of 180 feet.

e. The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.

f. Rooms used for sleeping shall be part of the primary residential structure and not have been specifically constructed for rental purposes.

g. Exterior alterations other than sign (see i below) shall be in keeping with the character of the structure.

h. The operation shall not use more than sixty (60%) percent of the floor area of the principal residence. Common areas such as the kitchens are not included in this calculation.

i. For each bed and breakfast, one small-unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.

j. One parking space (gravel) per guestroom plus two parking spaces for residence shall be provided.

k. Guest spaces shall be setback a minimum of twenty feet from any property line and located to the side and rear of the building and shall be screened from adjacent properties by a four-foot high wood or masonry fence or by sight-obscuring vegetation of the same height.

l. No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed.

### 20.05 Compliance:

a. An as built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a developments conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

b. Any changes in the approved special permit shall be submitted to the SPGA for review and approval prior to issuance of permanent occupancy permit.

c. The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date, except for good cause shown and provided that said construction once begun shall be actively and continuously pursued to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

### 20.06 Appeals:
Any person aggrieved by a decision of the SPGA under this section may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

SECTION 21
MEDICAL MARIJUANA TREATMENT CENTER

(Adopted 11/19/2013/Effective 12/20/2013)

21.01 Purpose and Intent: (Amended 3-31-2017 D-2016-007)

A Medical Marijuana Treatment Center is hereby allowed by special permit in the designated ERO zoning overlay district of the town. The intent of this section is to:

a. establish specific zoning standards and regulations for medical marijuana treatment centers, and medical marijuana growing and cultivation operations;
b. protect the public health, safety and welfare of Bridgewater residents;
c. regulate the siting, design, placement, safety, monitoring, modification, and removal of a Medical Marijuana Treatment Center (RMD); and

d. to minimize the adverse impacts of a RMD on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities.

21.02 Special Permit Granting Authority:

For all purposes pursuant to this bylaw of the Medical Marijuana Treatment Center the Planning Board is hereby designated as the Special Permit Granting Authority (SPGA). All Special Permit applications made pursuant to this bylaw shall conform to the standards and criteria and procedural provisions as required by the rules and regulations of the Planning Board.

21.03 Standards and Criteria:

In addition to the specific criteria contained within this section the SPGA shall consider the following criteria, where relevant before issuing a special permit for development within the Medical Marijuana Treatment Center:

1. Must comply with all requirements of 105 CMR 725.000;
2. Adequacy of the site in terms of the size of the proposed use(s);
3. Suitability of the site for the proposed use(s), a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD;
4. Suitability of security for the proposed use(s);
5. Impact on traffic and safety;
6. Impact on the visual character and security the surrounding neighborhood;
7. Adequacy of parking; a RMD shall provide 1 space for each 400 gross square feet of floor area used for treatment, dispensing and processing and 1 space for each 2,000 gross square feet of floor area used for cultivation;
8. Adequacy of utilities, including sewage disposal, water supply and storm water drainage;
9. Shall provide free home delivery qualifying patients within the Town of Bridgewater;
10. Provide proof of an agreement with the Town Council on payment in lieu of taxes.

21.04 Cultivation Activities:
Cultivation, as defined in this bylaw, by any qualifying patient, personal care-giver, or Medical Marijuana Treatment Center in any location other than where specifically permitted shall be disallowed. This disallowance shall include cultivation, even where proposed as an accessory use, by any qualified patient, personal caregiver, or Medical Marijuana Treatment Center.

21.05 Conformance to Zoning Requirements:

A Medical Marijuana Treatment Center shall be designed and constructed in accordance with the underlying zoning district and the requirements of all applicable provisions of the Bridgewater Zoning Bylaw including Section 8 Land Space Requirements.

