

**Town of Bridgewater
Town Council
FY23 Ordinances**

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D-FY23-001	Acceptance of MGL c.44 Golf Course Receipts	May 10, 2022
D-FY23-003	DEI Committee	October 25, 2022
D-FY23-004	Tree Committee	October 25, 2022
D-FY23-005	Amend Citizens Comments	December 20, 2022
D-FY23-007	Acceptance of Local Tax Option – Retail Marijuana Tax	February 21, 2023
D-FY23-008	Cash Policy – Retail Marijuana Tax Reserve Fund	February 21, 2023
D-FY23-010	Stabilization Fund – Opiod	May 9, 2023
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D-FY23-012	Flow Neutral	June 6, 2023
D-FY23-013	Zoning Ordinance – Amend Article III, Section 23(a) Planning Board	August 8, 2023



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2022

Council Ordinance: D-FY23-001

Introduced By: Town Manager
Date Introduced: April 5, 2022
First Reading: April 5, 2022
Second Reading: May 10, 2022
Third Reading:
Amendments Adopted:
Date Adopted: May 10, 2022
Date Effective: July 1, 2022

Proposed Ordinance D-FY23-001

ACCEPTANCE OF MGL c.44, s53 F ¾ Olde Scotland Links Golf Course Receipts Reserved for Appropriation

ORDERED that the pursuant to Article II, Section 2-6 of the Bridgewater Town Charter, the Town Council accept the provisions of MGL c.40 Section 5F and further authorize the Town Manager to carry out the provisions contained therein including the creation of a “Receipts Reserved for Appropriation” Fund to reserve Olde Scotland Links Golf Course revenues for appropriation to support related expenses including debt service and other liabilities related to the OSLGC operations effective July 1, 2022 (Fiscal Year 2023).

Explanation: *Due to the dissolution of the Golf Enterprise Fund and the Town’s agreement with a management company to run the golf course, a new Receipts Reserved for Appropriation account is required to replace the Enterprise account. The new account will be the repository for all funds due under the management agreement, and will be available for appropriation for expenses related to the golf course, such as remaining debt obligations, capital expenses, etc.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• B&F	• 5/3/22: Voted 3-0 to recommend.
• FinCom	• 5/4/22: Voted 5-0 to recommend.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, May 10, 2022, to approve the aforementioned Order by a Voice vote (9-0).

A TRUE COPY ATTEST:

Debra A. Ward, Town Council Clerk

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



Bridgewater Town Council

Introduced By: Councilors Chase
Rushton and Moore

Date Introduced: 9/27/2022

First Reading: 9/27/2022

Second Reading: 10/25/2022

Amendments Adopted:

Third Reading:

Date Adopted: 10/25/2022

Date Effective: 11/25/2022

Ordinance D-FY23-003: General Ordinance - Amend Administrative Code Article III - Section 11A Diversity, Equity, Inclusion and Belonging (DEI&B) Committee

ORDERED, that the Town Council assembled votes to amend the following:

Section 11A. Diversity, Equity, Inclusion, and Belonging (DEI&B) Committee

A. Establishment and Term of Office. There shall be a Diversity, Equity, Inclusion, and Belonging (DEI&B) Committee consisting of at least five members and no more than nine members. The Town Manager, in appointing members shall consider the following criteria: Traditionally underrepresented residents, including race, religion, sexual orientation and identity; residents with specific training on foundational principles of Diversity, Equity, Inclusion, and Belonging; critical thinking skills; different occupational, educational, business and community experience should also be represented.

B. Authorities and Responsibilities. Such committee may (1) review all town policies and procedures to ensure a demonstrated commitment to the centering principles of diversity, equity, inclusion, and belonging; (2) advise municipal officials and employees in complying with state and federal laws and regulations that involve DEI&B issues; (3) lead community education campaigns to engage the community about local issues related to DEI&B; (4) facilitate collaboration between the residents and town officials to create a culture that welcomes and celebrates all identities. The Diversity, Equity, Inclusion, and Belonging Committee is an advisory committee of the Town.

