

## Draft #13: November 23, 2020

**Yellow is new material**

**Black is existing material**

**Strikeout is deleted material**

## SECTION 1.0 PURPOSE AND AUTHORITY

### 1.1 PURPOSE

This Zoning Ordinance (“this Ordinance”) has been enacted to promote the general welfare of the Town, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to prevent flooding and environmental harm, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, General Laws, Chapter 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

#### 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.~~

### 1.2 AUTHORITY

This Ordinance is enacted in accordance with the provisions of the G.L. c. 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

### 1.3 SCOPE

For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

~~4.1 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.~~

## **1.4 APPLICABILITY**

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of this Ordinance. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this Ordinance imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Ordinance shall control.

~~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~~

## **1.5 AMENDMENTS**

This Ordinance may from time to time be changed by amendment, addition, or repeal by the Town Council in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

~~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 owning 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.~~

~~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.~~

**1.5.1 Change of Zoning Boundary.** 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.

**1.5.2 Costs.** 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.

## **1.6 SEPARABILITY**

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision herein.

~~1.22 — The invalidity of any section or provision of the bylaw shall not invalidate any other section or provision thereof.~~

## **SECTION 2.0 DISTRICTS**

### **2.1 DIVISION INTO DISTRICTS**

The Town of Bridgewater, Massachusetts, is hereby divided into these Zoning Districts, designated as follows:

<b>Full Title</b>	<b>Abbreviation</b>
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#### ***Residential Districts***

Residential A	RA
Residential B	RB
Residential C	RC
Residential D	RD
Mobile Home Elderly Community	MH

#### ***Business Districts***

Business	B
Central Business	CB
South Business	SB
Gateway Business	GB
East Gateway Business	EGB

#### ***Industrial Districts***

Industrial A	IA
Industrial B	IB
Elm Street Industrial	IE

### **2.2 ZONING MAP**

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, **as may be amended**, 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 Ordinance.

### **2.3 CHANGES TO MAP**

Any changes or amendments shall be indicated by altering the Zoning Map, and the Map thus altered is declared to be a part of this Ordinance thus amended.

## 2.4 OVERLAY AND SPECIAL DISTRICTS

The following overlay and special districts are also established, as set forth in Section 9.0, herein.

Full Title	Abbreviation
Flood Plain Overlay District	FPOD
Aquifer Protection Overlay District	APOD
Bedford Street Overlay District	BSOD
Planned Development District	PDD

## 2.5 BOUNDARIES OF DISTRICTS

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply.

**2.5.1 Centerline.** 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.

**2.5.2 Parallel.** Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance there from as dimensioned on the Zoning Map. If no dimension is given, such distance shall be determined by use of the scale shown on the Zoning Map.

**2.5.3 Dimensioned Boundary.** Where a dimensioned boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.

**2.5.4 Right Angle.** Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angle to the tangent to the curve at the point of intersection.

**2.5.6 Dispute.** 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 Commissioner after consultation with the Planning Board.

~~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.~~

## 2.6 SPLIT LOTS

**2.6.1 By Town Boundary.** When a lot is situated in part in the Town of Bridgewater and in part in an adjacent municipality, the provisions of this Ordinance shall be applied to the portion

of such lot in the Town of Bridgewater in the same manner as if the entire lot were situated in the Town of Bridgewater.

**2.6.2 By Zoning District Boundary.** When a lot is transected by a zoning district boundary, the regulations of the ordinance applicable to the larger part of the area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary but only to an extent not more than thirty (30) linear feet in depth beyond such zoning district boundary.

### 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.~~

### 3.32 — 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 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.

### 3.35 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.

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 3.0 USE REGULATIONS

### 3.1 PRINCIPAL USES

**3.1.1 Applicability of Use Regulations.** 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. Any use not listed shall be construed to be prohibited.

~~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)~~

1. 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.

**3.1.2 Permitted Uses.** In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter (Y). Uses designated (N) shall not be permitted in the district. Those uses that may be permitted by special permit in the district, in accordance with Section 10.5, shall be designated by identification of the Special Permit Granting Authority, which is either:

BA	Zoning Board of Appeals
PB	Planning and Zoning Board
TC	Town Council

**3.1.3 Uses Subject to Other Regulations.** Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this Ordinance.

### 3.2 TABLE OF USE REGULATIONS

See Appendix A.

### 3.3 ACCESSORY USES

**3.3.1 Accessory Uses in All Districts.** The following accessory uses are specifically permitted as indicated by right or by special permit:

1. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.



2. Family Day Care Homes. Small family day care homes are allowed as an accessory use as of right as set forth in the Table of Use Regulations. Large family day care homes are allowed only upon the issuance of a special permit by the Board of Appeals, as set forth in the Table of Use Regulations.

**3.3.2 Accessory Uses in Industrial Districts.** Principal uses listed in the Table of Use Regulations which are permitted by special permit in Industrial Districts, may be permitted by special permit provided they meet the following requirements in addition to any requirements of the Board of Appeals:

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

**3.3.3 Residential Accessory Uses.** The following accessory uses are specifically permitted as of right or by special permit in the Residence Districts, as set forth herein:

1. Boarders in Single-Family Dwelling. The renting of rooms and/or furnishing of board to not more than two persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use.

**3.3.4. Prohibited Accessory Uses.** The following accessory uses are prohibited:

1. Unregistered Motor Vehicles. Not more than one (1) unregistered motor vehicle or trailer or major part(s) thereof, except for farm vehicles, shall remain ungaraged upon any premises at any time unless under a Class 1 or Class 2 license for sale of motor vehicles. No unregistered motor vehicle may be stored or maintained upon any premises within fifty (50) feet from a street, public way or way laid out on a recorded plan.

2. Residence Districts. In the Residence Districts, the following accessory uses are prohibited:

- a. Commercial auto repair or service.
- b. Outdoor storage and display of materials or goods.
- c. Steel garages.

## **3.4 HOME OCCUPATIONS**

**3.4.1 Home Occupation - As Of Right.** One (1) home occupation may be allowed as of right on a lot, provided that it:

1. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
2. is clearly incidental and secondary to the use of the premises for residential purposes;
3. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
4. does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
5. does not exhibit any exterior indication of its presence or any variation from residential appearance;
6. does not produce any customer, pupil, client, or delivery trips to the occupation site and has no nonresident employees.

**3.4.2 Home Occupation - By Special Permit.** One (1) home occupation may be allowed by special permit issued by the Board of Appeals on a lot, provided that it:

1. fully complies with subsections 2, 3, and 4, above;
2. is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees;
3. does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 6.2;
4. not more than three home occupations may be conducted out of dwelling; in no event shall the number of nonresident employees exceed two in the aggregate;
5. a special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer or other vehicle trips.

## SECTION 4.0 DIMENSIONAL REGULATIONS

### 4.1 GENERAL REGULATIONS

**4.1.1 Conformance Required.** No building or structure shall be built nor shall any existing building or structure be enlarged except in conformance with the regulations of this Ordinance as to lot coverage, lot area per dwelling unit, frontage, lot width, front, side and rear yards, and maximum height of structures, in the districts as set forth below except as may otherwise be provided elsewhere in this Ordinance.

1. The land and yard spaces required for any new building or use shall not be included any land or area required by any other building or use to fulfill Bridgewater zoning requirements.
2. 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 not be less than twenty feet.
3. Any land used 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, G.L. c. 131, s. 40, 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.

Except as otherwise provided herein, no building shall be located within fifty feet or bordering vegetative wetland, as defined by G.L. c. 131, s. 40. 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.

### 4.2 TABLE OF DIMENSIONAL REQUIREMENTS

See Appendix B.

### 4.3 SPECIAL REGULATIONS

**4.3.1 Height.** The provisions of this Ordinance governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, solar panels, elevator shafts, and other necessary appurtenances usually carried above roof, nor to domes, towers, stacks, or spires, if not used for human occupancy; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennae, and other like structures, which do not occupy more than 20 percent of the lot area; nor to churches or public agricultural or institutional buildings or buildings of private schools not conducted for

profit that are primarily used for school purposes, provided that excepted appurtenances are not located within the flight paths of an airport as defined by FAA regulations.

**4.3.2 Corner Clearance Required.** Between the sidelines of the intersecting streets and a straight line joining points on such sidelines ten (10) feet distant from their point of intersection or, in the case of a rounded corner, a straight line joining the points of intersection of their tangents, no building or structure may be erected and no vegetation may be maintained three (3) feet above the plane through their curb grades.

**4.3.3 Computation of Lot Area.** 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 Ordinance even though the fee to such land may be in the owners of abutting lots.

**4.3.4 Dwellings Relative to Center Line Grade of Roadway.** 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 Commissioner, and the Highway Superintendent.

**4.3.5 Eminent Domain.** 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 ordinance.

**4.3.6 Residential Dwellings in Nonresidential Districts.** 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.

~~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.~~

~~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.

#### 4.4 ACCESSORY STRUCTURES

**4.4.1 Dimensional Requirements and Location.** Except as otherwise provided herein, the following dimensional rules shall apply to accessory structures:

1. Accessory structures or buildings with a footprint of 150 – 300 square feet or less may be located within five (5) feet of a rear or side property line.
2. Accessory structures or buildings with a footprint larger than 300 – 900 square feet may be located within ten (10) feet of a rear or side property line after issuance of a special permit from the Board of Appeals.
3. Accessory structures or buildings with a footprint larger than 900 square feet shall require a special permit and shall be set back from side or rear property lines in accordance with the provisions of the Table of Dimensional Requirements.
4. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.
5. Accessory structures and buildings shall be located on the same lot as the principal structure on the premises.

**4.4.2 Permitted Accessory Structures.** The following accessory structures are permitted in all districts:

1. Accessory building not more than 20 feet in height above the average grade level around the structure; provided, however, that a barn shall not be subject to this requirement.
2. Boundary fences, walls, or hedges shall be permitted provided that they do not exceed seven (7) feet in height and provided that no fence which obstructs vision shall exceed thirty-six (36) inches in height within twenty (20) feet of the street line.
3. Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable setback requirements of this Zoning Ordinance.

**4.4.3 Prohibited Accessory Structures.** In the Residence Districts, the following accessory structures are prohibited.

1. Membrane storage structures for more than 6 months.
2. Steel or fiberglass storage unit, such as a pod, for more than 6 months.

## SECTION 5.0 NONCONFORMING USES AND STRUCTURES

### 5.1 APPLICABILITY

**5.1.1 Applicability; Nonconformities.** Except as herein after provided, this Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Ordinance or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure. See M.G.L. c. 40A, s. 6, para. 1.

**5.1.2 Commencement of Construction or Operation.** Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Ordinance, unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. See M.G.L. c. 40A, s. 6, para. 2.

### 5.2 NONCONFORMING USES

The Zoning Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

**5.2.1 Permissible Changes.** The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use. When a special permit is granted under this subsection, no use variance shall be required with regard to use or dimensional aspects of the application.

### 5.3 NONCONFORMING STRUCTURES

The Zoning Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

**5.3.1 Permissible Changes.** The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

#### **5.4 VARIANCE REQUIRED**

Except as provided in Section 5.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance; the extension of an exterior wall at or along the same nonconforming distance within a required yard shall also require the issuance of a variance from the Zoning Board of Appeals.

#### **5.5 NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES**

Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure by more than 100% gross floor area.

**5.5.1 Permissible Changes.** The following circumstances shall not be deemed to increase the nonconforming nature of said structure and a building permit may be issued:

1. *Insufficient Area.* Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements.
2. *Insufficient Frontage.* Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.
3. *Encroachment.* Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and not result in any increase in building height in the area of encroachment.

If the Building Commissioner determines that proposed alteration, extension or change exceeds the one or more of the criteria set forth above, the Zoning Board of Appeals may, by special permit, allow such alteration, extension or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. For the purposes of this subsection only, the term



“reconstruction” shall not include the voluntary demolition of such structure and its rebuilding. See Section 5.7.

## **5.6 ABANDONMENT OR NON-USE**

A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Ordinance; provided, however, that by special permit the Zoning Board of Appeals may reestablish a nonconforming use or structure otherwise abandoned or not used.