21.06 Compliance:

An as built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development’s conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved special permit shall be submitted to the Planning Board for review and approval prior to issuance of permanent occupancy permit. The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date, except for good cause shown and provided that said construction once begun shall be actively and continuously pursed to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

21.07 Appeals:

Any person aggrieved by a decision of the Planning Board under this section may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

SECTION 22 Solar Photovoltaic Facilities (Adopted 7-8-2014/Effective 8-8-2014 D 2014-004)

22.1 Purpose. The purpose of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of ground-mounted solar photovoltaic facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of all ground-mounted solar photovoltaic installations.

22.2 Applicability. This section applies to all ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

22.3 Compliance with. Laws, Ordinances and Regulations: The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

22.4 Special Permit Granting Authority. The Planning Board shall be the special permit granting authority (SPGA) for Solar Photovoltaic facilities requiring a Special Permit under this by-law. An applicant may file for a combined Site Plan Approval
Application for Special Permit. In addition to the requirements of Section 9.8 of the Zoning By-law the following information shall be submitted for all Solar Photovoltaic Facilities for an application to be considered complete:

a. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

c. A description of the solar photovoltaic facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a registered professional engineer;

d. Confirmation prepared and signed by a registered professional engineer that the solar photovoltaic facility complies with all applicable Federal and State standards;

e. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;

f. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

g. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

h. Information on noise (Inverter) and reflectivity/glare of solar panels identify potential impacts to abutters.

Site Plan Review Standards. Unless otherwise expressly provided by this section of the bylaw all requirements of the underlying zoning district shall apply and in addition the following standards shall apply.

a. Solar Energy System, Small/Medium Scale shall be located on a parcel of land that contains the required minimum lot size.

b. Solar Energy System, Large-Scale shall be located on a parcel of land that contains a minimum of five (5) acres.

c. Setbacks property lines shall be the following:

<table>
<thead>
<tr>
<th>Panels facing against existing residential uses</th>
<th>50 Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverfront covered under the Massachusetts Rivers Protection Act, Chapter 258 of the Acts of 1996</td>
<td>100 feet</td>
</tr>
<tr>
<td>Riverfront covered under the Massachusetts Rivers Protection Act, Chapter 258 of the Acts of 1996</td>
<td>200 Feet</td>
</tr>
</tbody>
</table>

d. Where abutting residential uses, all Solar Energy System, Large-Scale transformers and /or inverters shall be located a minimum of 220 feet from property lines. Solar Energy System, Small and Medium Scale transformers and/or inverters shall meet the Front, Side and Rear setbacks.

e. All ground—mounted solar photovoltaic facilities shall be fenced for security. Solar Energy System, Small and Medium Scale fencing made have to also serve as part of the developments screening and buffering.
f. Solar modular panels shall not contain hazardous materials.

g. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.

h. Lighting of solar photovoltaic installations shall be consistent with state and federal law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

i. There shall be no signs, except announcement signs, no trespassing signs or any signs required to warn of danger. A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a twenty-four hour basis.

j. All utility connections from the solar photovoltaic facility site shall be underground except to the extent that underground utilities are not feasible in the reasonable determination of the Planning Board.

k. Clearing of natural vegetation shall be limited to fifty (50%) percent of the total site area that is necessary for the construction, operation and maintenance of the solar photovoltaic facility. Only minor re-grading (less than 25%) of the total site area shall be allowed and no soils shall be allowed to be removed from the property.

l. Solar fields shall be properly visually buffered from residential properties. Buffering may be provided by use of landscaping and/or fencing.

m. There shall be a minimum of one parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site; however, it shall not to be used for the permanent storage of vehicles.

n. The solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

o. No solar photovoltaic installation shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

p. No ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit

q. The ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

r. The owner, operator, his successors in interest shall remove any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned. The owner or operator shall physically
remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.

s. Decommissioning shall consist of:
   i. Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
   ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
   iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

t. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

u. Proponents of ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

22.7 Standards for Review and Approval of a Special Permit for a Solar Photovoltaic Facility. The planning board shall consider in addition to the requirements above, the following specific criteria:

a. The board finds in writing that each of review standards set forth above have been met and that the location of the ground-mounted solar photovoltaic facility is suitable and that the size and design are the minimum necessary for that purpose;

b. The SPRA shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the SPRA;

c. The special permit shall lapse if substantial use or construction has not commenced within two years of the date of issuance, except for good cause shown (including but not limited to appeals of the grant of the special permit or litigation enjoining the construction under the permit), and provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time.