C. Interrelationships.

(1) Town Council: The Diversity, Equity, Inclusion, and Belonging Committee interacts with the Town Council through the Town Manager in the development of policies and legislation.

(2) Town Manager: The Diversity, Equity, Inclusion, and Belonging Committee interacts with the Town Manager to communicate recommendations on Town procedures and policies. The Committee interacts with the Human Resources Department, for the purpose of providing professional assistance to the Committee.

(3) Other Bodies: As occasioned, the Diversity, Equity, Inclusion, and Belonging Committee interacts with a broad spectrum of multi-member appointed and elected bodies including the Elder Affairs Committee, Citizen Advisory Committee, Disabilities Commission, Library Trustees, Housing Authority, and Planning Board to carry out the Commission's responsibilities.

VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
This Ordinance was not referred to any committee. 14 days have elapsed, therefore it may be finally considered this evening.	

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, October 25, 2022, to approve the aforementioned Ordinance, by a Roll-call vote 9-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk



Bridgewater Town Council

Introduced By: Councilors Chase and Rushton
Date Introduced: 9/27/2022
First Reading: 9/27/2022
Second Reading: 10/25/2022
Amendments Adopted: 10/25/2022
Third Reading:
Date Adopted: 10/25/2022
Date Effective: 11/25/2022

Ordinance D-FY23-004: General Ordinance - Amend Administrative Code Article III - Section 26A Tree Committee

ORDERED, that the Town Council assembled votes to amend the following:

Section 26A. Tree Committee

A. Establishment and Term of Office. There shall be a Tree Committee consisting of seven members: five voting members and two non-voting members. The Town Manager shall, based upon recommendation from the respective committees, appoint the following voting members: one member of the Planning Board; one member of the Open Space Committee; and one member of the Bridgewater Improvement Association. The Town Manager shall appoint two voting members-at-large, at least one of which shall be a certified arborist, landscape architect, or an individual with comparable experience and training. The Bridgewater Tree Warden and the Bridgewater Roadways Superintendent, or his designee, shall serve as non-voting members.

B. Authorities and Responsibilities. The Committee shall advise town officials, multiple member appointive bodies, and the general public to promote activities that encourage the planting, care, and management of all existing and new public trees. The Committee shall advise town officials and the Town Council, as the appropriating authority, on the use of monies collected through any tree cutting mitigation funds the Town may receive.

C. Interrelationships.

- (1) Town Manager: The Tree Committee interacts with the Town Manager to communicate recommendations on Town procedures and policies.
- (2) Town Council: The Committee reports its activities to the Council through the Town Manager.
- (3) Other Bodies: As necessary, the Committee interacts with other multiple member bodies within the Town on issues of mutual concern, including the Agricultural Commission, Community Preservation Committee, Energy Committee, Conservation Commission, Parks and Recreation Commission, Planning Board, Transportation Committee, and Zoning Board of Appeals.

VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Rules and Procedures	10/20/22: Voted 2-0 to recommend.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, October 25, 2022, to approve the aforementioned Ordinance with amendments, by a Roll-call vote 9-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk



Bridgewater Town Council

Introduced By:	Councilor Chase
Date Introduced:	10/11/2022
First Reading:	10/11/2022
Second Reading:	11/15/2022
Amendments Adopted:	
Third Reading:	12/20/2022
Date Adopted:	12/20/2022
Date Effective:	1/20/2023

Ordinance D-FY23-005 General Ordinance - Amend Article II. Sec. 14. Citizens Comments

WHEREAS, the Town Council encourages active participation by citizens during meetings of the Town Council and has dedicated specific segments of each regular meeting of the Town Council for such purpose, designating such periods as “Citizen Open Forum” and “Citizen Comments”; and

WHEREAS, the “Citizen Open Forum” and “Citizen Comments” periods of meetings of the Town Council are essential opportunities for the Town Council to receive comment from residents of the Town relative to proposed legislation, public safety issues and all other matters of public concern; and

WHEREAS, this Section further provides opportunities for participation during said “Citizen Open Forum” and “Citizen Comments” periods by non-residents, subject to an approval vote of the Town Council; it is hereby