## **5.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION**

Any nonconforming structure, other than a nonconforming single or two-family dwelling governed by Section 5.5, may be reconstructed after a catastrophe or after demolition in accordance with the following provisions.

### **5.7.1 Procedures.**

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in gross floor area as the original nonconforming structure.
3. In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit from the Board of Appeals shall be required.

## **5.8 REVERSION TO NONCONFORMITY**

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

## **5.9 SUBSTANDARD LOTS**

When a prior lawful nonconforming structure is located on a lot which does not meet current dimensional requirements, such lot shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

## **5.10 EMINENT DOMAIN**

When a lot is changed by eminent domain so as to become deficient in area, frontage, building setback, or lot coverage, any structure located thereupon shall be considered a nonconforming structure subject to the rules of this Section 5.0.

## 5.11 PARKING FOR NONCONFORMING COMMERCIAL USES RESIDENTIAL DISTRICTS

Any nonconforming 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 so-used 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 districts abut commercial development or as determined by the Planning Board.

~~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 than the existing dwelling at its closest point unless the existing setback condition so affects resulted from the issuance of a variance pursuant to Section 10 of Chapter 40A, MGL. Accepted 11/13/95~~

~~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.~~

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

## SECTION 6.0 GENERAL REGULATIONS

### 6.1 PARKING AND LOADING

**6.1.1 General Requirements.** 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.

**6.1.2 Computation of Parking Spaces.** When the computation of required parking space or loading space results in a fractional number, only the fraction of one-half or more shall be counted as one.

**6.1.3 Same Lot.** 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.

#### 6.1.4 CBD Parking.

1. 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 Planning 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.

2. In the Central Business District, all off-street parking facilities and loading bays which are to be constructed or expanded, shall be constructed or expanded between a principal building and the rear and/or side lot lines unless otherwise allowed under paragraph 3, 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.

3. 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 such expansion could not be adequately accommodated elsewhere on the lot, and the design and layout of said improvements and related appurtenances are approved under Section 10.6., ~~or in cases when site plan approval would not otherwise be required, by at least a~~ majority of all members of the Planning Board.

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

**6.1.5 SBD and Business District Parking.** In the South Business District and the Business 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

1. the adjoining lot is within the same zoning district; and
2. the design and layout of said improvements and related appurtenances are approved under Section 10.6.

**6.1.6 Parking Requirements by Use.** The parking requirements for various uses are set forth in the Table of Use Regulations. If, at the time of application, the exact use of land or buildings is not specified, then the requirement for off-street parking of the use or class of uses most typical or nearest in type to the proposed use shall be met as determined by the Planning Board.

Parking Code	Requirement
A	Two (2) spaces
B	Two (2) spaces per dwelling unit
C	One (1) space per studio or one-bedroom unit; two (2) spaces per each unit with two (2) or more bedrooms
D	One (1) space per every three (3) seats and/or each sixty (60) inches of permanent bench seating, or, where no fixed bench seats are used, one (1) space for each student vehicle which can be expected at any time on the premises
E	One (1) space for each staff person, plus one (1) space per each five (5) persons of rated capacity in the largest auditorium, plus one (1) space for each student vehicle which can be expected at any time on the premises
F	One (1) space per ten (10) children maximum rated capacity, plus one (1) space per employee on largest shift
G	One (1) space per two (2) beds, plus one (1) space per employee on largest shift
H	One (1) space per 250sf gross floor area
I	One (1) space per three (3) seats, plus one (1) space per employee on largest shift
J	One space per 300sf gross floor area
K	One space per 200sf gross floor area
L	One space per 2.5 seats, plus 1.5 space every two (2) employees on largest shift
M	One (1) space per employee, plus spaces required for any restaurant or retail operation on the premises
N	One (1) space per employee on the largest shift, plus spaces as per Planning Board for vehicle storage while awaiting service
O	One (1) space per each four (4) patron seats in largest assembly area
P	One (1) space per sleeping unit, plus one (1) space for each employee on largest shift
Q	One (1) space per 500sf gross floor area

<b>R</b>	One (1) space per 1,000sf gross floor area
<b>S</b>	One (1) space per every fifteen (15) storage units
<b>T</b>	One (1) space per employee on largest shift
<b>U</b>	One (1) parking space per unit, plus one (1) visitor parking space for every three (3) units
<b>V</b>	One space per 200sf gross floor area, plus one (1) space per employee on largest shift
<b>W</b>	Two (2) spaces plus 1.5 spaces for each unit plus 1.5 spaces for each twenty (20) square feet of floor area available for meetings or functions
<b>X</b>	Mixed use buildings shall provide the required number of parking spaces for each use within the building

**6.1.7 Table of Minimum Dimensional Requirements for Parking Facilities.** The following Table establishes the minimum dimensions for parking lot design. Parking aisle requirements, as specified below, shall not apply to parking for single family and two family dwellings.

<b>Angle of Parking (degrees)</b>	<b>Stall Width (ft.)</b>	<b>Stall Depth (ft.)</b>	<b>Curb Length (ft.)</b>	<b>Aisle Width (ft.)</b>
Parallel	9	9	20	12
30	9	17	18.5	12
45	9	19	12.75	13
60	9	19.75	10.5	18
90	9	9	9	24

**6.1.8 Loading Requirements.** 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.

**6.1.9 Table of Loading Design Requirements.** The following minimum requirements shall be provided off-street and on premises.

Category of Use	Number of Loading Bays Required for New Structures by Gross Floor Area of Structure (x 1000 sq. ft)					
	Less than 4	4-15	15-20	51-100	100-150	Next 150
Retail Trade Wholesale Storage Transportation Terminals Manufacturing Consumer Service Office Buildings	0	1	2	3	4	1
Multifamily Uses Recreation Research Laboratories	0	1	1	2	3	1

**6.1.10 Special Permit.** The Planning Board may, by special permit, reduce the requirements of this Section if specific site or public safety considerations warrant such a reduction and no substantial detriment shall result.

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,

## 6.2 SIGNS

**6.2.1 General Requirements.** 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 excepted as permitted in this Section.

**6.2.2 Residential Districts.** In the RA, RB, RC, and RD Districts, signs or advertising devices are permitted only as follows:

1. 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.
2. 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.

3. One the premises with lawfully a nonconforming use, one sign not more than six square feet signboard area.
4. 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.
5. One building contactor’s sign on a building while actually under construction, not exceeding six square feet signboard area.
6. 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.

**6.2.3 Business and Industrial Districts.** In the CB, SB, B, GB, EGB, IA, IB, and IE Districts, signs shall be 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.

1. 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 Town Council 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.
2. On each lot in a Business District or an Industrial District, two signs may be 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.
3. Signs permitted in Business Districts and in Industrial Districts shall not be more than one hundred square feet signboard area per sign.
4. 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~~ **sixteen** (16) 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.

**6.2.4 Freestanding Signs.** 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.

**6.2.5 Illuminated Signs.** Illuminated signs are permitted, subject to the following conditions:

1. No sign shall be intermittently illuminated, nor of a traveling light, animated or flashing light type; provided, however, that signs with electronic changing messages that do not flash are allowed by special permit from the Planning Board. Messages shall not change more frequently than once every 20 seconds.
2. Each steadily illuminated sign shall not exceed one hundred square feet gross display area.
3. 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.
4. Internally illuminated signs are not permitted in the Gateway Business Districts (GBD) and Central Business District (CBD).

**6.2.6 Overspill and Glare.** 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.

**6.2.7 Special Permit.** The Planning Board may grant a special permit for on-premises larger signs or additional on-premises signs, provided that no substantial detriment shall result to the neighborhood or the Town.

### **6.3 PERFORMANCE STANDARDS FOR LARGER PROJECTS**

**6.3.1 Purpose.** The following performance standards have been adopted in order to control the size, scale, and impacts of nonresidential and multifamily developments that require a special permit and/or site plan review.

**A. Lighting.** The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall (i) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; (ii) conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity; and (iii) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

**B. Noise.** The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall (i) reduce noise pollution in order to preserve and

enhance the natural and aesthetic qualities of the Town; (ii) preserve property values; and (iii) preserve neighborhood character.

**C. Site Development Standards.** To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

**D. Pedestrian and Vehicular Access; Traffic Management.** The proposed development and/or redevelopment shall be designed with a forecast for the next five years from the time of application to (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character. The Development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

**E. Aesthetics.** The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood.

**F. Utilities; Security; Emergency Systems.** The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.

**G. Fiscal Impact.** The proposed Development shall maintain a positive net fiscal position for the long term, giving consideration to revenue estimates and actual growth in municipal service costs induced by the proposed Development.

**6.3.2 Procedures; Rules and Regulations.** Applicants for special permits or site plan approval for nonresidential or multifamily uses shall comply with these Performance Standards. "Nonresidential or multifamily use" shall mean any use other than a single or two family dwelling. The SPGA or the Planning Board (as the case may be) may adopt rules and regulations for these Performance Standards. The SPGA or Planning Board may require the establishment of an escrow account, pursuant to G.L. c. 44, s. 53G during the special permit process or site plan approval, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, fiscal analysts, and other professionals.

**6.3.3 Standards.** The following standards shall apply to applications for special permits or for site plan approval for nonresidential or multifamily use:

**A. Lighting.**

1. **Shielding.** All outdoor light fixtures shall be shielded so as to meet the goals of this Section.

2. **Light Trespass.** Direct light from the light source is to be confined within the property boundaries to prevent glare and overspill. Fixtures shall comply with the standards of the International Dark-Sky Association.

3. **Light Intensity.** Outdoor lighting shall be designed to provide the minimum intensity needed at any particular time.

4. **Illuminated Surfaces.** Preferred surfacing for lighted areas shall be of materials such as blacktop which reflect a relatively small fraction of incident light. Parking area lighting shall be reduced or eliminated outside business hours. The SPGA or Planning Board may require an electrical configuration for parking lots which support shut off for specific unused areas to reduce the glare from lighting.

5. **Searchlights.** The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than fourteen days by special permit issued by the SPGA or Planning Board.

6. **Indoor Lighting.** Indoor light sources will not be projected outside in a manner to defeat the intent of this Section.

7. **Sodium Vapor or Metal Halide Lighting.** No outdoor light fixtures using sodium vapor or metal halide lamp or lamps shall be allowed unless specifically authorized by the SPGA or Planning Board in the special permit.

8. **Outdoor Signs.** Outdoor light fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure or otherwise restricted to prevent up-light and light trespass.

9. **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

10. **Height of Fixtures.**

a. *Wall Mounted Fixtures.* Luminaires attached to a building for area lighting shall be mounted no higher than fifteen (15) feet above grade;

b. *Pole Mounted Fixtures.* Pole mounted exterior lighting fixture types shall be mounted no higher than 20 feet above grade.

11. **Hours of Operation.** Except as may be deemed appropriate for site safety or security, all external lighting, including lighting accessory to authorized signs, shall be extinguished one half hour after the facility is closed for the business day. Such lighting may be timed to resume one half hour prior to the arrival of the first employee on the premises.

***B. Noise.***

1. **Hours of Operation.** As a condition of any special permit, the SPGA or Planning Board may incorporate the following conditions regarding hours of operation.

a. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or other objects or materials for sale or storage or use in a manner that causes a condition of noise pollution at any time but most specifically between the hours of 8:00 P.M. and 7:00 A.M. across a real property boundary in any district established under this Ordinance.

b. Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of 8:00 P.M. and 7:00 A.M. on week days or Saturday or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.

c. The operation of construction devices between the hours 7:00 A.M. and 8:00 P.M. including such items as compressors, jackhammers, bulldozers, cranes, etc., in a manner that causes a condition of noise pollution that could be avoided by the application of best available technology, which might include mufflers where commercially available.

2. **Ambient Noise Level.** No person shall operate or cause to be operated any source of sound in a manner that creates a sound level of 10 dBA above ambient, as set forth in 310 CMR 7.10, measured at the property boundary of the receiving land use.

***C. Site Development Standards.***

1. **Land Disturbance.** Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage on the site.

