

A weekly meeting of the Board of Selectmen was held on Monday, May 21, 2012 at 7:30 pm.

Present: Martin Crowley, Chair; Robert M. Condon, Clerk; Brian Connors; George G. Samia, Town Administrator; Catherine Johnson, Administrative Assistant

Pledge of Allegiance

Open Forum

No one present

Joint Appointment

Finance Committee members were present to vote on End of Year Budget Transfers according to Ch. 44, S33B.

M/Tattrie, s/Foley, a unanimous vote, approve the following End of Year Transfers:

Total Amount Transfer From:	1-750-520-5903 (\$11,000.00)
	1-910-520-5172 (\$45,000.00)
	1-910-520-5175 (\$51,101.00)
	1-210-510-5184 (\$39,721.00)
	1-220-510-5132 (\$25,000.00)
	1-220-510-5126 (\$ 4,000.00)
	1-220-510-5134 (\$ 8, 500.00)
	1-420-210-5117 (\$20,000.00)
	65-450-520-5272(\$ 25.00)
Total Amount Transfer To:	1-131-520-5731 (\$ 8.00)
	1-151-520-5304 (\$20,000.00)
	1-176-510-5126 (\$ 23.00)
	1-192-510-5162 (\$ 50.00)
	1-192-510-5166 (\$ 550.00)
	1-192-520-5211 (\$ 2,500.00)
	1-193-520-5740 (\$ 3,138.00)
	1-196-520-5410 (\$26,000.00)
	1-210-511-5148 (\$35,500.00)
	1-210-520-5575 (\$ 4,221.00)
	1-220-511-5164 (\$10,732.34)
	1-220-511-5148 (\$ 6,416.48)
	1-220-511-5141 (\$20,351.18)
	1-300-563 (\$ 4,920.00)
	1-300-832 (\$37,375.00)
	1-420-1109-5960(\$ 25.00)
	1-420-520-5245 (\$20,000.00)
	1-424-520-5212 (\$ 6,000.00)
	1-424-520-5213 (\$ 276.00)
	1-610-510-5160 (\$ 470.00)
	1-610-510-5211 (\$ 5,765.00)
	65-450-1109 (\$ 25.00)

M/Condon, s/Connors, a unanimous vote, approve the above-mentioned End of Year Transfers.

Appointment

Finance Committee, Capital Improvement Committee, Town Counsel, Town Accountant, Town Administrator, Town Moderator, Town Clerk and Treasurer to go over the Annual Town Meeting

MCondon, s/Connors, a unanimous vote, approve to place the following articles on the Annual Town Meeting warrant:

ARTICLE 1 – To see if the Town will vote to accept the reports of the Town Officers and Committees and verbal reports; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 2 – To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with Mass Highway for the construction and maintenance of public highways for the fiscal year commencing July 1, 2012; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 3 – To see if the Town will vote to raise and appropriate and/or appropriate and transfer the sum of \$600,769.48 from available funds to Account No. 82-122-911-4971, Expendable Trusts, Selectmen Capital Stabilization Fund; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 4 – To see if the Town will vote to amend the East Bridgewater Town Bylaws by adopting and adding the follows:

PART SIX – FINANCIAL

II. TOWN BUILDINGS MAINTENANCE STABILIZATION FUND

A Town Buildings Maintenance Stabilization Fund bylaw for the purpose of creating a stabilization fund pursuant to MGL, Chapter 40, Section 5B, and establishing the approval process and funding requirements for maintenance for all Town Buildings and Town Building Maintenance Projects which qualify for an appropriation from the TOWN BUILDINGS MAINTENANCE STABILIZATION FUND. In order for a project to qualify for an appropriation from the TOWN BUILDINGS MAINTENANCE STABILIZATION FUND and to come before Town Meeting to secure funding, all of the following criteria must be met:

1. All Town Buildings Maintenance Stabilization Fund requests must first be re-viewed and approved by the Facilities Committee, and said committee shall confirm that the request satisfies one or more of the following requirements:
2. All Town Buildings Maintenance Stabilization Fund requests must be submitted to the Finance Committee for review and comment.
3. All Town Buildings Maintenance Stabilization Fund requests must be submitted as a warrant article for the Board of Selectmen's review and approval. The Board, at its discretion, may vote to place the requested article on the Warrant or to reject the requested article.