ORDERED, that the Town Council assembled votes to amend the Town Charter, Article II, Section 14, by rescission of the second paragraph thereof and substitution therefor by the following:

A non-resident of the Town desirous of an opportunity to address the Town Council during a “Citizen Open Forum” or “Citizen Comments” period of a meeting of the Town Council shall be permitted to do so, subject to compliance with the following provisions:

1. Not less than six (6) hours prior to the designated time of commencement of the meeting of the Town Council at which the non-resident wishes to speak, a written request to address the Town Council must be received by the Town Council Clerk from such non-resident via email (addressed to towncouncilclerk@bridgewaterma.org, which shall include:
 - a) The name and street address of said non-resident.
 - b) The name and street address of a resident of the Town who shall be deemed to have invited the non-resident to address the Town Council.
 - c) A brief description of the subject matter upon which the non-resident shall speak.

VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

d) If applicable, a non-resident may include a brief statement of the educational, occupational or other training, experience or qualification upon which basis the non-resident professes information, knowledge or expertise, if any, to opine on the subject matter.

2. Within six (6) hours prior to the designated time of commencement of the specific meeting of the Town Council at which the non-resident wishes to speak, but in no case less than two (2) hours prior to such designated time, the Town Council Clerk shall electronically forward to each member of the Town Council a copy of the written request received from such non-resident.

3. During the "Citizen Open Forum" or "Citizen Comments" periods of the meeting, the Town Council assembled shall consider a motion, duly made and seconded, to permit said non-resident to address the Council. An affirmative vote by a majority of the Council members present and voting shall be required to permit the non-resident to address the Council.

Business Owners and Real Property Owners

Notwithstanding the foregoing, the owner of record of a business, real property or leasehold interest in real property located within the Town who is a non-resident of the Town shall be permitted to address the Town Council.

All other provisions of this Section 14 shall be applicable to non-residents.

EXPLANATION:

The "Citizen Open Forum" and "Citizen Comments" periods are intended for solicitation of input from residents. Comment from a non-resident may, at times, also furnish valuable insight and should be allowed. Presently, the Council is presented with a request from a non-resident without advance notice and without any opportunity to properly identify the non-resident or in some instances, evaluate the experience or background upon which basis the non-resident purports to speak. This proposed amendment would provide an opportunity for Council members to, should they individually so-choose, personally ascertain the identity of a non-resident seeking permission to speak during a meeting of the Council.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, December 20, 2022, to approve the aforementioned Ordinance, by a Roll-call vote 8-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules and Procedures	• 11/10/22: Voted 3-0 to recommend

VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

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Attachments: None



Bridgewater Town Council

Introduced By: William Wood, Councilor
Date Introduced: 1/10/2023
First Reading: 1/10/2023
Second Reading: 1/24/2023
Amendments Adopted:
Third Reading: 2/21/2023
Date Adopted: 2/21/2023
Date Effective: 3/21/2023

Proposed Ordinance D-FY23-007: Acceptance of Local Tax Option - Retail Marijuana Tax

WHEREAS, The Town of Bridgewater is allowed under Massachusetts General Law to tax Retail Marijuana and has not yet set a tax rate;

NOW THEREFORE, the Town Council assembled votes to accept M.G.L, Chapter 64N, Marijuana Tax, Section 3, Local Tax Option, and sets the tax rate to be 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

Explanation:

This will set the tax rate to 3% on Retail Marijuana sales.

Committee Referrals and Dispositions:

Referral(s)	
<ul style="list-style-type: none">Budget and Finance	1/23/23: Voted 3-0 to recommend
<ul style="list-style-type: none">Finance Committee	1/23/23: Voted 6-0 to recommend

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, February 21, 2023, to approve the aforementioned Ordinance, by a Roll-call vote 8-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk



Bridgewater Town Council

Introduced By: William Wood, Councilor
Date Introduced: 1/10/2023
First Reading: 1/10/2023
Second Reading: 1/24/2023
Amendments Adopted:
Third Reading: 2/21/2023
Date Adopted: 2/21/2023
Date Effective: 3/21/2023

Proposed Ordinance D-FY23-008: Cash Policy - Retail Marijuana Tax Reserve Fund

Ordered, that the Town of Bridgewater accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts from the sale of marijuana products to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023.”