2. **Replication.** Clearing of vegetation and alteration of topography shall be replicated with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

3. **Clearing for Utility Trenching.** Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

4. **Site Design.**

a. Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape.

b. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

c. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

5. **Archeological or Historical Resources.** The SPGA or Planning Board may require applicants to submit the proposed development plan to the Town's Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.

6. **Preservation of Existing Vegetation.** Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees. Understory vegetation beneath the dripline of preserved trees shall be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

7. **Limit of Clearing.** Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading. In order to minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, such activities may be limited

to areas already planned for permanent structures. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

8. **Finished Grade.** Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. The design of grade changes at the base of existing large trees shall be subject to the approval of the SPGA or Planning Board or its agent.

9. **Pavement.** Applicants are encouraged to use pervious pavement when feasible.

10. **Phasing of Development.** The SPGA or Planning Board may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

11. **Revegetation.** Proper revegetation techniques shall be employed during construction using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within seven (7) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.

12. **Topsoil.** A minimum of 6 inches of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

13. **Irrigation.** The SPGA or Planning Board may require that water for the purpose of irrigation shall be provided by an onsite well, after consultation with the Water Department.

#### ***D. Pedestrian and Vehicular Access; Traffic Management.***

1. **Access.** To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following: (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises. Access via roadways abutting residential districts shall be avoided where possible. Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the SPGA or Planning Board.

2. **Driveways.** Each development shall be served by an adequate driveway. The SPGA or Planning Board may, in certain circumstances, allow additional driveways as a condition of approval where the access is shared or the project has frontage on two separate streets. All driveways shall be designed to afford

adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.

3. **Curb Cuts.** Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width unless waived by the SPGA or Planning Board for industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

4. **Interior Circulation.** The proposed development shall assure safe interior circulation within its site by separating pedestrian, bikeways, and vehicular traffic.

5. **Transportation Plan Approval.** The proposed development shall be subject to Transportation Plan approval by the SPGA or Planning Board. The Transportation Plan shall consist of the following information:

a. A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

b. A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet, the required traffic study shall substantially conform to the Institute of Transportation Engineers "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition (TIAS). The SPGA shall approve the geographic scope and content of the TIAS. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

c. Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

d. For proposed development in excess of 25,000 gross square feet, the applicant shall submit a Traffic Management Component (TMC) as part of the Transportation Plan. The TMC shall provide information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.). The TMC shall also incorporate one or more of the following techniques to reduce the number of single occupancy vehicle trips by employees coming to and departing from the proposed use:

- (1) Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuffle services for employees and other services as may be appropriate;
- (2) Employee carpools or vanpools sponsored by the employer or the TMA;
- (3) Subsidized commuter rail passes, provided by the employer, and sold on the site or offered through payroll deduction;
- (4) Monetary incentives to employees who do not use a parking space;
- (5) On-site shower facilities and/or bicycle racks for employees who do not drive to work;
- (6) Other techniques as may be deemed appropriate by the SPGA or Planning Board or its traffic consultant.

**6. Reduction in Parking.** In consideration of the applicant providing one or more of the above measures to reduce vehicular traffic to and from the site, the SPGA or Planning Board may reduce the number of required parking spaces below what would ordinarily be required by Section 6.1 of this Ordinance. To be considered for such a reduction, the applicant's traffic engineer shall determine and justify the parking demand for the project, as well as reduction in needed parking spaces attributable to each traffic management measure.

**7. Level of Service Maintenance or Improvement.**

a. If the proposed project will result in an intersection level of service below a rating of LOS D, the applicant may be required to provide detailed plans with a cost estimate (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better.

b. If the proposed project will result in a reduction in level-of-service of one letter grade or an increase of 10 seconds of delay to a signalized or unsignalized intersection, the applicant may be required to provide detailed plans with a cost estimate that when implemented would result in a return to existing conditions.

**8. Dangerous Intersections.** The SPGA may require mitigation for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.



9. **Sight Distance.** Acceptable sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances.

10. **Maximum Parking.** The maximum parking allowed for a development shall be no more than the minimum number of spaces required under zoning.

11. **Mitigation.** The SPGA or Planning Board may require as a condition of any special permit off-site improvements to mitigate the impact of the proposed development. Such improvements include intersection widening and traffic signals or the components of the TMC.

12. **Pedestrian and Bicycle Safety.** Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

a. All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the SPGA or Planning Board.

b. Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

c. All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

d. The SPGA or Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use.

e. Sidewalks, crosswalks, walkways, bike racks or other pedestrian access shall be provided to allow access to adjacent properties and between individual businesses within a development.

f. If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

13. **Location of Parking Areas.** Where feasible, the SPGA or Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The

SPGA or Planning Board may require alternative studies of parking lot layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses.

**14. Parking in Required Front Setback.** The SPGA or Planning Board may prohibit parking within the required front setback.

**15. Traffic Calming Features.** Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

#### ***E. Aesthetics.***

**1. Compatibility with Neighborhood.** The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:

a. harmony in scale, bulk, massing, and density;

b. consistency with the goals and objectives of the Master Plan and with any other plan that has been adopted by the Town.

#### ***F. Utilities; Security; Emergency Systems.***

**1. Wastewater Treatment and Disposal.** The SPGA or Planning Board may require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Board of Health.

**2. Water.** There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.

**3. Site Security.** There shall be a certification by the Police Chief that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief.

**4. Underground.** All electrical, cable and telecommunications services shall be installed underground.

5. **Fire Alarm System.** There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief.

**G. Fiscal Analysis.**

1. The applicant shall provide an analysis of fiscal costs from the development, including increases in marginal costs, assessment of the capacity of existing municipal facilities to serve the new development, and, by order of magnitude, share of capital costs if improvements are needed.

2. The applicant shall identify an order of magnitude estimate as to the extent to which this development would generate the additional need for schools and affordable housing.

**6.3.4 Exemptions.** The following are exempt from these special permit standards:

1. **Emergency Response.** Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

2. **Municipal Uses and Structures.** All municipal uses and structures, including schools.

3. **Events.** Properly permitted or authorized parades, fairs or outdoor entertainment between the hours of 7:00 A.M. and 11:00 P.M.

**6.3.5 Waiver of Standards.** The SPGA or Planning Board may, in the course of granting a special permit or site plan approval for nonresidential or multifamily development, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not derogate from the purposes of this Section because the proposed development will adequately serve the goals and objectives set forth in Section 6.3.1, hereof.

**6.3.6 Enforcement.** The SPGA or Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the SPGA or Planning Board may require a monitoring program post-permit issuance for compliance purposes for a time period as may be specified in the special permit or site plan approval.

**6.4 LANDSCAPING AND SCREENING**

**6.4.1 Purpose.** This Section is intended to ensure that the proposed development shall screen negative impacts from public and private views, and shall minimize tree, vegetation, and soil removal, and grade change. Proposed landscaping shall require native and drought-tolerant species and prohibit invasive or nonnative plants.

**6.4.2 Street Buffer Strip.** In the Business, Gateway, East Gateway, Elm Street Overlay, South Business, Industrial A, and Industrial B Districts, the SPGA or Planning Board may require landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, to be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sight lines.

**6.4.3 District Buffer Strip.** A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and/or industrial districts and any residence districts and/or property lines. The landscaped buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species is encouraged and shall be planted at a minimum height of six (6) feet.

**6.4.4 Large Parking Areas.** Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary.

~~9.55 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.~~

**6.4.5 Fencing.** Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the SPGA or Planning Board.

**6.4.6 Retaining Walls.** Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Unless used within the Industrial Districts, vertical cast in place concrete or concrete blocks shall not be permitted.

**6.4.7 Berms.** The SPGA or Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this Section.

**6.4.8 Unsightly Uses and Areas.** Exposed storage areas, refuse disposal facilities, HVAC, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

**6.4.9 Maintenance.** All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

**6.4.10. Special Permit.** The SPGA or the Planning Board, during the course of special permit or site plan review, may waive any provision of this Section, upon a finding that no substantial detriment shall result.

## SECTION 7.0 SPECIAL REGULATIONS

### 7.1 ADULT ENTERTAINMENT ESTABLISHMENTS.

**7.1.1 Purpose.** It is the purpose of this Section governing Adult Entertainment Establishments to address and mitigate the secondary effects of Adult Entertainment Establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its inhabitants.

1. The provisions of this Ordinance have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Ordinance to restrict or deny access by adults to Adult Entertainment Establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Ordinance to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

**7.1.2 Authority.** This Ordinance is enacted pursuant to G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain Adult Entertainment Establishments for the reasons set forth, above.

**7.1.3 Applicability.** An Adult Entertainment Establishment may be permitted as set forth in the Table of Use Regulations by special permit by the Board of Appeals provided a written determination is issued by said Board that the special permit decision criteria of Section 10.5 have been met.

**7.1.4 Location.** Adult Entertainment Establishments may be authorized by Special Permit in the SBD, but shall not be located closer than 1,200 feet from any Residential District, or any other Adult Entertainment Establishment, ~~motion picture theatre, adult bookstore~~ or any establishment licensed under G.L. c. 138, s. 12.

### 7.1.5 Conditions.

1. In no instance shall the Board of Appeals issue a special permit to any person convicted or violating G.L. c. 119, s. 63 or G.L. c. 272, s. 28.

2. No pictures, publications, electronic media, or other implements, items, or advertising that fall within the definition of adult merchandise shall be displayed in store windows or be visible from areas used by the general public.

## 7.2 COMMON DRIVEWAYS

**7.2.1 Purpose.** 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. Except as otherwise provided herein, common driveways are not intended or permissible for residential lots or residential uses regardless of the zoning district.

**7.2.2 Special Permit Required.** The Planning Board shall serve as the Special Permit Granting Authority under this Section. The Planning Board may approve a special permit for the construction of a common driveway in a Commercial or Industrial District for commercial or industrial uses only.

**7.2.3 Requirements.** Common driveways are allowed by special permit only in Commercial and Industrial Districts and for commercial, mixed use and industrial lots or uses only; provided, however, that Common driveways are allowed in Residential Districts where a Retreat Lot is authorized pursuant to Section 8.2.

1. A common driveway shall not serve as required minimum frontage distance for any lot.
2. A common driveway shall be located entirely within the lots served by the common driveway.
3. A common driveway shall not be less than 24 feet in continuous width.
4. 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.

**7.2.4 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.

1. Common Driveways shall have a minimum continuous width of twenty-four (24) feet. 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.

2. 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.

### **7.3 HOTELS AND MOTELS**

#### **7.3.1 Dimensional Requirements.**

1. 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.
2. 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.

**7.3.2 Open Space.** 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.

**7.3.3 Habitable Space.** Each rental unit shall contain not less than two-hundred square feet habitable floor area.

**7.3.4 Driveways.** 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.

### **7.4 MEDICAL MARIJUANA TREATMENT CENTERS**

**7.4.1 Purpose.** The purpose of this Section is to:

1. Establish specific zoning standards and regulations for medical marijuana treatment centers, and medical marijuana growing and cultivation operations; protect the public health, safety and welfare of Bridgewater residents;
2. Regulate the siting, design, placement, safety, monitoring, modification, and removal of a Medical Marijuana Treatment Center (RMD); and marijuana cultivation; and
3. Minimize the adverse impacts of an 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.

**7.4.2 Definitions.** See “Medical Marijuana Treatment Centers” in Section 11.0.

**7.4.3 SPGA.** For all purposes pursuant to this Ordinance 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 Ordinance shall conform to the standards and criteria and procedural provisions as required by the rules and regulations of the Planning Board.

**7.4.4 Special Permit Criteria.** In addition to the specific criteria contained within Section 10.5, 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), an 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; an 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.

**7.4.5 Cultivation Prohibited.** Cultivation, as defined in this Ordinance, 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.

**7.4.6 Design.** 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 Section 4.0.

**7.4.7 As-Built Plan.** An as-built plan, 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.

**7.4.8 Modifications.** 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 pursued to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

~~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.~~

## **7.5 ADULT USE MARIJUNA ESTABLISHMENTS**

**7.5.1 Purpose.** The purpose of this Section is to regulate all types of Adult Use Marijuana Establishments ("Marijuana Establishments").