22.8 Compliance:
   d. An as built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and
Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to the developments conformity to its approved site plan by indicating buffering/landscaping, buildings, drainage flow, installation of panels, fire access and to any and all conditions required in the approval.

e. Any changes in the approved special permit shall be submitted to the Planning Board for review and approval prior to issuance of permanent occupancy permit.

f. The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date, except for good cause shown and provided that said construction once begun shall be actively and continuously purged to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

22.9 Appeals:
Any person aggrieved by a decision of the Planning Board under this section may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

Section 23 – Sidewalk Café (Effective 7/22/2016 D-2016-001)

23.01 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 sidewalk 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.

23.02 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.

23.03 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.

23.04 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 cafe area. 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.
23.05 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.
23.06 Fee. The annual Sidewalk Café Permit fee is $100.

DEMOLITION DELAY ORDINANCE (Effective 7/22/2016- D-2016-005)

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

During the period of demolition delay, the Historical Commission shall assist the owner of a preferably preserved building in identifying opportunities to move, restore, reuse or otherwise protect and preserve a building so deemed.

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

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

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

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

“Commission” means the Town of Bridgewater Historical Commission.

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

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

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

“Significant” structure means any structure within the Town of Bridgewater constructed in the year 1920, or prior, that is determined by the Historical Commission to be significant based on any of the following criteria:

- The structure is listed in, or is within an area listed in, the National Register of Historic Places; or
- The structure is eligible for the National Register of Historic Places; or
- The structure is historically or architecturally important (in terms of period, architectural style, method of construction or association with a universally recognized architect or builder) either by itself or in the context of a group of structures.

.03 Procedure
For any structure constructed in the year 1920, or prior, no demolition permit shall be issued without complying with the provisions of this ordinance.

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

- Official Town of Bridgewater demolition permit application.
- The address of the structure slated for demolition.
The property owner's name, address, email address and telephone number.
A description of the structure, including year constructed.
The specific reasons for requesting a demolition permit.
A description of the proposed reuse, reconstruction or replacement of the structure.
Images of the structure.

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

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

Determination of Significance -- Upon determination by the Commission that the structure is significant, the Commission shall immediately notify the Building Official and the applicant in writing. No demolition permit may be issued unless the Building Official determines the building an imminent threat to public safety as set forth herein or otherwise outlined in the building code or general laws. If the Commission does not notify the Building Official within fourteen calendar days of receipt of the application, the Building Official shall proceed to issue the demolition permit.

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

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

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

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

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

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

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

.04 Administration
The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.
The Town Council is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance.
The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a staff member of the Town of Bridgewater.

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

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

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

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

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

ESTABLISH SPECIAL PERMIT CRITERIA-CULTIVATION, MANUFACTURING & TESTING-ADULT USE MARIJUANA (Effective 6-21-2019 – D-FY19-005)

ORDERED, In accordance with MGL, Chapter 40A, Section 5, the Town Council of the Town of Bridgewater, vote to amend the Bridgewater Zoning Bylaw by establishing the following Special Permit criteria for allowable adult use marijuana.

Definitions

MARIJUANA: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ESTABLISHMENT: a marijuana cultivator, marijuana testing facility, marijuana product manufacturer.

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

MARIJUANA TESTING FACILITY: a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test: and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Administration
Special Permit Granting Authority (SPGA) shall be the Planning Board.

Use Regulations
1. No special permit shall be granted for any Marijuana Establishment sited within a radius of five hundred feet of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground. The 500 foot distance under this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment. Each applicant for a special permit under this section shall submit a plan signed by a licensed surveyor, depicting compliance with the linear distance requirements set forth herein.