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">• Budget and Finance	1/23/23: Voted 3-0 to recommend
<ul style="list-style-type: none">• Finance Committee	1/23/23: Voted 6-0 to recommend

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, February 21, 2023, to approve the aforementioned Order, by a Roll-call vote 8-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk



Bridgewater Town Council

Introduced By: Town Manager
Date Introduced: 4/18/2023
First Reading: 4/18/2023
Second Reading: 5/9/2023
Amendments Adopted:
Third Reading:
Date Adopted: 5/9/2023
Date Effective: 6/9/2023

Ordinance D-FY23-010: Establish Stabilization Fund - Opioid Legal Settlements

WHEREAS, The Town of Bridgewater desires to create a special purpose stabilization fund to segregate monies owed to the Town from opioid legal settlements, and

WHEREAS, The Town is required to accept the fourth paragraph of c. 40, Section 5B in order to create such a stabilization funds, and

WHEREAS, the Town Council has the authority under section 2-2 of the Town Charter to accept provisions of Massachusetts General Law,

NOW, THEREFORE, The Town Council assembled votes to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">Budget and Finance	5/9/23: Voted 2-0 to recommend
<ul style="list-style-type: none">Finance Committee	4/24/23: Voted 5-0 to recommend

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, May 9, 2023, to approve the aforementioned Ordinance, by a Roll-call vote 9-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk



Bridgewater Town Council

Introduced By: Town Manager
Date Introduced: 4/18/2023
First Reading: 4/18/2023
Second Reading: 5/9/2023
Amendments Adopted:
Third Reading:
Date Adopted: 5/9/2023
Date Effective: 6/9/2023

Ordinance D-FY23-011: Special Purpose Stabilization Fund - Opioid Settlement

WHEREAS, The Town Council finds it is necessary to segregate funds received as revenue from legal settlements associated with opioid litigation, and

WHEREAS, The Town of Bridgewater has accepted the fourth paragraph of c. 40, section 5B, which allows the creation of a special stabilization fund, and

WHEREAS, The Town Council has the authority under section 2-2 of the Bridgewater Town Charter to create a special purpose stabilization fund,

NOW, THEREFORE, The Town Council dedicates 100 percent of the monies received from opioid settlements or litigation to the Opioid Settlement Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for the fiscal year beginning on July 1, 2023.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">Budget & Finance	<ul style="list-style-type: none">5/9/23: Voted 2-0 to recommend
<ul style="list-style-type: none">Finance Committee	<ul style="list-style-type: none">4/24/23: Voted 5-0 to recommend

Attachments: None

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, May 9, 2023, to approve the aforementioned Order, by a Roll-call vote 9-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk



Bridgewater Town Council

Introduced By: Kevin Perry, Councilor
Date Introduced: 4/18/2023
First Reading: 4/18/2023
Second Reading: 6/6/2023
Amendments Adopted:

Third Reading:
Date Adopted: 6/6/2023
Date Effective: 7/6/2023

Ordinance D-FY23-012: General Ordinance - Section 10-D-(5) Flow Neutral Regulation - Sewer Regulations

ORDERED, that the Town Council assembled votes to amend the sewer regulations as noted on the attached:

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">Rules & Procedures	<ul style="list-style-type: none">5/25/23: Voted 3-0 to recommend

Attachments: 1. 2023-4-11 Flow Neutral Reg DRAFT v.3

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, June 6, 2023, to approve the aforementioned Ordinance, by a Roll-call vote 8-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk

VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Section 10-D-(5) - Flow Neutral Regulation for Present and Future Wastewater Treatment Systems/ Sewer Service Areas.

§5-1 Purpose

In order to manage present and future wastewater flows for the purposes of compliance with present and future groundwater quality standards, preserving the environmental qualities of the Town, and supporting broader community wastewater treatment and disposal planning objectives, the Town adopts this Flow Neutral Regulation for Present and Future Wastewater Treatment Systems and Sewer Service Areas. This regulation shall be supplemental to any and all other applicable statutes, regulations, bylaws, rules, and regulations, including, without limitation, the requirements of 310 CMR 15.000: Septic Systems (Title 5), as such may be amended from time to time, or any orders or directives issued pursuant thereto, and nothing herein shall exempt the owner of any property in the Town therefrom.

