

XXII. SEVERABILITY

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

XVII. EFFECTIVE DATE

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

18.0 WATERFORD VILLAGE SMART GROWTH OVERLAY DISTRICT (WVSGOD)

18.1 PURPOSE

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

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

18.2 DEFINITIONS

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

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

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

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in M.G.L. c.184, Section 31 and the requirements of Section 18.5.5 of this Bylaw.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Multifamily Use - Dwelling containing four or more dwelling units.

Open Space - the part or parts of land within the WVSGOD which are reserved or restricted for permanent open space. This space shall exclude parking areas and stormwater detention areas, but include required setbacks and walkways. The Open Space shall be open and unobstructed to the sky; however; trees, planting, arbors, flagpoles, sculptures, fountains, swimming pools, atriums, outdoor recreational facilities, such items as streetscape elements (lights, planters, benches, etc.), outdoor areas devoted to dining, cafe or similar uses, and

decorative surface treatments for sidewalks and other hard surfaces (such as pavers, cobblestones or concrete surface treatments designed to resemble pavers or cobblestones). and similar objects shall not be considered obstructions. Wetlands, as defined by the requirements of M.G.L. c.131, Section 40, may be included in the open space calculation.

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

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

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

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

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

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

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

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

Townhouse Use - Dwelling containing two or three dwelling units.

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

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

18.3 OVERLAY DISTRICT

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

18.4 APPLICABILITY OF WVSGOD

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

18.4.2 Underlying Zoning. The WVSGOD is an overlay district superimposed on all underlying zoning districts in all districts. To the extent that the provisions of this Section 18 are inconsistent with the provisions of the underlying zoning, the provisions of this Section 18 shall govern. The regulations for use, dimension, and all other provisions of the Zoning By-Law governing the underlying zoning district(s) shall remain in full force, except for those Development Projects undergoing development pursuant to this Section 18 or the maintenance, alteration, extension, reconstruction or expansion of an existing development which may be governed by the provisions of this Section 18. Within the boundaries of the WVSGOD, a developer may elect to either (i) develop a Development Project in accordance with the requirements of this Section 18, (ii) develop a project in accordance with the requirements of the regulations for use, dimension, and all other provisions of the Zoning By-law governing the underlying zoning districts, or (iii) maintain, alter, extend,

reconstruct or expand an existing development which was previously allowed by right or by special permit and which is allowed by right in the WVSGOD without the requirement of Plan Approval, provided such use is allowed in Section 18.6 hereof.

18.5 HOUSING AND HOUSING AFFORDABILITY

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

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

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

1. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
2. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
3. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
4. The WVSGOD shall not include the imposition of restrictions on age upon the entire District, but the development of specific Development Projects within the WVSGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Development Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Development Project shall be restricted as Affordable Housing.

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

18.5.5 Affordable Housing Restriction. Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be no less than thirty (30) years;
2. The name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the unit of Affordable Housing by address and number of bedrooms;
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law.

The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. A requirement that residents will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders.
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease Affordable Rental Housing shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or The Town of Bridgewater, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;
11. Provision that the restriction on an Affordable Rental Unit shall run with the rental Development Project or rental portion of a Development Project and shall run in favor of the Administering Agency and/or The Town of Bridgewater, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.
12. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

18.5.6 Administering Agency. An administering agency which may be the local housing authority, or other qualified housing entity shall be designated by the PAA. In a case where the administering agency cannot adequately carry out its administrative duties, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such agency shall ensure the following:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds;

18.5.7 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

18.5.8 Phasing. For any Development Project that is approved and developed in phases in accordance with Section 18.9.4, the proportion of Affordable Housing Units shall be consistent across all phases.

18.5.9 Computation. Prior to the granting of any Building Permit for the housing component of a Development Project, the applicant for such building permit must demonstrate, to the satisfaction of the PAA, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to The Town of Bridgewater.

18.5.1 No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 18.5 shall not be waived.

18.6 PERMITTED USES

18.6.1 Permitted Uses.

New Development Subdistrict:

The following uses are allowed as of right in the New Development Subdistrict:

1. Commercial uses, provided such commercial uses are located within 200 feet of Route 104:
 - a. Store serving local retail business needs of residents of vicinity (except adult uses are defined by G.L. c. 40A s. 9A);
 - b. Eating places serving food and beverages, no dancing or live entertainment permitted, and not including fast-food restaurants for the purchase of food to be consumed off of the premises
 - c. Business, financial, leasing or professional offices,
 - d. Office Service, such as Travel or Financial Agency
 - e. Service business serving local needs, including but not limited to beauty shops, barber shops, salons, dry cleaning facilities
 - f. Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic
 - g. Day nursery, nursery school, kindergarten or other agency excluding family day care home
 - h. Banks and similar financial institutions
2. Dwelling Units at a density of up to 22.5 units per acre.
3. Accessory Uses:
 - a. Parking, including surface, garage-under, and structured parking (e.g. parking garages). "Surface parking areas" shall include all areas devoted to parking other than structured or garaged parking.
 - b. Open space and Recreational Uses.
 - c. Privately owned wastewater treatment facility and leaching fields.
 - d. Accessory uses customarily incidental to any of the above permitted uses, including, without limitation, leasing offices, business centers, recreational facilities and similar such uses.