**7.5.2 Definitions.** See section 11.0, "Adult Use Marijuana Establishments."

**7.5.3 Special Permit Granting Authority.** The Special Permit Granting Authority (SPGA) shall be the Planning Board.

**7.5.4 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.

#### **7.5.5 Use Regulations.**

1. No special permit shall be granted for any Marijuana Establishment sited within a radius of five hundred (500) 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.

**7.5.6 Dimensional Requirements.** A Marijuana Establishment shall comply with the dimensional controls set forth in the Town of Bridgewater Zoning Ordinance.

**7.5.7 Abandonment or Cessation of Use.** 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. 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.

**7.5.8 Special Permit Approval Criteria.** After notice and public hearing, and after due consideration of the evidence submitted, including the reports and recommendations of other Town departments and the criteria for special permit decisions set forth in Section 10.3, the SPGA may grant such a special permit provided that it finds in addition that:

1. The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance.
2. The application information submitted is adequate for the SPGA to consider approving the special permit request.
3. The proposed establishment is designed to minimize any adverse impacts on abutting properties.
4. 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.
5. 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.

6. The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

**7.5.9 Lapse.** A special permit grant under this section shall lapse if not exercised within one year of issuance.

## **7.6 SOLAR ENERGY SYSTEMS**

**7.6.1 Purpose.** The purpose of this Section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of ground-mounted solar photovoltaic facilities and other types of solar energy systems 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. Roof mounted solar energy systems, whether commercial or residential, are allowed as of right in a districts.

**7.6.2 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.

**7.6.3 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.

**7.6.4 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 Section. An applicant may file for a combined site plan approval (Section 10.6) and solar photovoltaic facility special permit application. The Planning Board may consolidate the review of both applications into one review procedure.

**7.6.5 Application for Special Permit.** The following information shall be submitted for all Solar Energy Systems for an application to be considered complete:

1. Blueprints or drawings of the Solar Energy System 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;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

3. A description of the Solar Energy System and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a registered professional engineer;
4. Confirmation prepared and signed by a registered professional engineer that the Solar Energy System complies with all applicable federal and state standards;
5. One or three line electrical diagram detailing the Solar Energy System, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
6. Documentation of the major System components to be used, including the PV panels, mounting system, and inverter;
7. An operation and maintenance plan which shall include measures for maintaining safe access to the System, storm water controls, as well as general procedures for operational maintenance of the System;
8. Information on noise (Inverter) and reflectivity/glare of solar panels identify potential impacts to abutters.

**7.6.6 Standards.** Unless otherwise expressly provided by this Section, all requirements of the underlying zoning district shall apply and in addition the following standards shall apply.

1. Solar Energy System, Small/Medium Scale shall be located on a parcel of land that contains the required minimum lot size.
2. Solar Energy System, Large-Scale shall be located on a parcel of land that contains a minimum of five (5) acres.
3. Setbacks from property lines shall be as follows:

Front, Side and Rear	50 fee
Panels facing against existing residential uses	100 feet
Riverfront covered under the Massachusetts Rivers Protection Act, Chapter 258 of the Acts of 1996	200 feet

4. 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.
5. All ground-mounted Solar Energy Systems shall be fenced for security. Solar Energy System, Small and Medium Scale may be fenced for security and also to serve as part of the development's screening and buffers.

6. Solar modular panels shall not contain hazardous materials.
7. 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.
8. Lighting of Solar Energy Systems 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 Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
9. 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
10. All utility connections from the Solar Energy System site shall be underground except to the extent that underground utilities are not feasible in the reasonable determination of the Planning Board.
11. Clearing of natural vegetation shall be limited to fifty percent (50%) of the total site area that which is necessary for the construction, operation and maintenance of the Solar Energy System. Only minor regrading (less than 25%) of the total site area shall be allowed and no soils shall be allowed to be removed from the property.
12. Solar fields shall be properly visually buffered from residential properties. Buffers may be provided by use of landscaping and /or fencing.
13. There shall be a minimum of one parking space to be used in connection with the maintenance of the Solar Energy Systems and the site; however, it shall not to be used for the permanent storage of vehicles.
14. The Solar Energy Systems 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 Energy System shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the System.
15. No Solar Energy System 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 Energy System owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

16. No ground-mounted Solar Energy System shall be constructed, installed or modified as provided in this Section without first obtaining a building permit

17. The ground-mounted Solar Energy System 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 Energy System and any access road(s), unless accepted as a public way.

**7.6.7 Decommissioning.** The owner, operator, his successors in interest shall remove any ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned. The owner or operator shall physically remove the System 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. Decommissioning shall consist of:

1. Physical removal of all ground-mounted Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal disposal regulations.
3. 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.

**7.6.8 Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Energy System 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 such System fails to remove the System 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 System.

**7.6.9 Surety.** Proponents of ground-mounted Solar Energy Systems 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 such System 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



**7.6.10. 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:

1. 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 Energy System is suitable and that the size and design are the minimum necessary for that purpose.
2. The SPGA 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 SPGA.

**7.6.11 Compliance.** An as-built plan, 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 buffers and landscaping, buildings, drainage flow, installation of panels, fire access and to any and all conditions required in the approval.

**7.6.12 Modifications.** 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.

~~**Lapse.** 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.~~

~~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.~~

~~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 8.0 SPECIAL RESIDENTIAL REGULATIONS

### 8.1 LIVE WORK UNITS

**8.1.1 Purpose.** The purpose of this Section is to:

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

**8.1.2 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 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. Live work Units shall be studio, one-bedroom, and/or two-bedroom units with configurations for live work space.

1. The resident owner is largely responsible for the commercial or manufacturing activity performed.
2. The commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

**8.1.3 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.

### 8.1.4 Standards and Allowable Commercial Uses.

1. Live work units **are not allowed at the street level.** ~~are subject to the following specific development standard.~~ Ground floor retail, office, incubator, commercial, or

nonresidential uses shall comprise 100% a minimum of 60% of the total gross floor area of the ground floor.

2. Any commercial use permitted in the underlying zoning district is permitted in the live work unit.

3. Only existing commercial, industrial and institutional buildings and structures are eligible for allowable conversion by special permit. through the Special Permit process.

4. 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).

5. 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 Section 6.1.

6. To be eligible A special permit to convert an existing commercial, industrial and institutional building to live work space, the existing structure or building shall 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.

7. 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.

**8.1.5 Density.** The Board may permit live work space with a maximum residential density no greater than the site's ability to provide suitable parking on-site. of 25 residential units per upland acre or 1,742 square feet 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.

**8.1.6 Three Bedroom Units Prohibited.** Live work units with three or more bedrooms per unit are not permitted.

## 8.2 RETREAT LOTS

**8.2.1 General Requirements.** Not more than one (1) Retreat Lot may be created from any parcel, or parcels held in common ownership within the immediate five-year past. The Retreat Lot shall require a special permit issued by the Zoning Board of Appeals.

**8.2.2 Standards.** 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. Under no circumstances shall the development of a Retreat Lot create driveway curb cuts closer than 25 linear feet from another existing or proposed driveway curb cut.
6. The Retreat Lot and the remainder lot may be served by a common driveway as per Section 7.2.
7. A driveway length shall not exceed 300 linear feet without a hammer head or other method of reversing the direction of a vehicle.

**8.2.3 ANR Plan.** 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.

### **8.3 OPEN SPACE CONSERVATION DEVELOPMENT (OSCD)**

**8.3.1 Purpose.** 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.

**8.3.2 Special Permit Required.** An OSCD is allowed in any residential district by special permit. The Planning Board is the Special Permit Granting Authority for Open Space Conservation Development (OSCD) as an alternative to a conventional Definitive Subdivision.

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

**8.3.4 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.

1. The Planning Board may require larger setbacks and may permit smaller setbacks in order to conform to the stated purposes and intent of Open Space Conservation Development.
2. 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.

**8.3.5 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 **restrictions**. The excluded area for computation does not include buffers.

**8.3.6 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 an OSCD, any right 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.

1. All OSCD projects shall 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.

**8.3.7 Common Land.** 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.

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.
3. 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.

4. 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.
5. 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.
6. The Common Land shall include adequate upland public access from a way or street.

**8.3.8 Use of Common Land.** 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.

**8.3.9 Ownership of Common Land.** 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.

1. 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.

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

3. 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.

**8.3.10 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.

**8.3.11 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.

**8.3.12 Additional Design Criteria.** 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.

**8.3.13 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.

**8.3.14 OSCD and 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.



**8.3.15 Planning Board Evaluation.** 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.

**8.3.16 Planning Board Action.** The Planning Board may grant a special permit for an OSCD after considering the criteria in section 10.5.2, and 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.
4. 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 and frontage requirements.

**8.3.17 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.

**8.3.18 Change in Plans After Grant 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.

**8.3.19 Building Permit.** 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.~~

## **8.4 BED AND BREAKFAST**

**8.4.1 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.

**8.4.2 Special Permit Required.** 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 G.L. c. 40A, s. 9. 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 conditions 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.

**8.4.3 Compliance with Regulations.** 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 SPGA's Rules and Regulations for Bed and Breakfast applications.

**8.4.4 Requirements.** A bed and breakfast operation shall be allowed by special permit be subject of the following requirements:

1. The residential building hosting a bed and breakfast must be in existence prior to the approval of this Section.
2. In the RA, RB, SBD and Gateway Districts, a bed and breakfast shall have a minimum lot size of 87,120 square feet and a minimum lot frontage of 300 feet.
3. In the Business-B District, a bed and breakfast shall have a minimum lot size of 20,000 square feet and a minimum lot frontage of 120 feet.
4. 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.
5. The only meal to be provided guests shall be breakfast, and it shall only be served to guest taking lodging in the facility.
6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

7. Exterior alterations other than sign (see below) shall be in keeping with the character of the structure.

8. The operation shall not use more than sixty percent (60%) of the floor area of the principal residence. Common areas such as the kitchens are not included in this calculation.

9. 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.

10. One parking space (gravel) per guestroom plus two parking spaces for residence shall be provided.

11. 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.

12. 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.

**8.4.5 As-Built Plan.** An as-built plan, 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 development's conformance with the approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

**8.4.6 Changes.** Any changes in the approved special permit shall be submitted to the SPGA for review and approval prior to issuance of permanent occupancy permit.

**8.4.7 Time Limit.** 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.

## **8.5 MOBILE HOME ELDERLY COMMUNITY (MHEC)**

**8.5.1 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 G.L. Chapter 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 manufactured homes will be 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 G.L. c. 41, s. 81K-81GG.

**8.5.2 Definitions.** For the definitions of terms used in this Section, see “Mobile Home Elderly Community” in Section 11.0.

**8.5.3 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.

**8.5.4 Procedures; Special Permit.** 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 G.L. c. 40A, and all amendments thereto, as well as adherence to the Town’s Zoning Ordinance. A special permit shall only be issued following public hearings held within ninety (90) days after filing of an application.

**8.5.5 Procedures; Site Plan Review.** A Preliminary Site Plan shall be submitted to the Permit 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. 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. The Site Plan may be altered between the date of filing and the date of decision. The site plan submitted to the permit granting authority, shall include:

1. The name of the proposed development, north point, date, scale or legend;

2. The name of the record owner, applicant, architect, engineer and surveyor;
3. The names of all abutters as determined from the most recent tax list;
4. Existing and proposed topography of the land at two foot contour intervals;
5. The existing and proposed lines of streets, ways and easements;
6. Proposed dedicated open space areas or other common areas;
7. Proposed lighting;
8. 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;
9. The names, location and width of adjacent streets;
10. The boundaries of any proposed site or building sites;
11. Location of fire alarm boxes and hydrants;
12. Computations used in designing storm drain system;
13. All existing and proposed building, structure, parking spaces, driveways, openings, private ways, service areas and open spaces;
14. Landscape features, including lawns, recreation areas, fences, walls and walks;
15. A drawing of proposed elevations with regard to exterior architecture of the proposed buildings; and
16. 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.
17. 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.

**8.5.6 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.

2. 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.