2. All aspects of a Marijuana Establishment relative to the cultivation, possession, processing, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. A Marijuana Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure.

3. No outside storage of marijuana, marijuana products, or related supplies is permitted.

4. The Marijuana Establishment shall provide an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the facilities. All resulting odors, smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution.

5. The Marijuana Establishment shall provide for adequate and proper security at the premises so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant’s premises.

6. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises. All Marijuana Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.

Dimensional Requirements
1. A Marijuana Establishment shall comply with the dimensional controls set forth in the Town of Bridgewater Zoning By-laws.

Abandonment or Discontinuance of Use
1. A special permit grant under this section shall lapse if not exercised within one year of issuance.

2. A Marijuana Establishment shall be required to remove all materials, plants, equipment and other paraphernalia within ninety days of ceasing operations or immediately following revocation of its license issued by the Cannabis Control Commission.

3. The SPGA may require the Marijuana Establishment to post a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling and winding down of the Marijuana Establishment.

Special Permit Approval Criteria
1. After notice and public hearing, and after due consideration of the evidence submitted, including the reports and recommendations of other Town departments, the SPGA, may grant such a special permit provided that it finds that:

   a) The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance.

   b) The application information submitted is adequate for the SPGA to consider approving the special permit request.

   c) The proposed establishment is designed to minimize any adverse impacts on abutting properties.

   d) The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
e) The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.

f) The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

Application Requirements
All applicants are encouraged to contact the Community and Economic Development Director to schedule a pre-application meeting.

In addition to all the application requirements related to special permits the applicant shall include the following at the time of application:

1) Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission.

2) A security plan showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. The security plan shall detail how the property will be monitored so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant’s premises and shall show the location of any walkway structures, lighting, gates, fencing and landscaping.

3) A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.

4) A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.

5) Proof that the Marijuana Establishment is registered to do business in the Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 and is in good standing with the Secretary of the Commonwealth and Department of Revenue.

6) Documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling or winding down of the Marijuana Establishment, if required.

7) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.

8) An applicant who is not the property owner shall submit evidence in the form of a deed, an executed lease or valid purchase and sale agreement documenting the applicant’s contingent property interest and legal right to operate a Marijuana Establishment at the property.
PROCEDURES FOR BUSINESS CERTIFICATE

1. Obtain all paperwork for Business Certificate from the Office of the Town Clerk located in the Academy Building, 66 Central Square.
2. Fill out the Zoning Approval Form and submit to Zoning Enforcement Official for review and approval. Zoning Enforcement Official is located in the Office of Inspectional Services (508-697-0904).
3. If the application is approved, the applicant may fill out the BUSINESS CERTIFICATE FORM and file it with the Office of the Town Clerk. Fee: $40.00 (Checks made payable to Town of Bridgewater).
4. The Town Clerk’s Office will process the application and the applicant will receive a certified copy.
5. The Business Certificate is good for four (4) years from date filed with the Town Clerk’s Office. Please note expiration date on bottom of Certificate.
6. At any time during the life of the Certificate there is a change of name, address or other circumstance that may effect its validity, please contact the Town Clerk’s Office (508) 697-0921.
7. If the Business is discontinued, a Statement of Discontinuance must be filled out and filed with the Town Clerk’s Office or your will continue to receive personal property tax on your business. Fee: $10.00 (Checks made payable to the Town of Bridgewater.)