Substantially Developed Subdistrict:

1. Commercial uses, provided such commercial uses are located within 200 feet of Route 104:
 - a. Store serving local retail business needs of residents of vicinity (except adult uses are defined by G.L. c. 40A s. 9A);

- b. Eating places serving food and beverages, no dancing or live entertainment permitted, and not including fast-food restaurants for the purchase of food to be consumed off of the premises
- c. Business, financial, leasing or professional offices,
- d. Office Service, such as Travel or Financial Agency
- e. Service business serving local needs, including but not limited to beauty shops, barber shops, salons, dry cleaning facilities
- f. Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic
- g. Day nursery, nursery school, kindergarten or other agency excluding family day care home
- h. Banks and similar financial institutions

2. Dwelling Units at a density of up to 20 units per acre, including, without limitation, the maintenance, alteration, extension, reconstruction or expansion of an existing development which was previously allowed by right or by special permit and which is allowed by right in the WVSGOD, provided the requirements of Sections 18.7 and 18.8 of this Section 18 are met.

3. Accessory Uses:

- a. Parking, including surface, garage-under, and structured parking (e.g. parking garages). “Surface parking areas” shall include all areas devoted to parking other than structured or garaged parking.
- b. Open space and Recreational Uses.
- c. Privately owned wastewater treatment facility and leaching fields.
- d. Accessory uses customarily incidental to any of the above permitted uses, including, without limitation, leasing offices, business centers, recreational facilities and similar such uses.

Uses not authorized in this Section 18.6.1 are not allowed.

A Development Project may be located in more than one subdistrict, provided the use is allowed in both subdistricts and the other applicable provisions of this Section 18 are met.

18.7 DIMENSIONAL AND DENSITY REQUIREMENTS

18.7.1 Dimensional Requirements. Notwithstanding anything to the contrary in the Zoning By-law, the dimensional requirements for all projects in the WVSGOD are as follows. All dimensional requirements shall be computed based upon the entire WVSGOD rather than on a project basis or building by building basis:

WVSGOD District:

Minimum lot area per Dwelling Units	1,000 square feet
Minimum Frontage	100 feet
Maximum Building Height	70 feet or 6 stories
Minimum Setback from a Public Street	10 feet
Minimum Open Space	15%
Total Coverage by Buildings	75%
Minimum Front Yard	30 feet, except 200 feet from Route 104 for associated parking structures
Minimum Side Yard	20 feet
Minimum Rear Yard	15 feet

18.7.2 Density Requirements. The following density shall be allowed as of right in the WVSGOD: Residential Density of 22.5 units per acre in the New Development Subdistrict and 20 units per acre in the Substantially Developed Subdistrict.

18.7.3 Protective Buffers. A buffer area may be in the form of fencing, landscaping, earthen berms or any other appropriate screening, as specified in the Design Standards set forth in the attached Appendix A, to reduce impacts of lighting, noise and aesthetics. This buffer shall occur in the side and rear setback areas whenever residential uses or zones abut commercial development.

18.8 PARKING REQUIREMENTS

18.8.1 General. Notwithstanding anything to the contrary in this Zoning By-law, the parking requirements applicable in the WVSGOD are as follows.

18.8.2. Number of Parking Spaces. Unless otherwise approved by the PAA, the minimum numbers of off-street parking spaces below shall be provided by use, either in surface or on-street parking, within garages or other structures. The PAA may allow for a decrease in the required parking as provided in Section 18.8.3 and 18.8.4 below.