4. Town Buildings Maintenance Stabilization Fund requests which comply with this bylaw may be presented at any Town Meeting and may be acted upon by Town Meeting provided that the then in effect quorum is present and provided further the funds for any Town Buildings Maintenance Stabilization Fund project may only be appropriated if two-thirds of the present and voting members of Town Meeting vote in the affirmative.
5. Town Buildings Maintenance Stabilization Fund requests must include all anticipated costs of the project.

or take any other action relative thereto.
Request of the Board of Selectmen

ARTICLE 5 – To see if the Town will vote to raise and appropriate and/or appropriate and transfer from available funds \$260,000.00, to Account No. 82-122-915-4971, Expendable Trusts, Selectmen, Town Buildings Maintenance Stabilization Fund; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 6 – To see if the Town will vote to raise and appropriate and/or appropriate and transfer from available funds the sum of money in the column entitled "Totals Recommended by Finance Committee for Vote" to be appropriated for the various purposes designated, each total recommended being considered a separate appropriation and that the Town vote to raise and/or appropriate from Taxation, Borrowing, Free Cash, Overlay Reserve or by Transfers from available Funds, such sums of money as may be required to defray town charges for the fiscal year ending June 30, 2013 and expressly for the following purposes; or take any other action relative thereto.

Request of the Finance Committee

ARTICLE 7 – To see if the Town will vote to accept the following compensation schedules and guidelines for certain Town Employees not participating in collective bargaining, for the fiscal year commencing July 1, 2012:

TOWN OF EAST BRIDGEWATER – LIBRARIES

Employee moves up to next step each July 1st until reaching maximum Step indicated below:

COMPENSATION SCHEDULE FY 2013

Job Title	Level	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Asst. Prof.		\$40,015	\$41,616	\$43,281	\$45,012	\$46,362	\$47,739
Director	Level 3						
Staff Librarian	Prof. Level 2	\$35,517	\$36,938	\$38,415	\$39,952	\$41,151	\$42,388
Admin. Asst.	Prof. Level 1	\$31,069	\$32,311	\$33,604	\$34,948	\$36,000	\$37,073
			\$17.07 hr.	\$17.75 hr.	\$18.46 hr.	\$19.20 hr.	\$19.78hr.
							\$20.37 hr.
Library Assoc.	Paraprof. Level 2	\$13.86 hr.	\$14.41 hr.	\$14.99 hr.	\$15.59 hr.	\$16.08 hr.	\$16.56 hr.

Library Paraprof. \$9.92 hr. \$10.31 hr. \$10.72 hr. \$11.15 hr. \$11.48 hr.
\$11.82 hr.

Aide Level 1

Page Clerk \$8.51 hr. \$8.85 hr. \$9.21 hr. \$9.57 hr. \$9.86 hr. \$10.16 hr.

Every new employee is appointed at a rate of pay not less than the minimum established for his/her grade. Upon recommendation of the appropriate hiring authority a new person may be employed at a salary above the minimum step of his/her grade.

POLICE SCHOOL SAFETY PATROL

CODE	JOB TITLE (description)	DAILY RATE July 1, 2012 to June 30, 2013
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Under 2 yrs.

CG-1 \$9.93	Central School Crossing	\$9.18
\$9.93	Middle School Crossing	\$9.18
\$9.93	West Union/North Central Crossing	\$9.18
CG-2 \$9.93	<i>Traffic Lights/Center Crossing</i>	\$9.18

Every new employee is appointed at a rate of pay not less than the minimum established for his/her grade. Upon recommendation of the appropriate hiring authority and with the approval of the Personnel Board, a new person may be employed at a salary above the minimum step of his/her grade.

GRADING/PAY SCHEDULE

CALL FIREFIGHTERS

FIREFIGHTERS/EMTA'S

Grade #1: \$9.00 per hour – Basic helper, general knowledge of location and use of all equipment; how to assist Officers, Permanent Men, Grade II and III Firefighters

Grade #2: \$10.00 per hour – Capable of Grade I qualifications plus being able to cover communications room (radios, telephone, alarm system, etc.)

Grade #3 \$11.00 per hour – Capable of Grade I and Grade II Firefighters plus Driver/Operator of Engine #1, Engine #2 and Ladder #1

No additional pay for being EMTA

Drill Pay – Two (2) hours pay per drill. Maximum of fifteen (15) drills per year.
Two (2) hour minimum pay per call

or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 8 – To see if the Town will vote to accept the following salary, wages and compensations for the following elected Town Officers for the Fiscal Year commencing July 1, 2012:

ELECTED OFFICIALS AND BOARDS

Moderator	\$ 500.00	Town Clerk	\$65,000.00
Board of Selectmen		Board of Health	
Chairman	\$2,500.00	Chairman	\$900.00
Clerk	\$2,500.00	Clerk	\$900.00
Third Member	\$2,500.00	Third Member	\$900.00
Board of Assessors			
Chairman	\$1,500.00		
Clerk	\$1,500.00		
Third Member	\$1,500.00		

or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 9 – To see if the Town will vote to authorize the following Revolving Fund for the period of July 1, 2012 to June 30, 2013 (as specified by Chapter 44 Section 53E ½ of the Massachusetts General Laws):

Fund Name:	Council on Aging (COA) Programs & Mini-Bus Revolving Fund
Revenue Source:	COA program fees and mini-bus fares receipts
Spending Authorization Given to Whom:	COA
Fund Purpose:	Exclusively to defray expenses for COA programs & Mini-bus repairs.
FY13 Spending Limit:	\$5,000.00

or take any other action relative thereto.

Request of the Council on Aging

ARTICLE 10 – To see if the Town will vote to authorize the following Revolving Fund for the period of July 1, 2012 to June 30, 2013 (as specified by Chapter 44 Section 53E ½ of the Massachusetts General Laws):

Fund Name:	Recreation Commission Activities Revolving Fund
Revenue Source:	Field usage rental fees and fund-raising activities undertaken by the Recreation Commission
Spending Authorization Given to Whom:	Recreation Commission

Fund Purpose: To fund recreational activities, field and equipment repairs, maintenance, and field development

FY13 Spending Limit: \$40,000.00

or take any other action relative thereto.

Request of the Recreation Commission

ARTICLE 11-- To see if the Town will vote to authorize the following Revolving Fund for the period of July 1, 2012 to June 30, 2013 (as specified by Chapter 44 Section 53E 1/2 of the Massachusetts General Laws):

Fund Name: Passport Photo Fees Revolving Account

Revenue Source: Fees generated from the sale of passport photographs

Spending Authorization Given to Whom: Veterans' Agent

Fund Purpose: To defray expenses for photo supplies associated with the sale of passport photos

FY13 Spending Limit: \$3,000.00

or take any other action relative thereto.

Request of the Veterans' Agent

ARTICLE 12 --To see if the Town will vote to accept the provisions of Chapter 73 Section 4 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988. Authorizing an increase of 50% for Property Tax Exemptions under Clause 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, and 41C of Section 5 of Chapter 59 of the General Laws for Blind, Elderly, Widowed, and Disabled American Veterans with a service connected disability for Fiscal 2013; or take any other action relative thereto.

Request of the Board of Assessors

ARTICLE 13 -- To see if the Town will vote to appropriate and transfer from Account No. 1-541-678-5317, Council on Aging, Mobile Asst Art #19, 2004, the sum of \$11,000.00, to Account No. 1-541-782-5870, Council on Aging, Mobile Assist Grant Town Match, for the purpose of re-appropriating unused funds voted by town meeting May 10, 2004 to meet the requirements of the Town's share of a Massachusetts Department of Transportation Mobility Assistance Program Grant for the Council on Aging to replace the current van that is considered beyond it's useful life; or take any other action relative thereto.

Request of the Council on Aging Director

ARTICLE 14 --To see if the Town will vote to appropriate and transfer from Account No. 65-0-359-3836, Water Enterprise Reserve Fund Balance, System Development, the sum of \$25,000.00 to Account No. 65-450-783-5830, Purge/Overhaul Well #3 for

the purpose of purging and overhauling Well #3 on Washington Street; or take any other action relative thereto.

Request of the DPW Director

ARTICLE 15 –To see if the Town will vote to appropriate and transfer from Account No. 1-0-350-3240, Free Cash, the sum of \$5,000.00 to Account No. 1-122-695-5318, Medical Bills, for the purpose of paying anticipated ongoing medical bills for a Town employee, injured while working on the job; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 16 –To see if the Town will vote to appropriate and transfer from Account No. 1-0-350-3240, Free Cash, the sum of \$8,800.00, to Account No. 1-301-1124-5241, MS Bubbler Replacement, for the purpose of replacing 8 nonworking bubblers at the Middle School; or take any other action relative thereto.

Request of the School Committee

ARTICLE 17 –To see if the Town will vote to appropriate and transfer from Account No. 1-0-350-3240, Free Cash, the sum of \$25,000.00, to Account No. 1-190-520-5790, Facilities Committee, Other charges & Expenses, for the purpose of funding any and all activities related to maintenance of all Town buildings; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 18 –To see if the Town will vote to appropriate and transfer from Account No. 1-0-350-3240, Free Cash, the sum of \$30,000.00, to Account No. 1- 141-1114-5316, FY 2013 Triennial Revaluation, for the purpose of conducting the fiscal 2013 Triennial Revaluation; or take any other action relative thereto.