3. 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 inches, with 3 inches of base type 1 bituminous concrete and 1½ inches 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.

4. 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.

5. 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.

6. Street Lights. Illumination may be provided by lighted post lanterns adjacent to the way associated with each Site.

7. No occupied travel trailer, pick-up-coach, motor home, or other like vehicle shall be permitted in a Manufactured Housing Elderly Community.

8. No Manufactured Home within the Manufactured Housing Community shall comply with current HUD standards.

9. Each building and Manufactured Home Site and Manufactured Home Pad shall be an element of overall plan for site development.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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 FCC 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.

14. Hitches, wheels, axels or other like appurtenances to the Manufactured Home shall be removed by the Permittee. 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 Permittee consistent with other such materials used in the Manufactured Housing Community.

15. 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.

16. 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 Permittee 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.

17. 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.

18. The Manufactured Housing Elderly Community shall conform to all the requirements for a self-contained retirement community contained in G.L. c. 151B, s. 5, subsection 8, together with any amendments thereto including a minimum park site of fifty (50) acres.

**8.5.7 Responsibilities of Manufactured Housing Elderly Community Permittee.** A Permittee 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.

1. The sale of manufactured homes by the Permittee 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.

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

3. The Permittee shall insure compliance by all tenants with these Rules and Regulations and all Community Rules and Regulations.

4. 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).

5. No pets are permitted within the Park.

6. 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 Permittee and may not stay for more than two weeks.

7. Television, radio, stereo and music must be kept at a moderate listening level.

8. 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.



9. Outdoor drying of laundry may be done only in area designated and provided therefore and approved by Permittee.
10. 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.
11. An individual mailbox 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.
12. The posted speed limit within the park must be maintained, such speed limit shall not exceed 15 MPH.
13. Posting of "For Sale" signs in the windows is permitted provided that such sign does not exceed 12 inches by 18 inches; all other "For Sale" signs are prohibited.
14. Tenants may not lease their Manufactured Homes.
15. Solicitors or peddlers will not be allowed in the Park.
16. Each resident must submit to the Permittee, a birth certificate duly authenticated specifying his/her true and accurate date of birth.
17. The permit granting authority(s) reserves the right to inspect the Manufactured Housing Elderly Community to insure adherence to the above rules and regulations.
18. Rules and regulations for the Manufactured Housing Elderly Community shall be submitted annually to the Board of Health as required under Massachusetts law.

## **8.6 SENIOR HOUSING**

**8.6.1 Purpose.** The objectives of this Section are to achieve the following public purposes:

1. To provide for the development and use of alternative housing and nursing care for the elderly;
2. To create home health care, housing and other supportive services for the senior population outside of an institutional setting;
3. To encourage the preservation of open space;
4. To provide alternative housing for seniors that cause relatively little demand on Town services;

5. To preserve the town's residential character;
6. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space;
7. To provide housing which is affordable seniors who are Stoughton residents.

**8.6.2 Definitions.** See “Senior Housing Facility” in Section 11.0.

**8.6.3 Applicability.** The Planning Board may grant a special permit for a Senior Housing Facility as defined in Section 11.0 as set forth in the Table of Use Regulations, subject to the requirements of this Section.

1. This Section shall not apply to Senior Housing Facilities existing on the date of adoption of this Section.

**8.6.4 Dimensional Requirements and Design Standards.** Dimensional requirements and design standards shall be as follows:

1. **Minimum Lot Size.** The minimum lot size shall be two (2) acres.
2. **Density.** The maximum allowable density shall be 2,000 square feet of contiguous upland lot area per living unit or bedroom unless the Planning Boards determines that a greater density shall not cause substantial detriment to the neighborhood.
3. **Building Height.** Any addition or new construction shall not exceed 35 feet in height as measured in accordance with the State Building Code. This shall not preclude the reuse and renovation of existing structures which may exceed this height limit.
4. **Building Coverage.** The maximum building coverage, including accessory buildings, shall not exceed 30% of the lot area for new construction or expansion of existing structures.
5. **Building Setbacks.** Buildings shall be set back thirty (30) feet as follows in the side and rear yards.
6. **Setback from Residential Dwellings.** All buildings associated with the Senior Housing Facility shall be no closer than 50 feet from existing residential dwellings; however, with respect to accessory structures not greater than 300 square feet, the Planning Board, in its discretion, may reduce said setback by an amount up to but not greater than 30 feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling.
7. **Minimum Lot Frontage.** The minimum lot frontage shall conform to the requirements of the district where such use is located.

8. Town Services. Facilities shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

9. Transportation Services. The operator of the facility shall be required to provide or arrange for transportation to town services and facilities.

10. Common Open Space. In the Residence Districts, there shall be an area of common open space equal to at least 10% of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than 25% of the minimum required open space shall be situated within wetlands.

11. Parking. The minimum number of parking spaces provided on the lot shall be 0.5 spaces per bedroom, plus spaces equal to the largest employee shift, plus one visitor space per every ten bedrooms.

12. Access and On-site Circulation. Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

13. Public Safety. The facility shall have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.

14. Landscaping. Landscaping and screening are required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. The minimum setback from all property lines of such parking lots, dumpster locations, and loading areas, except for their points of ingress and egress, shall be 15 feet.

**8.6.5 Accessory Uses.** The operator of the Senior Housing Facility may also provide optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the Senior Housing Facility and the accessory uses shall be wholly within a residential structure and shall have no exterior advertising display.

**8.6.6 Special Permit Procedure.** The procedure for a special permit under this Section shall be governed by Section 10.5.

## SECTION 9.0 SPECIAL DISTRICT REGULATIONS\*

*\*The Waterford Village Smart Growth Overlay District, adopted pursuant to G.L. c. 40R, which remains in full force and effect, is not included in this Ordinance, but is available in the office of the Planning Board.*

### 9.1 FLOOD PLAIN OVERLAY DISTRICT (FPOD)

**9.1.1 Purpose.** The purpose of the Flood Plain Overlay District (FPOD) is:

1. 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.
2. 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.
3. 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.

**9.1.2 District Boundaries.** The FPOD is herein established as an overlay district. The FPOD 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 FPOD 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.

**9.1.3 Overlay District.** The FPOD shall be superimposed on existing underlying districts. In the FPOD, applicable use and provisions of this Ordinance continue in force. All uses permitted in the underlying district are allowed, except mobile homes and trailers.

#### **9.1.4 Base Flood Elevation and Floodway Data.**

1. 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.
2. 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.

#### **9.1.5 Use Regulations.**

1. In a 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.
2. In the FPOD, no mobile homes or trailers are allowed. No new building shall be erected, altered, enlarged, unless special permit is received from the Board of Appeals. Board of Appeals shall issue a permit stating the conditions under which a building may erected in the floodplain.
3. All subdivision proposals must be designed to assure that such proposals minimize flood damage, all public utilities and facilities are located and constructed to minimize or flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

**9.1.6 Procedures.** Any person undertaking action described in this Section within the FPOD shall submit six (6) copies of application for permit to the Building Commissioner, who shall transmit same to the Board of Appeals, Board of Health, Department of Public Works, Conservation Commission and Planning Board. The application shall be accompanied by plans that conform to existing the Planning Board's Subdivision Rules and Regulations. No permit to be issued by the Board of Appeals until receipt of recommendations from the Planning Board and Conservation Commission. A special 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. The Board of Appeals may issue a special permit under this Section if it does not endanger health, safety, welfare of occupants, and the 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.

**9.1.7 Applicability of Other Regulations.** Nothing in this Section limits the authority of the Board of Health in respect to premises in the FPOD. Nothing in this Section shall limit the applicability of G.L. c. 131, s. 40 or the following (where applicable):

1. 780 CMR Massachusetts State Building Code;
2. 310 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP);
3. 310 CMR 13.00 Inland Wetlands Restriction;
4. 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.

**9.1.8 Notice.** 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

## **9.2 AQUIFER PROTECTION OVERLAY DISTRICT (APOD)**

**9.2.1 Purpose.** The purpose of this Section is:

1. To preserve and protect the groundwater resources of the Town of Bridgewater;
2. To protect, preserve and maintain the existing and potential groundwater supply and surface water quality to present and future residents of the Town;
3. To prevent pollution of ground and surface water and water supplies;
4. To assure continued availability of the water supply of the Town;
5. To promote and protect the public health, safety and general welfare.

**9.2.2 Establishment; Overlay District.** There are hereby established within the town, certain Aquifer Protection Overlay Districts, consisting of the aquifer itself, the land above the aquifer, and the aquifer's most significant recharge areas. An Aquifer Protection Overlay District (APOD) 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 APOD.

**9.2.3 Prohibited Uses.** In those portions of the Town within the APOD, the following activities are prohibited as a principal or accessory use unless otherwise noted. Where lawfully existing, such uses may continue but not be expanded or altered without obtaining a special permit hereunder:

1. Landfills and open dumps as defined in 310 CMR 19.006;
2. Storage of liquid petroleum products, except the following: (1) normal household use, outdoor maintenance and heating of a structure; (2) 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;
3. Gasoline service station;
4. Landfilling of sludge or septage as defined in 310 CMR 32.05;
5. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.31;
6. 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;

7. 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;
8. Facilities that generate, treat, store or dispose of hazardous waste subject to G.L. c. 21C and 310 CMR 30.000, except the following: (1) very small quantity generators as defined under 310 CMR 30.000; (2) household hazardous waste centers and events under 310 CMR 30.390; (3) waste oil retention facilities required by G.L. c. 21, s. 52A; (4) water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
9. Automobile graveyards and junkyards, as defined in G.L. c. 140B, s. 1 and repair shops except for those shops deemed to be very small quantity generators as defined under 310 CMR 30.000;
10. Treatment of disposal works for non-sanitary wastewaters that are subject to 314 CMR 5.00, except the following: (1) 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); (2) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated ground or surface waters;
11. Storage of hazardous materials, as defined in G.L. c. 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;
12. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;
13. Storage of commercial fertilizers, as defined in G.L. c. 128, s. 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
14. The use of septic system cleaners which contain toxic or hazardous chemicals;
15. The application of fertilizers and pesticides, including herbicide, insecticides, fungicides, and rodenticides, unless in accordance with state and federal standards;
16. 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 ordinance 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 ordinance for such activities before the effective date of this provision, shall not be excavated to within four feet of maximum high groundwater; and



17. Stormwater drainage systems serving nonresidential lots unless said systems are designed to recharge outflow in a manner that will not degrade existing groundwater quality and to meet other overall objectives of the standards set forth herein.

**9.2.4 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):

1. Expansion or alteration of existing uses that do not conform to the APOD.
2. 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.
3. 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.
4. 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 herein. 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: (1) the overall recharge characteristics of the watershed under consideration will not be altered; (2) 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 Ordinance; (3) 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.
5. 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 – 0.5745 (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 herein. 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 above.

6. 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 herein. The stormwater drainage system serving said lot must be located entirely within the lot.

**9.2.5 Boundary Disputes.** The SPGA may grant relief from the provisions of this Section in cases where the location of the APOD boundary in relation to a particular parcel is in doubt or dispute. 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 CMR 22.00 and in the DEP's Guidelines and Policies for Public Water Systems.

**9.2.6 Performance Standards for Stormwater Drainage Systems.**

1. Outflow of a stormwater drainage system will not degrade existing groundwater quality;
2. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar systems covered with natural vegetation;
3. 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;
4. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination;
5. Any and all recharge areas shall be permanently maintained in full working order by the owner of the lots on which they are located.

**9.2.7 Special Permit Submittals.** The applicant shall file an application SPGA under this Ordinance shall be the Planning Board. ~~The SPGA shall hold a hearing, in conformity with the provision of M.G.L., Chapter 40A, Section 9.~~ 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:

1. 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;

2. 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: (1) 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; (2) provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; (3) evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act 310 CMR, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection;

3. 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.

**9.2.8 Procedures.** 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.

1. 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 Ordinance 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.

2. The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its discretion.

### **9.3 BEDFORD STREET OVERLAY DISTRICT (BSOD)**

**9.3.1 Purpose.** 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 Overlay 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 APOD without adverse impacts to groundwater recharge.