Residential Use	1.5 spaces per unit
Store serving local retail business needs of residents of vicinity; Eating places serving food and beverages, no dancing or live entertainment permitted, and not including fast-food restaurants for the purchase of food to be consumed off of the premises, Business, financial or professional offices; Office Service, such as Travel or Financial Agency; Service business serving local needs, including but not limited to beauty shops, barber shops, salons, dry cleaning facilities; Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic; Day nursery, nursery school, kindergarten or other agency excluding family day care home; Banks and similar financial institutions	3 spaces per 1,000 square feet of gross floor area
Mixed Use	Residential requirement plus nonresidential requirement

18.8.3. Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process or prior to submission of any application for a building permit, if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

18.8.4 Waiver of Parking Requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process or prior to submission of any application for a building permit if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

1. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus station or major transportation route;
2. The availability of public or commercial parking facilities in the vicinity of the use being served;
3. Shared use of off street parking spaces serving other uses having peak user demands at different times;
4. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;

5. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
6. Such other factors as may be considered by the PAA.

18.9 PLAN APPROVAL

18.9.1 Plan Approval. Any Application for a project requiring Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 18.9 through 18.14. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Development Projects shall be subject to the Plan Approval process:

1. Any Residential Project
2. Any Mixed Use Development Project;
3. Any Development Project consisting solely of non-residential uses; and
4. AnyDevelopmentProjectSeekingAWaiver..
5. Any expansion of an existing development which would increase the number of Dwelling Units over those which were in existence on the date of adoption of this Section 18.

18.9.2 Plan Approval Authority (PAA). The Planning Board consistent with M.G.L. c.40R and 760 CMR 59.00, shall be the PAA and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the WVSGOD.

18.9.3 PAA Regulations. The PAA may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations, if adopted, must be approved by DHCD.

18.9.4 Development Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Development Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 18.5.8.

18.10 PLAN APPROVAL PROCEDURES

18.10.1 Pre-application. Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive site plan for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas;
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Development Project design will be consistent with the Design Standards and Guidelines and the other requirements of the WVSGOD.

18.10.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, along with application fees which shall be as set forth in the PAA Regulations. The application shall be accompanied by site, engineering and landscaping plans and building elevations. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at an appropriate scale of at least one inch equals forty feet (1"=40'), or at a scale as approved in advance by the PAA, and shall show the following:

1. The perimeter dimensions of the lot; Assessors Map, lot and block numbers.

2. All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
3. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
4. All facilities for sewage, refuse and other waste disposal and for surface water drainage.
5. Landscaping plan, showing all proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract, with types, quantities, and sizes of proposed plantings.
6. Existing major natural features, including streams, wetlands and all trees six inches or larger in caliper (caliper is girth of the tree at approximately waist height).
7. Scale and North arrow (minimum scale of one inch equals 40 feet).
8. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
9. Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.
10. A marketing plan showing the proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type: number of one bedroom units, two-bedroom units, etc., if appropriate.
11. Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the applicant).
12. Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).
13. Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed: either one bedroom, two bedrooms or more.) The area in square feet of each typical unit should be indicated.
14. Developer's (or his representative's) name, address and phone number.
15. Any other information which may include required traffic study and in order to adequately evaluate the scope and potential impacts of the proposed Development Project, including a grading plan, parking layout plan, utilities plan, and lighting plan.
16. Evidence that the Development Project complies with cost eligibility requirements of Section 18.5.3.
17. Project plans that demonstrate compliance with the requirements of Section 18.5.4.
18. A form of Affordable Housing Restriction that satisfies the requirements of Section 18.5.5.

All plans and elevations presented with the application shall remain a part of the records of the PAA. The provision of the plan and the application shall be the sole responsibility of the applicant.

18.11 PROCEDURES

18.11.1 Filing. An Applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 15 copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

18.11.2 Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Building Department, Community Development Department, Conservation Commission, Fire Department, Health Department, Highway Department, Planning Board, Police Department, Sewer Department, Transportation Management Department, Water Department, the Administering Agency (for any Development Project subject to the Affordability Requirements of Section 18.5) for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

18.11.3 Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of M.G.L. c.40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

18.11.4 Peer Review. In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M.G.L. c.40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

18.12 DESIGN STANDARDS

18.12.1 General. Any Development Project undergoing the Plan Approval process shall be subject to the Design Standards set forth in the attached Appendix A. The purpose of such Design Standards is to ensure that the physical character of Development Projects within the WVSGOD will be complementary to nearby buildings and structures, will be consistent with the Comprehensive Housing Plan, and will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the Town or in the region of the Town. All applications for Plan Approval shall comply, except where a specific waiver is granted, to such Design Standards and Guidelines.

18.13 DECISION

18.13.1 Waivers. Upon the request of the Applicant, the PAA may waive dimensional and other requirements of Section 18, including the Design Standards and Guidelines of Appendix A, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the WVSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section 18.

18.13.3 Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. The applicant has submitted the required fees and information as set forth herein and in the PAA Regulations, if applicable; and
2. The Project and site plan meet the requirements and standards set forth this Section 18, or a waiver has not been granted therefrom; and
3. Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Development Project subject to the Affordability requirements of Section 18.5, compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 18, or to mitigate any extraordinary adverse potential impacts of the Development Project on nearby properties.