Request of the Board of Assessors

ARTICLE 19 –To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$10,000.00 to Account No. 1-220-1118-5241, Rep Floor/Parking lot Cracks, for the purpose of repairing the cracks in the flooring and parking lot at the Fire Department, with the understanding that the work will be done when the new High School construction is completed; or take any other action relative thereto.

Request of the Acting Fire Chief

ARTICLE 20 –To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$10,000.00 to Account No. 1-210-1119-5241, Police Facilities Repair, for the purpose of repairs and maintenance to Police Department facilities. Repairs include \$6,000.00 for a 2-ton split, ductless air conditioning unit in the cellblock, \$1,500.00 for prepping, priming, painting cell floors and armory ceiling, \$500.00 for station garage door dispatch control and

\$2,000.00 for cellblock sinks, main water feed filter installation; or take any other action relative thereto.

Request of the Police Chief

ARTICLE 21—To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$16,000.00, to Account No. 1-301-1125-5241, for the purpose of replacing steam tables at the middle school; or take any other action relative thereto.

Request of the School Committee

ARTICLE 22—To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$25,000.00, to Account No. 1-301-1120-5850, MS & CS Wireless Device, for the purpose of installing wireless access devices throughout the Middle and Central Schools; or take any other action relative thereto.

Request of the School Committee

ARTICLE 23— To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$32,500.00, to Account No. 1-301-1121-5849, CS Freezer Repair, for the purpose of replacing refrigeration mechanicals for the walk-in freezer at the Central Elementary School kitchen; or take any other action relative thereto.

Request of the School Committee

ARTICLE 24— To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$35,000.00, to Account No. 1-122-1122-5303, Archival Data Svcs, for the purpose of disposal, construction and archival data base services for the records retention room located on the second floor of the East Bridgewater Town Hall; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 25— To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$40,000.00, to Account No. 1-301-1126-5241, CS Tile Repl Caf & Top FI, for the purpose of replacing the floor tiles in the classrooms on the top floor and the cafeteria in the Central School; or take any other action relative thereto.

Request of the School Committee

ARTICLE 26— To see if the Town will vote to appropriate and transfer from Account No. 82-122-911-5961, Capital Stabilization, the sum of \$46,000.00, to Account No. 1-210-1123-5870, Police Department, Replacement Vehicles, for the purpose of replacing two cruisers that have over 100,000 miles; or take any other action relative thereto.

Request of the Police Chief

ARTICLE 27– To see if the Town will vote to appropriate the sum of \$54,000.00 to replace the sinks in all of the students' bathrooms at the Middle School, and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$54,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the School Committee

ARTICLE 28– To see if the Town will vote to appropriate the sum of \$56,000.00 to purchase and install security cameras at various recreational facilities, for the purpose of expanding the town wide security system, and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$56,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 29– To see if the Town will vote to appropriate the sum of \$90,000.00 for the purchase and installation of a 30 ton chiller unit for the East Bridgewater Town Hall, and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$90,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 30– To see if the Town will vote to appropriate the sum of \$130,000.00 for the repair and related improvements of the Forge Pond Dam located on Willow Ave., and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$130,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the DPW Director

ARTICLE 31– To see if the Town will vote to appropriate the sum of \$185,000.00 for the roofing, painting, and overall general repairs on the East Bridgewater Town Hall, and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$185,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the Board of Selectmen

ARTICLE 32– To see if the Town will vote to appropriate the sum of \$225,000.00 for the reconstruction, repaving and related improvements of Bridge Street and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$225,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the DPW Director

ARTICLE 33 – To see if the Town will vote to appropriate the sum of \$245,000.00 for the reconstruction, repaving and related improvements of Winter Street from the Brockton town line to approximately Natalie Drive, and to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$245,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the DPW Director

ARTICLE 34– To see if the Town will vote to appropriate the sum of \$900,000.00 for the installation of approximately 5,000 feet of water main and other related infrastructure improvements on Spring Street and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$900,000.00 under M.G.L. Chapter 44, Section 7; or take any other action relative thereto.

Request of the DPW Director

ARTICLE 35– To see if the Town will vote to accept a deed in lieu of foreclosure pursuant to and in accordance with Mass. General Law c.60, s 77c (2002) and Massachusetts Department of Revenue Property Tax Bureau Information Guideline Release No. 02-206 for a certain parcel of land designated as Map 55, Block 10, on Crescent Street. The parcel is described as: Land with any buildings, containing 10.41+ Acres, located at Crescent Street, Map 55, Block 10, Book 34217 and Page 190. The outstanding tax amount of which as of May 8, 2012 was \$3,036.67; or take any other action relative thereto.