PROCEDURES FOR DOOR TO DOOR SALES, TRANSIENT VENDORS, HAWKERS AND PEDDLERS

1. Obtain application for Hawkers & Peddlers/Door To Door Sales Permit from the Office of the Town Clerk located in the Academy Building, 66 Central Square.
2. Answer all questions in the application. (Unanswered questions are reasons to reject applications.)
3. Take completed form to the Police Department located at 220 Pleasant Street Pursuant to Chapter 101, Section 34 an inquiry will be made to determine if (1) you have been convicted of a felony (2) are a fugitive from justice or (3) have been charged with a felony while engaged as a sales agent or sales supervisor. Warrants, Criminal History, Missing Persons and Sex Offender Registry files will be checked. This procedure may take up to 3 days.
4. Return to Police Department in three (3) days for result of inquiry. The application will then be returned to you.
5. Take the application back to the Town Clerk’s Office to complete the permit process. Fee: $100.00 (Checks made payable to the Town of Bridgewater).

LODGING HOUSES REGULATIONS (Amended 7/22/2016 D-2016-001)

1. These regulations concerning lodging/rooming houses are promulgated pursuant to the provisions of M.G.L.A. c. 140, §22 et seq.
2. "Lodging House," as used in these regulations, shall mean a house/dwelling unit where lodgings are let to four or more persons not within the second degree of kindred to the legal owner of the premises.
3. As of the date of passage of this amendment, no additional lodging houses are permitted within any zoning district in the Town of Bridgewater. Only those pre-existing lodging houses legally operating upon the date of passage of this amendment may receive a license to continue operation. All pre-existing legally licensed lodging houses must continue to conform to the regulations herein or risk revocation of said license. No pre-existing legal lodging house operation shall continue to operate without a proper license from the Town of Bridgewater. (Effective 7/22/2016 D-2016-001)
4. Every license for a lodging house shall specify the street and number of the building where the business is to-be carried on and described with particularity the physical characteristics of the premises. The license shall be for the specified premises only.
5. Such licenses shall expire on December thirty-first of each year; but they may be granted during December, to take effect on January first following.
6. The fee for each annual licensure shall be fifty dollars and this fee shall accompany each application.
7. As provided by c. 140, §24, whoever conducts a lodging house without a license shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not more than three months, or both.
8. Premises occupied, used or controlled by a licensee under these regulations shall be subject to the inspection by the licensing authorities and their authorized agents, and by the police on request from the licensing authorities. All licenses granted are conditioned upon this inspectional consent.
9. Every person operating a lodging house shall keep, or cause to be kept, in permanent form, a register in which shall be recorded the true name and permanent residence of every person occupying the premises, for any period of the day or night, in any part of the premises controlled by the licensee, together with a true and accurate record of the room assigned to such person and of the day when such room is assigned. The entry of the names of the person(s) occupying a room(s) shall be made by said person(s) occupying said room. Until the entry of such name and the record of the room has been made, such person shall not be allowed to occupy any room upon the licensed premises. Such register shall be retained by the holder of the license for a period of at least one year after the date of the last entry therein, and shall be open to the inspection of the licensing authorities, their agents and the police. Whoever violates any provision of this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not more than three months, or both (M.G.L.A. c. 140, §27).

10. Each licensed premise shall have a responsible, resident manager. Such manager shall have full responsibility for maintaining the premises in compliance with all applicable rules and regulations; i.e. Zoning By-Law, Building Code, Board of Health, Fire and Police Departments. Such manager shall be designated by the owner of the premises as an authorized agent to receive service of any notice or order.

11. Each license shall clearly state the maximum number of individuals who may occupy the premises at any one time. Violation of this provision shall subject the license holder to immediate license revocation/ suspension.

12. A license issued under these regulations shall be revoked if at any time the Board of Selectmen of Bridgewater are satisfied that the licensee is unfit to hold the license. They may suspend and make inoperative, for such period of time as they may deem proper, the licenses mentioned herein for any cause deemed satisfactory to them. The revocation and suspension shall not be made until after investigation and a hearing, or after giving the licensee an opportunity to be heard; notice of the hearing shall be left at the premises of the licensee not less than three days before the time therefor.

13. Application for renewal of each license must be filed with the Selectmen's Office by November 30, of each year.

NOTE: Please See Section 6.30 Table of Use Regulations for Lodging Houses in Zoning By-Laws.