18.13.4 Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth herein; or
2. The Project and site plan do not meet the requirements and standards set forth this Section 18, or a waiver has been granted therefrom; or
3. It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.

18.13.5 Form of Decision. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision shall be provided to the Building Inspector. A copy of the decision or application bearing such certification shall be recorded in the Plymouth County Registry

of Deeds, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

18.13.6 Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that initial construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended in the Development Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Development Project.

18.14 CHANGE IN PLANS AFTER APPROVAL BY PAA

18.14.1 Minor Change. After Plan Approval, an Applicant may be apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Minor changes, for the purposes of this Section 18.14.1, shall mean those changes which do not result in an increase of over ten percent (10%) in impacts to traffic, water, wastewater or other similar environmental conditions. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Building Inspector.

18.14.2 Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

18.15 SEVERABILITY

If any provision of this Section 18 is found to be invalid by a court of competent jurisdiction, the remainder of Section 18 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 18 shall not affect the validity of the remainder of the Zoning By-law.

APPENDIX A

I. DISTRICT DESIGN STANDARDS

In order to have high quality design that respects the architectural features of the existing structures as well as the character of Bridgewater, the following design standards are established. These standards are intended to be applied flexibly by the Plan Approval Authority (as defined in the WVSGOD, the “PAA”) and may be waived at the discretion of the PAA to enable the purpose of this District to be realized.

II. SITE PLANNING

1. Residential Open Space.
 - a. Maintain set backs as required in the WVSGOD to preserve building context.
 - b. Create a courtyard-style open space that is accessible to the public view.
 - c. Where practicable retain existing trees and plantings.
2. Parking and Vehicle Access.
 - a. Preserve and enhance the pedestrian environment by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken by vehicular access and parking.
 - b. Limit the number of driveways that enter or exit over the main frontage sidewalks.
 - c. Screen from view by use of planting or landscape structures, surface parking areas facing adjacent properties.
 - d. Parking areas shall be setback from streetlines and property lines a minimum of five feet (5’).
 - e. Multi-purpose parking areas paved with unit pavers are encouraged (i.e., areas that serve both parking and public open space needs).

III. EXTERIOR FINISH MATERIALS

Building exteriors should be constructed of durable and maintainable materials. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.

1. Consider wood or quality vinyl shingles, clapboard, Hardiplank or Fypon, and cement plaster stucco residential structures.

caliper four feet (4') above grade, be of a species common to the area, and reach an ultimate height of at least thirty feet (30'). Credited shrubs must be at least thirty inches (30") in height at the time of planting, each an ultimate height of at least four feet (4') (except where lower height is necessitated for egress visibility as determined by the inspector of buildings) and be of an evergreen species common in the area. Plantings shall average at least one (1) tree per forty linear feet (40') of planting area length and at least one (1) shrub per three feet (3'). Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be located wholly within the lot.

- c. Street Plantings. Plantings are required along the entire street frontage for nonresidential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings shall be located within fifteen feet (15') of the street property line.
- d. Parking Area Plantings. A minimum of two percent (2%) of the interior area of parking lots containing thirty (30) or more spaces must be planted. A minimum of one (1) tree and four (4) shrubs exclusive of any required perimeter plantings must be planted for every 1,500 square feet of parking lot. Planting areas must each contain not less than thirty (30) square feet of unpaved soil areas. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.
- e. Buffer Strip Plantings. Buffer strip plantings shall be provided in required buffer strips and for any premises along the full length of any boundary abutting or extending into a residential district. Required plantings shall be located within ten feet (10') of the boundary line.
- f. Screening.
 - i. Applicability. Screening is required to obscure visibility from beyond the boundaries of the premises as follows: in residential districts for parking areas of seven or more spaces, if otherwise visible at normal eye level within a residential district within fifty feet (50') of the lot line.
 - ii. Materials. Screening as required shall consist of plantings of species, size and spacing to effectively obscure vision within fifty (50) years of expected growth, must be supplemented by an opaque fence or wall at least six feet (6') tall.
- g. Existing Vegetation. Whenever possible, the above requirement shall be met by retention of existing plants. If located within twenty-five feet (25') of a street, no existing tree of six inches (6") caliper or greater (measured four feet (4') above grade), dense hedgerow of four or more feet (4') in both depth and height, or existing earth berm providing similar visual screening shall be removed or have grade changed more than one foot (1') unless dictated by plant health, access safety, or identification of the premises.
- h. Maintenance. All plant materials required by this bylaw shall be maintained in healthful condition. Dead limbs shall be promptly removed and dead plants shall be promptly be replaced at the earliest appropriate season. Any fences required for screening shall be property maintained.
- i. Nonconforming Landscaping and Screening.
 - i. Continuation. Any improvement along the property boundary, including landscaping, screening, and fencing, legally erected may continue to be maintained, even though the boundary improvements do not conform to this Section.
 - ii. Change. Such boundary improvements shall not be enlarged, redesigned, or altered except so as to make them conform to said requirements. Any such boundary improvements which have been destroyed or damaged to such an extent that the cost of restoration would exceed fifty percent (50%) of the replacement value of the boundary improvements at the time of destruction or damage, shall not be repaired, rebuilt, or altered, except to conform to the requirements of this bylaw.
 - iii. The exemption for nonconforming landscaping and screening herein granted shall terminate with respect to any boundary improvements which
 - (1) shall have been abandoned or
 - (2) shall not have been repaired or properly maintained for at least sixty days after notice to that effect has been given by the inspector of buildings.