§5-2 Applicability.

This Chapter shall apply to all property located in the Town which is, or shall in the future be, serviced by an on-site wastewater treatment system (OWTS) pursuant to Title 5 or connected to a private or public wastewater treatment system. The present and future wastewater flows to any such OWTS or sewer system shall, pursuant to this regulation, be limited to the flows permitted from such properties as of the effective date of the Bridgewater Comprehensive Wastewater Management Plan (CWMP) May 2020.

§5-3 Mandatory Sewer Connection; Elimination of Septic Systems in Sewer Service Areas.

- A. The requirements for mandatory connection of parcels of property located in Town designated sewer service areas to the public sewer system shall be defined in regulations adopted by the Bridgewater Town Council.
- B. Within thirty (30) days of a property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Health Department regulations.

§ 5-4 Determination of Wastewater Flow.

For purposes of this Chapter, wastewater flow to onsite sewage disposal systems and to private/public wastewater treatment systems shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15 (Title 5); or 2) water meter data provided by the Bridgewater, as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Bridgewater. Any structure, legally in existence as of May 2020, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, and the number of bedrooms in the Assessor's records as of May 2020, are presumed to be accurate.

The flow allocations for present and future sewer service areas for treatment at the Morris Avenue Wastewater Treatment Plant are as listed in *Appendix S-Wastewater Flow Summary* in Bridgewater's Comprehensive Wastewater Management Plan date May 2020.

(1) Existing Permitted Flow: 1.000 MGD, which is the sum of:

- Areas sewered prior to the Town's 2020 Comprehensive Wastewater Management Plan: 0.851 MGD unspecified flow, and
- 0.150 MGD from Bridgewater State University

(2) Existing Sewer future flow from Infill 0.091MGD

(3) Future Flow from Needs Areas 0.074 MGD

(4) Future Flow from Development/Re-development 0.281 MGD

These flow allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice of project change to a comprehensive wastewater management plan, and (3) approval from MA Department of Environmental Protection.

§ 5-5 Modifications to Existing Parcels or Changes in Use in Sewer Service Areas.

A. Single-family residences.

1. Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms beyond those permitted in Subsection A.1. and 2. above shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

B. Multifamily residences.

1. Existing development. Modifications of an existing multifamily residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

C. Nonresidential development.

1. Existing development.
 - (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of July 1, 2015, by 310 CMR 15 (Title 5) are allowed by right.
 - (b) Modifications or changes of use that increase flow more than that allowed by right in Subsection C.1.(a) require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.
2. New development.
 - (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
 - (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

§ 5-6 Variances.

A. The Health Department (for on-site disposal systems) or Sewer Department (for sewer systems), after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance from the requirements of this regulation, provided both Subsection A.1 and 2. below are satisfied.

1. Sufficient capacity exists in the treatment facility, as determined by the Health Agent or Water Pollution Control Department, its agent/ designee, as appropriate. If sufficient capacity does not exist, then no variance shall issue.

2. With respect to an on-site Title 5 disposal system, should the Health Department determine sufficient capacity exists the applicant must then demonstrate that a septic system for the total number of bedrooms or nonresidential flow requested meeting the provisions of 310 CMR 15.000 (Title 5), without significant variances, can be sited on the parcel.

B. The Health Department may, at its sole and absolute discretion, issue a variance that, in its judgement, could be granted without substantially derogating from the intent or purpose of this regulation should the applicant fail to satisfy criteria in § 5-6A.2 above.

§ 5-7 Rebuilding a Structure Due to Casualty Loss.

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

§ 5-8 Transferability of Flow Capacity.

The number of bedrooms or permitted flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the determination of number of bedrooms or flow on another parcel or another's right to a sewer connection, unless any such sale, transfer or exchange is authorized by a Health Department or Water Pollution Control Department regulation.