**9.3.2 General Requirements.** 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.

**9.3.3 Overlay District.** The BSOD is an overlay district. Development allowed by right in the underlying zoning district may proceed without obtaining a special permit through the provisions of the BSOD. Uses allowed by special permit in the BSOD shall follow the requirements of this Section.

**9.3.4 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 (SPGA), a Preliminary Plan in compliance with Section III(A) of the Rules and regulations Governing Subdivision of Land, as amended. In addition, the plan shall show significant wetlands, and zoning district boundaries.

1. 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.
2. 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.
3. If the proposed development located within the APOD 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.
4. The sending parcel must be permanently restricted from future development by way of a permanent conservation restriction in accordance with G.L. c. 184, ss. 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 APOD regulations under Section 9.2.

5. 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 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.

**9.3.5 Special Permit.** A special permit for commercial use within the BSOD 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:

1. The development may include any uses allowed by right within the B-B district, provided that such uses are not prohibited in the APOD. Special permit requirements for the APOD shall apply within the BSOD;
2. The development shall meet all dimensional requirements applicable to the Business B district;
3. The development provides adequate water and sanitary facilities;
4. The development design is appropriate to the architectural style of the neighborhood, as well as to other characteristics of the site;
5. Projected traffic generation from development onto local roads and intersections is within the capacity of road network and does not create any safety concerns;
6. The design and layout of driveways, parking and loading of the development is acceptable to the Planning Board;
7. Parking spaces shall be provided on the lot computed on the same basis as under Planned Development Districts.

~~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.~~

~~9.5.6 Procedures.~~ A special permit for commercial use within the Bedford Street Overlay District shall be submitted and received in a manner pursuant to the rocedures set forth in Massachusetts General Laws...[copy from Section 9.67] 16.46 Amendments [Copy from Section 9.68]

## 9.4 PLANNED DEVELOPMENT DISTRICT (PDD)

**9.4.1 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. It is also the purpose of this section to allow a residential use without special review if the district permits single family housing according to the present Residential A/B lot and yard requirements as of right.

**9.4.2 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. The application for a special permit shall be governed by this Section and the Rules and Regulations Governing Subdivision of Land, Planning Board, Bridgewater Massachusetts, Section III (B), Definitive Plan Procedures.

**9.4.3 Definitions.** See “Planned Development District” in Section 11.0.

**9.4.4 Preapplication Submittal.** 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 herein 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.

**9.4.5 Application; Site Plan.** An application for a special permit to develop a Planned Development shall be submitted and received in a manner pursuant to this Section and the Planning Board Rules and Regulations under Subdivision of Land. 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. The site plan submitted to the Planning Board, et al., shall include:

1. The name of the proposed development, north point, date, scale and legend;
2. The name of the record owner, applicant, architect, engineer and surveyor;
3. The names of all abutters as determined from the most recent tax list;
4. Existing and proposed topography of the land at two foot contour intervals;
5. The existing and proposed lines of streets, ways and easements;
6. Proposed dedicated open space areas or other public areas;
7. Proposed lighting and signage;
8. 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.
9. The names, approximate location and width of adjacent streets;
10. The approximate boundaries of any proposed lot or building sites and, where applicable, intended outer edge of the proposed buildings;
11. 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.

**9.4.6 Application; Written Materials.** Written material submitted along with the site plan shall include:

1. The name of the proposed applicant;
2. The name(s) of the owner of the land within the project area;
3. The names of the project architect, engineer and surveyor;
4. A narrative describing the long range development plan including proposed uses, anticipated traffic volumes and general character of building types and materials;
5. A financial plan showing the proposed sources and methods of financing for the project, the structure and percentage of ownership, evidence of financing commitments;

6. 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;
7. 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
8. A description of existing hydrogeologic conditions and how the proposed sewerage disposal system and storm drainage system will impact existing hydrogeologic conditions.

**9.4.7 Conditions.** 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 3.0, Table of Use Regulations, as amended.
3. The manner of sewage disposal shall be approved in writing by the Board of Health.
4. 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.

**9.4.8 Dimensional Requirements.** 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
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



**9.4.9 Use Regulations.** In a Planned Development, the following uses shall be permitted in the designated proportions:

1. Up to 100% of total Permissible Floor Area may be devoted to office use.
2. Up to 80% of total Permissible Floor Area may be devoted to Health Care Facilities and/or research and development.
3. Up to 5% of total Permissible Floor Area may be devoted to light manufacturing and/or assembly facilities.
4. Up to 5% of total Permissible Floor Area may be devoted to distribution facilities.
5. Up to 25% of total Permissible Floor area may be devoted to a motel or a Convention/exposition center or Cinema.
6. 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.
7. Single family housing on one acre lots according to the dimensional standards of the Residential A/B district.
8. 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.

**9.4.10 General Guidelines.** Before approving an application for a special permit under this Section, the Planning Board shall find that the proposal meets the following guidelines:

1. 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.
2. 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.
3. 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.

4. 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.

5. 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.

**9.4.11 Parking Spaces.** Parking spaces shall be provided on the lot computed on the following basis:

1. One 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;
2. One space per 600 square feet of Gross Floor Area for light manufacturing or assembly use;
3. One space per 1,000 square feet of Gross Floor Area for distribution use;
4. One space per 225 square feet of Gross Floor Area for commercial use and retail;
5. One space per room for hotel use plus 1 space for each employee on the largest shift;
6. One 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.

**9.4.12 Parking Reduction.** In granting a special permit, the Planning Board shall have the authority to reduce the parking requirements under this Section 9.4.11 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 Section 9.4.11.

**9.4.13 Special Permit Criteria.** In lieu of the criteria set forth in Section 10.5 of this Ordinance, the Planning Board shall consider the following criteria when considering the grant of an application for a special permit:

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

2. 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.
3. 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.
4. That the applicant has demonstrated its ability, financial and otherwise, to bring the development to completion.
5. 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.
6. 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.
7. 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.
8. 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. 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.
10. That uses requiring outdoor storage of equipment and supplies screen views of such storage areas from adjacent buildings or ways.
11. That the exterior building materials blend with the setting or complement it.
12. That building masses and heights along the perimeter of the project are compatible with the views from adjacent ways and neighborhoods.

**9.4.14 Variations.** 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. 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.

**9.5 COMMERCIAL/INDUSTRIAL PROJECTS IN THE ELM STREET INDUSTRIAL PARK**

**9.5.1 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.

**9.5.2 Requirements.**

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.

**9.5.3 Dimensional Requirements.**

Minimum Lot Size	5 acres
Minimum Lot Frontage	200'
Minimum Depth (Front/Rear/Side)	40'/20'/20'
Maximum Building Floors/Height	-/40'
Maximum % Building Coverage	-
Maximum % Lot Coverage	75%
Minimum % Open Space	25%
Maximum % Impervious	50%*

\* 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).

**9.5.4 Dimensional and Other Requirements.**

1. The Commercial/Industrial Project shall comply with Sections 9.4.3 to 9.4.7 of the Ordinance.

2. To the extent possible, required open space shall retain natural (pre-existing) vegetation.

3. The Commercial/Industrial Project shall comply with Sections 9.4.9 and 9.4.10 of this Ordinance, with the following exception: the mixture of uses reflects consideration of the overall purpose of the district.

~~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.~~

**9.5.6 Procedures.** Special permit procedures shall be the same as those set forth in Section 9.4.11 to 9.4.13 of this Ordinance.

## **9.6 MIXED USE IN THE CBD**

**9.6.1 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.

**9.6.2 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.

**9.6.3 Finding; Conditions.** 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.

**9.6.4 Approval Criteria.** No Special Permit under this Section shall be granted unless the Planning Board finds that:

1. The Plan complies with the provisions of this Article.
2. The impact of the development activities shown on the Plan is anticipated to be of benefit to the Town.

3. 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.

4. 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.

5. 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.

#### **9.6.5 Application.**

No Mixed Use Development special permit shall be granted unless the application and site plan meet the requirements contained in this Section and the SPGA's Rules and Regulations for Mixed Use Development applications.

**9.6.6 Requirements.** A Mixed Use Development shall be allowed by special permit, subject to the following requirements:

1. The proposal shall meet all the land space requirements table in Section 4.0;
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. 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.
9. 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.
10. Parcels in contiguous ownership shall be designed as and considered one project.
11. Projects designed under this section shall have no minimum lot size, frontage requirement or setback requirement.
12. 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.
13. No units larger than 2 bedrooms will be allowed. All projects should provide a balanced mix of one and two bedrooms.
14. One parking spaces per unit plus one visitor parking space for every three units shall be provided.
15. The Planning Board may allow for shared parking between the Commercial and Residential uses on site.
16. 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.
17. 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 any other requirement in this Ordinance.
18. 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.

19. 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.

20. 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.

21. 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.

22. A Traffic Impact Assessment, Traffic Impact Statement and Regional Traffic Analysis shall be submitted as required by the Traffic Impact Study By-law.

**9.6.7 Density.** The allowed residential density under this Section is 18 units per acre. 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. The Planning Board may allow for density bonuses up to 26 units per acre for the following:

1. Transfer of Development Rights (TDR) – 1.5 units for every 1 TDR.
2. Preservation of Historic Structures – 2 units for the preservation of 1 Structure.
3. Donation of Open Space or the Preservation of Land through a Conservation Restriction – 1 unit for every 2 acres protected.
4. Payment to the Affordable Housing Trust Fund – a one bedroom unit for each donation of \$30,000 and a two bedroom unit for each donation of \$60,000. These amounts will be adjusted annually for inflation at a rate of 2% beginning in 2020.
5. 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.
6. 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.

**9.6.8 Design Guidelines.**

1. 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.

2. 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.
3. 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.
4. Buildings may be 4 stories tall or 45' in height.
5. 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.
6. Twenty (20%) percent 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.
7. Street facades should ensure that the building and landscaping enhances the streetscape and does not detract from the character of the area.
8. 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.
9. 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.
10. The requirement for commercial development may be accommodated on an adjacent parcel or parcels, providing the commercial development is constructed in conjunction and coordination with the residential development and reflects the character of a village

or town center. An approved site plan of the entire development project must outline project phasing and scheduling as well as conditions of approval. Unless otherwise permitted elsewhere in this Section, no residential units are allowed on the ground floor of a mixed use development within the Central Business District.

**9.6.9 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.~~

~~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 10.0 ADMINISTRATION AND ENFORCEMENT

### 10.1 PERMIT

**10.1.1 Building Permit.** It shall be unlawful for any person to erect, construct, reconstruct, or alter a structure without applying for and receiving from the Building Commissioner a building permit.

**10.1.2 Issuance.** Such permits shall be applied for in writing to the Building Commissioner. The Building Commissioner shall not issue any such permit unless the plans for the building, and the intended use thereof in all respects fulfill the provisions of this Ordinance, except as may have been specifically permitted otherwise by action of the 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 issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the Building Commissioner.

~~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.~~

**10.1.3 Plot Plan.** 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 Building Commissioner. 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.

### 10.2 ENFORCEMENT AND PENALTIES

**10.2.1 Building Commissioner.** This Ordinance shall be enforced by the Building Commissioner. The Building Commissioner, upon being informed in writing of a possible violation of this Ordinance or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. The Building Commissioner, 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 Commissioner shall demand in such notice that such violation be abated and within a reasonable time, designated therein by the Building Commissioner. Such notice and demand

may be given 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. If, after such notice and demand, such violation has not been abated within the time specified, the Building Commissioner shall institute appropriate action or proceedings in the name of the Town to prevent, correct, restrain or abate any violations of this Ordinance.

**10.2.2 Duties.** The Building Commissioner shall withhold a permit for construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of this Ordinance; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of this Ordinance. If the Building Commissioner is requested in writing to enforce this Ordinance against any person allegedly in violation of the same and the Building Commissioner declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

**10.2.3 Penalties.** Any violation of any provision of this Ordinance shall be punished by a fine of not more than three hundred dollars(\$300.00). Each violation and each day of violation shall constitute a separate offense.