4. Environmental Protection Requirements.

- a. Storm Water Management. The design and construction of stormwater management systems for development subject to Development Plan Review will be consistent with the following:
 - i. Discharging untreated stormwater runoff directly into rivers, streams, watercourses, or increasing the volume, rate, or further degrading the quality of existing discharges/runoff is prohibited.
 - ii. Post-development peak runoff shall be maintained at or below pre-development peak runoff rates.
 - iii. Storm runoff shall be routed through structural and nonstructural systems designated to increase time of concentration, decrease velocity, increase infiltration, and allow suspended solids to settle and remove pollutants. These systems shall utilize subsurface infiltration as the primary technique to treat runoff and shall be designed to remove eighty percent (80%) of the annual average Total Suspended Solids (TSS).
 - iv. When in the opinion of the Town Engineer subsurface infiltration of runoff is deemed infeasible because of soil conditions, retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat

- runoff. However, there shall be a minimum of two feet (2') of naturally occurring solids between the basin bottom and ground water table or six inches (6") of naturally occurring solids if an impermeable barrier is placed between the basin bottom and ground water table.
- v. Storm management systems shall have an operation and maintenance plan to ensure that systems functions as designed.
 - b. Erosion Control.
 - i. Any area of bare earth exposed through building or site development or demolition must be permanently stabilized through replanting, paving, or other means of eliminating wind or water erosion. The PAA may require that a performance bond be posted in an amount sufficient to assure completion of such work.

All construction must comply with the following. An erosion control plan shall be submitted for every development which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership, and for developments exposing 20,000 to 60,000 square feet of bare earth in areas having existing slopes in excess of ten percent (10%), highly erodable soils, or other conditions determined by the PAA to necessitate such a plan. Such a plan shall have sufficient information on existing and proposed topography, vegetation, and control measure to allow determination of compliance.

 - (1) Stripping of vegetation, regarding, or other development shall be done in a way which will minimize soil erosion.
 - (2) Whenever practical, trees and other natural vegetation shall be retained, protected, and supplemented.
 - (3) The disturbed area shall be kept to a minimum.
 - (4) Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
 - (5) Sediment basins (debris, desilting basins or silt traps) shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.
 - (6) A ground cover sufficient to retain erosion must be planted or otherwise provided within thirty (30) working days, season permitting, on any portion of the tract upon which further active construction is not to be undertaken.
 - (7) The development plan or land-disturbing activity shall be fitted to the topography and soils so as to minimize erosion potential.
 - c. Tree Protection. Location and design shall not cause avoidable removal or damage to any tree exceeding twelve (12) inches trunk diameter four and one-half feet (4 ½') above grade.

SECTION 19

MIXED USES (CBD)

(Adopted 9/3/2013/Effective 10/4/13) (Amended 10/12/2018 – D-FY19-001)

19.01 Purpose:

The purpose of this section is to allow for the redevelopment of the Central Business District to expand small retail and restaurant uses while providing flexibility to respond to changing household sizes and needs.

19.02 Powers and Administrative Procedures

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Mixed Use Development. The SPGA shall adopt rules relative to the issuance of special permits for Mixed Use Development and file a copy with the Town Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A.

In all matters in which it has jurisdiction to issue use Special Permits pursuant to the provisions of this Section, the Planning Board may issue such Special Permits only upon a finding that the proposed use is in harmony with the general purpose and intent of this Section. Any such Special Permit shall be subject to such conditions and safeguards as the Planning Board may prescribe and shall include design guidelines applicable to development of the site. In reviewing any application for such a Special Permit, the Planning