§ 5-9 Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 5-10 Violations and Penalties; Enforcement.

- A. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who shall continue any violation beyond the period permitted in Subsection A. shall be subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

The Health Department and Water Pollution Control Department, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

§ 5-7 Rebuilding a Structure Due to Casualty Loss.

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

§ 5-8 Transferability of Flow Capacity.

The number of bedrooms or permitted flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the determination of number of bedrooms or flow on another parcel or another's right to a sewer connection, unless any such sale, transfer or exchange is authorized by a Health Department or Water Pollution Control Department regulation.

§ 5-9 Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 5-10 Violations and Penalties; Enforcement.

- C. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- D. Any person who shall continue any violation beyond the period permitted in Subsection A. shall be subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

The Health Department and Water Pollution Control Department, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

Section 10-D-(5) - Flow Neutral Regulation for Present and Future Wastewater Treatment Systems/ Sewer Service Areas.

§5-1 Purpose

In order to manage present and future wastewater flows for the purposes of compliance with present and future groundwater quality standards, preserving the environmental qualities of the Town, and supporting broader community wastewater treatment and disposal planning objectives, the Town adopts this Flow Neutral Regulation for Present and Future Wastewater Treatment Systems and Sewer Service Areas. This regulation shall be supplemental to any and all other applicable statutes, regulations, bylaws, rules, and regulations, including, without limitation, the requirements of 310 CMR 15.000: Septic Systems (Title 5), as such may be amended from time to time, or any orders or directives issued pursuant thereto, and nothing herein shall exempt the owner of any property in the Town therefrom.

§ 5-2 Applicability.

This Chapter shall apply to all property located in the Town which is, or shall in the future be, serviced by an on-site wastewater treatment system (OWTS) pursuant to Title 5 or connected to a private or public wastewater treatment system. The present and future wastewater flows to any such OWTS or sewer system shall, pursuant to this regulation, be limited to the flows permitted from such properties as of the effective date of the Bridgewater Comprehensive Wastewater Management Plan (CWMP) May 2020.

§5-3 Mandatory Sewer Connection; Elimination of Septic Systems in Sewer Service Areas.

- A. The requirements for mandatory connection of parcels of property located in Town designated sewer service areas to the public sewer system shall be defined in regulations adopted by the Bridgewater Town Council.
- B. Within thirty (30) days of a property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Health Department regulations.

§ 5-4 Determination of Wastewater Flow.

For purposes of this Chapter, wastewater flow to onsite sewage disposal systems and to private/public wastewater treatment systems shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15 (Title 5); or 2) water meter data provided by the Bridgewater, as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Bridgewater. Any structure, legally in existence as of May 2020, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, and the number of bedrooms in the Assessor's records as of May 2020, are presumed to be accurate.

The flow allocations for present and future sewer service areas for treatment at the Morris Avenue Wastewater Treatment Plant are as listed in *Appendix S-Wastewater Flow Summary* in Bridgewater's Comprehensive Wastewater Management Plan date May 2020.

(1) Existing Permitted Flow: 1.000 MGD, which is the sum of:

- Areas sewered prior to the Town's 2020 Comprehensive Wastewater Management Plan: 0.851 MGD unspecified flow, and
- 0.150 MGD from Bridgewater State University

(2) Existing Sewer future flow from Infill 0.091MGD

(3) Future Flow from Needs Areas 0.074 MGD

(4) Future Flow from Development/Re-development 0.281 MGD

These flow allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice of project change to a comprehensive wastewater management plan, and (3) approval from MA Department of Environmental Protection.

§ 5-5 Modifications to Existing Parcels or Changes in Use in Sewer Service Areas.

A. Single-family residences.

1. Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms beyond those permitted in Subsection A.1. and 2. above shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

B. Multifamily residences.

1. Existing development. Modifications of an existing multifamily residence may

increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.

2. New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

C. Nonresidential development.

1. Existing development.
 - (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of July 1, 2015, by 310 CMR 15 (Title 5) are allowed by right.
 - (b) Modifications or changes of use that increase flow more than that allowed by right in Subsection C.1.(a) require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.
2. New development.
 - (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
 - (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

§ 5-6 Variances.