**10.2.4 Noncriminal Disposition.** In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this Ordinance may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of G.L. c. 40, s. 21D. The penalty for violation of any provision of this Ordinance shall be \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense and \$300.00 for the fourth and each subsequent offense.

### **10.3 BOARD OF APPEALS**

**10.3.1 Membership.** There shall be a Board of Appeals of three members and two associate members who shall be residents of the Town of Bridgewater. As terms expire or vacancies occur, the Town Manager shall make appointments pursuant to G.L. c. 40A, s. 12 and the Town Charter.

**10.3.2 Powers of the Board of Appeals.** The Board of Appeals shall have the following powers:

1. Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official, or any person aggrieved by any order or decision of the Commissioner of Buildings or any other administrative official in violation of any provision of Chapter 40A, General Laws, or of this Ordinance. Anyone who is unable to obtain an enforcement from the Building Commissioner 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 Land Court or Superior Court to enforce the provisions of this Ordinance.

~~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~~

**2. Special Permits. To grant a special permit when designated as the Special Permit Granting Authority by this Ordinance**

~~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~~

**3. Variances. To authorize a variance from the terms of this Ordinance as set forth in G.L. c. 40A, s. 10. Use variances are not permitted.**

~~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~~

**4. Comprehensive Permits. To grant a comprehensive permit pursuant to G.L. c. 40B.**

~~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.~~

Let the statute control.

**10.3.3 Rules and Regulations; Fees.** The Zoning Board of Appeals shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this Ordinance and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

## 10.4 PLANNING BOARD

**10.4.1 Establishment.** The Planning Board shall consist of five (5) members and one (1) associate member, as set forth below in Section 10.4.3.

~~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.~~

**10.4.2 Powers.** The Planning Board shall have the following powers:

1. To hear and decide applications for special permits as provided in this Ordinance.

~~11.50 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.~~

2. To hear and decide applications for site plan approval pursuant to Sections 10.6 and 10.7.

**10.4.3 Associate Member.** 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.

**10.4.4 Rules and Regulations; Fees.** The Planning Board shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this Ordinance and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

## 10.5 SPECIAL PERMITS

**10.5.1 Special Permit Granting Authority.** The Board of Appeals, Planning Board, and the Town Council shall be the Special Permit Granting Authority (SPGA) as specified in the Use Table and the various sections of this Ordinance and, when designated herein, shall hear and decide applications for special permits.

**10.5.2 Criteria.** Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment taking into account any proposed mitigation.

**10.5.3 Application.** The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

**10.5.4 Conditions.** The SPGA may impose additional conditions and limitations as it may deem necessary.

**10.5.5 Regulations.** The SPGA may adopt rules and regulations for the administration of this Section.

**10.5.6 Fees.** The SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

**10.5.7 Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

## **10.6 SITE PLAN APPROVAL**

**10.6.1 Applicability.** The following types of activities and uses require site plan review by the Planning Board:

1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or residential structure with two or more dwelling units.
2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or residential structure with five or more parking spaces.
3. In the Gateway Business District and East Gateway Business District, Design Review, as described in the Planning Board's Rules and Regulations, ~~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. Such Design Review shall not apply to single family homes or duplexes in the district.

**10.6.2 Approval Required.** An application for a building permit to perform work as set forth in Section 10.6.1 shall be accompanied by an approved Site Plan. Prior to the commencement of any such activity, the project proponent shall obtain site plan approval from the Planning Board.

**10.6.3 Procedures.** Applicants for site plan approval shall submit ten (10) copies of the site plan to the Board for review. The Board shall provide a copy of the application to the Fire Department, Building Inspector, Town Council, Department of Public Works, Conservation Commission, Board of Health, and Police Chief for their advisory review and comments. Failure of such board or official to respond within thirty-five days of submittal shall be deemed a lack of opposition thereto. The Planning Board shall hold a public hearing after following the procedures set forth in G.L. c. 40A, s. 11, and shall review and act upon the site plan, with such conditions as may be deemed appropriate, within ninety (90) days of its receipt, and notify the applicant of its decision. The decision of the Board shall be upon a majority of those present and shall be in writing filed with the Town Clerk. No building permit shall be issued by the Building Inspector without the written approval of the site plan by the Planning Board, or unless 90 days lapse from the date of the submittal of the site plan without action by the Board.

1. The applicant may request, and the Board may grant by majority vote, an extension of the time limits set forth herein.
2. No deviation from an approved site plan shall be permitted without modification thereof.

**10.6.4 Preparation of Plans.** Applicants are invited to submit a pre-application sketch of the proposed project to the Board and to schedule a comment period at a regular meeting of the board. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 20'.



**10.6.5 Contents of Plan.** The contents of the site plan are as follows:

1. Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Board. The plans are as follows:

a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Board.

b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage.

c. Utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.

d. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.

e. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

2. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

3. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Ordinance.

4. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to Town's subdivision regulations.

5. The Board may require narrative assessments of the on-site and off-site impacts of the proposed use and structures.

6. Certification that the proposal is fully compliant with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

**10.6.6 Waiver of Technical Compliance.** The Board may, upon written request of the applicant, waive any of the technical requirements of this Section where the project involves relatively simple development plans or constitutes a minor site plan.

**10.6.7 Approval.** Site Plan approval shall be granted upon determination by the Board that the plan meets the following objectives. The Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. The following objectives, in addition to the performance standards prescribed in Section 6.0 of this Ordinance, 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.

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

2. 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.

3. 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.

4. 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.

5. Building Location. Proposed buildings and structures shall be integrated as much as possible within the existing landscape and terrain.
6. Screening. 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.
7. 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.~~

8. 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.
9. 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.

**10.6.8 Regulations.** The Planning Board may adopt rules and regulations for the administration of this Section.

**10.6.9 Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for special permits.

**10.6.10 Lapse.** Site plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the decision (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

**10.6.11. Appeal.** The decision of the Planning Board may be appealed within 20 days of the filing of the decision with the Town Clerk in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

~~9.81—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.

**9.821 Authority.** The Planning Board shall be the special permit granting approval authority for those activities identified herein as requiring site plan approval. An approval 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 G. L. c. 40A, s. 9. If an application does not so conform, the Planning Board may deny said application or 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 this Ordinance.

~~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.

**9.83 Applicability.** Except for development subject to Section 9.60, Site plan approval shall be required for:

(a) proposed uses, as well as for alterations or expansions to existing uses, which necessitate six or more additional parking spaces; and (b) the following activities: as identified under Section 6.30 of this bylaw.

Motels and Hotels

Public Utilities

Hospital, Infirmary, Nursing Home, and Convalescent Home

Private for-profit Trade, Professional or Other School

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

Convention/Exposition Center and Hotel

Office and Laboratory Uses

Retail Business and Consumer Service Establishments

Automotive Service and Open Air Drive In Retail Services

Industrial, Wholesale and Transportation Uses

~~9.84 Procedures.~~ 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:

**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.

**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.

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

**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.

**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.

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.

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

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.

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.

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.

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

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.

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.

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.

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.

## **10.7 SITE PLAN REVIEW FOR SECTION 3 USES**

**10.7.1 Purpose.** The purpose of this Section is to provide for site plan review of uses B.1, B.2, and B.3 in the Table of Use Regulations, otherwise “exempt” pursuant to G.L. c. 40A, s. 3.

**10.7.2 Site Plan Review Required.** Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.1, B.2, and B.3, as set forth in the Table of Use Regulations, shall require site plan approval from the Planning Board pursuant to this Section.

**10.7.3 Scope of Site Plan Review.** Under this Section, Site Plan Review shall be limited to two inquiries:

1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,
2. What reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

**10.7.4 Required Information.** All applications for Site Plan Review shall be in writing and provide, at a minimum, the following information:

1. Name and address of applicant person or entity.
2. Name and address of property owner.
3. Description of the proposed use and any documents necessary to establish threshold compliance with G.L. c. 40A, s. 3.
4. Reason that relief is requested from otherwise applicable zoning requirements.
5. If necessary to reach a decision on the application, the Planning Board may request further information from the applicant consistent with G.L. c. 40A, s. 3, specifying in detail the information required.

**10.7.5 Site Plan; Contents.** In addition, the applicant shall submit a site plan with the following information:

1. Legend depicting all pertinent existing and proposed site features.
2. The date and north arrow shall be shown on the plans.
3. All site plans must be stamped by a Registered Professional Civil Engineer and a Professional Land Surveyor. The land surveyor shall perform an instrument boundary

survey and shall certify the accuracy of the locations of the buildings, setbacks, and all other required dimensions to property lines.

4. Zoning Chart depicting “Required” vs. “Provided” for all applicable Zoning Criteria including Lot Size, Frontage, Setbacks, Building Height, Lot Coverage, Parking Spaces, Landscaping Requirements.

5. Locus map, at a scale of 1” = 600’ or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large scale plan.

6. The location, width, status (public or private), and name of all streets within 100’ of the project.

7. On-site and abutting lot lines. On-site lot lines shall be described by bearings and distance. Abutting lot lines shall be shown in a general way.

8. Zoning District lines, including overlay districts if applicable.

9. The location of existing or proposed building (s) on the lot shall be shown with total square footage and dimensions of all buildings.

10. Any streams, brooks, or wetland resource area boundaries within 100’ of the property lines.

11. Information on the location, size and type and number of existing and proposed landscape features.

12. Information on the location, size and capacity of existing and proposed on-site and abutting utilities (water, sewer, drainage, natural gas, electrical cable, etc.), including utilities in abutting side streets, if applicable.

13. Detailed locations and dimensions of all existing and proposed buildings and uses on site and on abutting properties, including exterior details relating to the building footprint. All existing and proposed setbacks from property lines. Any minimum, or below minimum, setback distances shall be clearly noted as such on the plan.

14. Information and details for all site and directional on-site signage shall be submitted.

15. Elevation and facade treatment plans of all proposed structures. Color renderings are required for new construction.

16. Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided.



17. Details and specifications (if applicable) for proposed site amenities, including, but not limited to fences, recreation facilities, walls or other barrier materials; and special paving materials.

**10.7.6 Decision.** The Planning Board may approve, approve with conditions, or deny an application for site plan approval. In making its decision, the Board shall be guided exclusively by G.L. c. 40A, s. 3. The Board shall file a written decision with the Town Clerk within 90 days of receipt of the application. Failure to file a decision within 90 days shall constitute approval of the site plan, unless an extension of time is mutually agreed upon.

**10.7.7 Appeal.** Any appeal of the Planning Board's decision shall be made pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

## **10.8 REQUEST FOR REASONABLE ACCOMMODATION**

**10.8.1 Purpose.** Under the FHA, it is a discriminatory practice to refuse to make "a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B). The same standard applies under the ADA, which also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. 12112(b)(5). The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

**10.8.2 Request.** Any person eligible under the FHA or any provider of housing to persons eligible under the FHA, or any person eligible to operate a nonresidential facility providing services to persons eligible under the ADA, may request a Reasonable Accommodation as provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation does not affect a person's or provider's obligations to act in compliance with other applicable laws and regulations not at issue in the requested accommodation.

**10.8.3 Zoning Board of Appeals.** All requests for Reasonable Accommodation under the FHA and/or the ADA shall be submitted to the Zoning Board of Appeals (ZBA).

**10.8.4 Information.** All requests for Reasonable Accommodation shall be in writing and provide, at a minimum, the following information:

1. Name and address of person (s) or entity requesting accommodation;
2. Name and address of property owner;
3. Name and address of dwelling or facility at which accommodation is requested;
4. Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;

5. Reason that the requested accommodation may be necessary for the person or persons with disabilities to use and enjoy the premises; and

6. If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).

7. If necessary to reach a decision on the request for Reasonable Accommodation, the ZBA may request further information from the applicant consistent with the FHA and/or ADA, specifying in detail the information required.

**10.8.5 ZBA Procedures.** The ZBA shall consider the requested accommodation at a public hearing. Notice shall be provided to parties in interest as set forth in G.L. c. 40A, ss. 11 and 15. The ZBA shall act upon and file a decision in accordance with the provisions of G.L. c. 40A, s. 15, however such deadline may be extended upon the request of the applicant and the approval of the ZBA. The ZBA may seek information from other Town agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the Town. Upon written notice to the ZBA, an applicant for a reasonable accommodation may withdraw the request without prejudice. The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation is reasonable;

2. Whether the proposed accommodation would require a fundamental alteration of a legitimate Town policy; and

3. Whether the requested accommodation would impose undue financial or administrative burdens on the Town government.

**10.8.6 Decision.** Within After conducting an appropriate inquiry into the request for reasonable accommodation, the ZBA may:

1. Grant the request;

2. Grant the request subject to specified conditions; or

3. Deny the request.

The ZBA shall issue a written final decision on the request in accordance with G.L. c. 40A, s. 15. If the ZBA fails to render its decision on a request for reasonable accommodation within the time allotted by G.L. c. 40A, s. 15, the request shall be deemed granted. The ZBA's decision shall be filed with the Town Clerk and sent to the applicant by certified mail.

**10.8.7 Appeal.** The ZBA's decision pursuant to this Section may be appealed to a court of competent jurisdiction in accordance with G.L. c. 40A, s. 17 or otherwise.

**10.8.8 File.** The ZBA shall maintain a file of all requests for reasonable accommodation under the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be reviewed in the Office of the ZBA upon request during regular business hours.

**10.8.9 Other Laws.** While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the premises that is the subject of the request shall remain in full force and effect.

## SECTION 11.0 DEFINITIONS

For the purposes of this Ordinance, the following words and terms as used herein shall have the meanings or limitations of meaning herein defined, explained or assigned:

**Adult Entertainment Establishment:** Shall mean the following types of facilities regulated in Section 7.1:

**Adult Bookstore:** An establishment having a substantial or significant portion of its stock in trade, books, magazines, videos and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31. (Adopted 11/13/1990)

**Adult Cabaret:** A nightclub, bar, restaurant, tavern, dance hall or similar commercial establishment which regularly features a person who appears in a state of nudity; or live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

**Adult Motion Picture Theater:** 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 G.L. c. 272, s. 31. (Adopted 11/13/1990)

**Adult Paraphernalia Store:** An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

**Adult Video Store:** An establishment having as a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished by or characterized by their emphasis depicting, describing or related to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

~~**Adult Retirement Village (ARV):** A group of detached dwelling units on privately owned lots occupied by persons aged 55 and over in accordance with G.L. c. 151B, s. 6 as amended. (Adopted 5/11/2000)~~

**Adult Social Day Care:** An accessory use that focuses on social activities, therapeutic recreation, meals, and some health-related services such as medication monitoring and blood pressure checks. May also provide assistance with daily activities such as toileting and walking, but not an adult day health facility or site as regulated by 404 CMR 402.

**Aquifer:** Geologic formation composed of rock sand, or gravel that contains significant amounts of potentially recoverable water.

**Aquifer Protection Overlay District:** The following definitions shall apply in Section 9.2:

**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.

**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.

**Area of Operation:** 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.

**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.

**Barn:** An accessory structure used to house animals, and used for storage of farm equipment and farm vehicles, but not other motor vehicles.

**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.

**Bedroom:** 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.

**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.

**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 4.0.

**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.

**Business or Professional Office:** A business establishment, which does not offer a product or merchandise for sale to the public but offers a professional service to the public. However, personal services, such as barber and beauty shops, and repair shops, such as radio, television, and automotive, are not to be included in the definition of business offices.

**Child Care Center:** A child care center as that term is defined in G.L. c. 15D, s. 1A.

**Common Driveway:** A travel way that accommodates vehicular and pedestrian circulation between a public way and pre-existing adjoining lots.

**Drive-In Restaurant:** A drive-in restaurant is defined as any establishment whose business is the sale of food or beverages in a ready-to-consume state and whose business operation includes the service of food and beverage to a customer in a motor vehicle.

**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.

**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.

**Dwelling, Multifamily:** A dwelling or building containing three (3) or more separate dwelling units in residential or mixed-use buildings.

**Dwelling, Single-Family:** A detached dwelling containing one (1) dwelling unit intended and designed to be occupied by a single-family.

**Dwelling, Two-Family:** A detached dwelling containing two (2) dwelling units.

**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.

**Essential Services:** Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, excluding power plants or transfer stations. Facilities necessary for the provisions of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety and general welfare.

**Expanded Living Space (In-law living area):** Shall be limited to one bedroom of no more than 200 square feet or two bedrooms of no more than 150 square feet 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.

**Family:** A group of persons related to each other by marriage or blood, or not more than three unrelated individuals, living together under a single roof and comprising a household. ~~the head of which is usually the father or husband, mother or wife.~~

**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.

**Fast Order Food:** Food which is (a) primarily intended for immediate consumption; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) served on disposables or in paper containers, consumed with plastic utensils; and (e) of a self-service nature, that is, no waitresses or waiters are involved. Patrons place their order at a counter or remotely and take it to a table on the premises or leave the premises.

**Fast Order Food Establishment:** An establishment whose primary business is the sale of fast order food for consumption on or off the premises.

**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 4.0.

**Funeral Home:** Facility for the conducting of funerals and related activities such as embalming.

**General Service Establishment:** Shop for lawn mower or small appliance repair, upholstery or furniture repair, bicycle repair person, shoe repair, printer, blacksmith, builder, carpenter, caterer, electrician, lawn mower service person, mason, painter, plumber or roofer.

**Greenhouse:** A structure and establishment for the growing of plants for wholesale or retail sale, otherwise not exempt as an agricultural use pursuant to G.L. c. 40A, s. 3.

**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.

**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.

**Home Occupation:** An accessory use which by custom has been carried on entirely within a dwelling unit by the occupant(s) thereof, or within an accessory building thereto.

~~**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 50 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.~~

**Hospital:** A building providing 24-hour in-patient or animal services for the diagnosis, treatment or other care of human or animal ailments including, where appropriate, a sanitarium, nursing home, convalescent home, and veterinarian services.

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

**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.

**Incubator or Innovation Center:** 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.

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

**Kennel:** An establishment as defined in G.L. c. 140, s. 137A.



**Live Work Units or Live Work Space:** 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.

**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 this Ordinance.

**Lot:** As defined in G.L. c. 41, s. 81L.

**Lot Coverage:** The amount of area on an 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 4.0.

**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.

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

**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.

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

**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/reestablishing 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 of Best Management Practices as described in current version of the Massachusetts Department of Environmental Protection Stormwater Management, Vol. II: Stormwater Technical Handbook.

**Manufacturing:** A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

**Marijuana, Adult Use Establishments:** The following definitions shall apply in Section 7.5:

**Adult Use Marijuana Establishment:** a marijuana cultivator, marijuana testing facility, marijuana product manufacturer **other than a medical marijuana treatment center.**

**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 cultivator:** an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Adult Use Marijuana Establishments and to transfer marijuana to other Adult Use Marijuana Establishments, but not to consumers.

**Marijuana product manufacturer:** an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Adult Use Marijuana Establishments and to transfer marijuana and marijuana products to other Adult Use 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.

**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, Medical Treatment Centers:** The following definitions shall apply in Section 7.4:

**Dispensary Agent:** A board member, director, employee, executive, manager, or volunteer of an RMD, who is at least 21 years of age. Employee includes a consultant or contractor who provides on-site services to an RMD related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

**Duress Alarm:** 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.

**Edible Marijuana-Infused Products (edible MIPs):** A Marijuana-Infused Product (MIP) that is to be consumed by eating or drinking.

**Enclosed, Locked Area:** 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.

**Limited Access Area:** A building, room, or other indoor or outdoor area on the registered premises of an RMD where marijuana, MIPs, or marijuana by-products are cultivated, stored, weighed, packaged, processed, or disposed, under control of an RMD, with access limited to only those dispensary agents designated by the RMD.

**Marijuana:** 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.

**Marijuana Agricultural:** Any uses or activities associated with Medical Marijuana Treatment and Dispensing Facilities or Marijuana Cultivation.

**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.

**Marijuana-Infused Product (MIP):** 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 an RMD, shall not be considered a food or a drug as defined in G.L. c. 94, s. 1.

**Medical Marijuana Treatment Center:** 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.

**Production Area:** Any limited access area within the RMD where marijuana is handled or produced in preparation for sale.

**Qualifying Patient:** 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).

**Registered Marijuana Dispensary (RMD):** 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, 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.

**Registration Card:** 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 an 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.

**Sixty-Day Supply:** 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).

**Medical Clinic:** A facility as defined in 105 CMR 145.020, including a mobile clinic.

**Membership Club:** A social, sports or fraternal association or organization which is used exclusively by members and their guests which may contain bar facilities.

**Mining:** The removal or relocation of geological materials such as topsoil, sand, gravel, metallic ores, or bedrock.

**Mobile Home:** 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.

**Mobile Home Elderly Community (MHEC):** The following definitions shall apply in Section 8.5:

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

**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 buildings and other community facilities shall be designed in accord with the most recent Massachusetts standards for accessibility for the handicapped.

**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 feet in width and 40 feet in length. The definition of Manufactured Home herein shall specifically exclude Trailer as hereinafter defined.

**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.

**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.

**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 Senior Housing Laws) 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.

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

**Permittee:** Any person, firm, or corporation receiving a permit to conduct, operate, or maintain a Manufactured Home Elderly Community.

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

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

**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 G.L. c. 140 and the regulations promulgated thereto and as further defined in G.L. c. 140, s. 32A et seq.

**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.

**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.

**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.

**Open Space:** For purposes of this Ordinance 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 G.L. c. 131, s. 40 may also comprise a portion of the open space, but not exceeding in percentage the proportion of wetlands within the entire lot.

**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.

**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.

**Personal Service Establishment:** Establishment serving personal and local needs, such as barber shop, beauty shop, nail salon, repair, self-service laundry, dry cleaning or pick-up agency, massage establishment, or tattoo provider.

**Planned Development District:** For the purposes of Section 9.4, the following definitions shall apply:

**Associated Buildings:** A series of buildings either attached or arranged so as to appear to be attached.

**Buffer Adjacent to Public Ways:** 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:** The horizontal area of the floor or floors for the building in question.

**Lot Area:** The total land area within a lot.

**Lot Coverage:** 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:** 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:** 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:** The Gross Floor Area of all buildings approved as part of the special permit issued under Section 9.4

**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.

**Recyclable Material:** A material that 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 percent by weight or volume of the amount of that material accumulated at the site during the calendar year.

**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.

**Research Laboratory:** Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 4 by the National Institutes for Health.

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

**School Aged Child Care Program:** A school aged child care program as that term is defined in G.L. c. 15D, s. 1A.

**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.

**Senior Housing:** The following definitions shall apply in Section 8.6:

**Assisted Living Facility:** A residential development subject to certification by the Executive Office of Elder Affairs under G.L. c. 19D and 651 CMR 12.00.

**Continuing Care Facility:** A facility regulated by G.L. c. 93, s. 76.

**Independent Living Facility:** A facility providing apartments for rent, with optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the facility.

**Long Term Care Facility:** A facility, including a convalescent or nursing home, rest home, infirmary maintained in towns, and charitable homes for the aged, as defined and regulated in 105 CMR 150.001.



**Senior Housing:** Housing for persons over the age of 55 subject to the Senior Housing Laws, as defined herein.

**Senior Housing Facility:** An Assisted Living Facility, Continuing Care Facility, Independent Living Facility, or Long Term Care Facility, whether operated as a free-standing facility or in combination with another type of facility on the same lot or adjacent lot in common control.

**Senior Housing Laws:** Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, s. 4.

**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.

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

**Sidewalk Café:** The serving of food or beverage from a café or restaurant located in an adjacent building to patrons seated at tables located within the Sidewalk area adjacent to the café or restaurant.

**Solar Energy Systems:** The following definitions shall apply in Section 7.5:

**Ground Mount Solar 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.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**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.

**Solar Access:** The access of a solar energy system to direct sunlight.

**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.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**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.

**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).

**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).

**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).

**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.

**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 Ordinance.

**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.

**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.

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

**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.

**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 M.G.L. Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

**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.

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

**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.

**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.