A. The Health Department (for on-site disposal systems) or Sewer Department (for sewer systems), after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance from the requirements of this regulation, provided both Subsection A.1 and 2. below are satisfied.

1. Sufficient capacity exists in the treatment facility, as determined by the Health Agent or Water Pollution Control Department, its agent/ designee, as appropriate. If sufficient capacity does not exist, then no variance shall issue.
2. With respect to an on-site Title 5 disposal system, should the Health Department determine sufficient capacity exists the applicant must then demonstrate that a septic system for the total number of bedrooms or nonresidential flow requested meeting the provisions of 310 CMR 15.000 (Title 5), without significant variances, can be sited on

the parcel.

B. The Health Department may, at its sole and absolute discretion, issue a variance that, in its judgement, could be granted without substantially derogating from the intent or purpose of this regulation should the applicant fail to satisfy criteria in § 5-6A.2 above.

§ 5-7 Rebuilding a Structure Due to Casualty Loss.

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

§ 5-8 Transferability of Flow Capacity.

The number of bedrooms or permitted flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the determination of number of bedrooms or flow on another parcel or another's right to a sewer connection, unless any such sale, transfer or exchange is authorized by a Health Department or Water Pollution Control Department regulation.

§ 5-9 Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 5-10 Violations and Penalties; Enforcement.

- A. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who shall continue any violation beyond the period permitted in Subsection A. shall be subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

The Health Department and Water Pollution Control Department, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

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Bridgewater Town Council

Introduced By: Fred Chase, Councilor
Date Introduced: 5/9/2023
First Reading: 5/9/2023
Second Reading: 7/11/2023
Amendments Adopted:
Third Reading: 8/8/2023
Date Adopted: 8/8/2023
Date Effective: 9/8/2023

Proposed Ordinance D-FY23-013: Zoning Ordinance - Amend Article III, Section 23 (a) Planning Board

WHEREAS, In accordance with provisions of Section 2-6 of the Bridgewater Home Rule Charter relative to amendments to the Zoning Code, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Zoning Code Article 10.4.3 to now read:

SECTION 10.4 PLANNING BOARD

10.4.3 Alternate Member. The position of alternate member shall sit on the Board for the purpose of acting on all matters that a full member may act on in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board.

Explanation:

The majority of the applications that come before the Planning Board are site plan reviews and anticipating the complexity of upcoming applications and the difficulty of ensuring that there is a quorum, this change would be prudent to make. It would allow the alternate member to sit on all matters when needed, not simply special permit applications. It also fixes the naming inconsistency between the zoning ordinance and the administrative code.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, August 8, 2023, to approve the aforementioned Ordinance, by a Roll-call vote 8-0.

A TRUE COPY ATTEST:

Debra Ward, Town Council Clerk

Committee Referrals and Dispositions:

VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Referral(s)	Disposition(s)
<ul style="list-style-type: none">• Planning Board	<ul style="list-style-type: none">• 6/21/23: Voted 5-0 to recommend

This ordinance has been advertised in the Enterprise.

Attachments: 1. Ordinance D-FY23-013 PB Recommendation to TC



Community & Economic Development Division
Economic Development/Planning

Municipal Office Building
66 Central Square
Bridgewater, MA 02324
508-697-0950

June 23, 2023

Erik Moore, President
Bridgewater Town Council
Academy Building
66 Central Square
Bridgewater, MA 02324

RE: Ordinance D-FY23-013 Zoning Ordinance – Amend Article III, Section 23 (a) Planning Board

Dear President Moore & Members of the Council:

At its meeting June 21, 2023, the Bridgewater Planning Board held a public hearing on the above referenced ordinance. The Planning Board voted unanimously (5-0) to recommend approval of the zoning changes, as presented, to Town Council regarding Section 10.4 Planning Board and Alternate Members.

Please do not hesitate to contact me with any questions you may have.

Sincerely,

Shane O'Brien

Shane O'Brien
Town Planner

Cc: Michael Dutton, Town Manager