Request of Treasurer/Collector

ARTICLE 36– To see if the Town will vote to amend the Town By-Laws PART 3 OFFENSES AND PENALTIES: VI: JUNK DEALERS.

PART THREE - OFFENSES AND PENALTIES:

VI: JUNK DEALERS

By adopting and adding the following after the third paragraph:

The Chief of Police, or his designee, may, during regular business hours, enter upon any premises used by a licensed buyer or seller of Second Hand Articles /Junk Dealers for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in purchase or kept or stored in or upon said premises and all books and inventories relating thereto. Every such License holder, his clerk, agent, servant or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books and inventories. Additionally the license holder shall give a weekly written report of all purchasing transactions relative to the license. Said report shall be given to the police department. This report will contain the items purchased including serial numbers if applicable as well as positive identification of the person that sold the merchandise to the license holder. Said positive identification shall include the person's full name, current address, date of birth, and driver's license or state ID number. Whoever violates any provisions shall be punished by a fine of not less than fifty nor more than three hundred dollars or by imprisonment for not more than two months, or both; or take any other action relative thereto.

Request of the Police Chief

ARTICLE 37– To see if the Town will vote to accept the following streets or portions thereof, constructed by developers under the requirements of Subdivisions Control Law and as laid out by the Board of Selectmen on May 14, 2012 and a copy thereafter filed with the Town Clerk:

WHITMARSH LANE: as shown on a plan entitled: ROADWAY ACCEPTANCE AND AS-BUILT PLAN WHITMARSH LANE – PHASE II IN EAST BRIDGEWATER PREPARED FOR JANET A. THAYER BY P.M.P. ASSOCIATES, LLC AND DATED 12/28/2011, REVISION DATE 2/29/2012

HUDSON PLACE: as shown on a plan entitled: STREET AS-BUILT PLAN HUDSON PLACE, EAST BRIDGEWATER BY PILLING ENGINEERING GROUP, INC. AND DATED MARCH 19, 2012

HUDSON PLACE EXTENSION: as shown on a plan entitled: ROADWAY AS-BUILT PLAN HUDSON PLACE EXTENSION, EAST BRIDGEWATER FOR ON-COURSE DEVELOPMENT, L.L.C. BY SITEC CIVIL AND ENVIRONMENTAL ENGINEERING LAND USE AND PLANNING DATED 11-1-2010

or take any action relative thereto.

Request of the Board of Selectmen

ARTICLE 38– To see if the Town will vote to amend the current East Bridgewater Zoning By-Laws by adding the following:

Add to SECTION 2.B. GENERAL PROTECTIVE PROVISION

(6). A Virtual Home Business (VHB) shall be considered an allowed use in all residential dwelling units deemed to be in compliance with zoning in all zoning districts.

Add to SECTION 3. DEFINITIONS

VIRTUAL HOME BUSINESS (VHB) – A Virtual Home Business is intended to provide an opportunity for a business to be operated out of the business owner's primary residence.

To qualify as a VHB, the residential unit shall comply with each of the following five (5) requirements:

- 1) The VHB shall be operated by the primary occupant of the residential dwelling.
- 2) The VHB shall not employ or utilize non-resident personnel and/or employees on the residential premises.
- 3) The operation of the VHB shall not alter the existing exterior appearance of the residential structure in any way, including a complete prohibition of exterior signage.
- 4) The VHB shall be limited to utilizing no more than twenty-five per cent (25%) of the total building floor area and provided further that this use is clearly incidental to and secondary to the primary use of the dwelling unit as a residence.
- 5) The VHB shall not include recurring delivery and re-shipment of physical products or services requiring delivery of materials, or on-site clients/customers, at the residential location. No stock-in-trade shall be permitted at the residential location.

or take any other action relative thereto.

Request of the Planning Board.

ARTICLE 39-- To see if the Town will vote to amend the current East Bridgewater Zoning By-Laws by adding and modifying the following:

Add to Section 3. DEFINITIONS

COMMERCIAL ACCESSORY DWELLING UNIT (CADU) - A Commercial Accessory Dwelling Unit (CADU) is intended to provide supplementary housing that is integrated into existing or new commercial buildings to provide an owner occupied housing alternative for the small business owner.

To qualify as a CADU, the residential unit shall comply with each of the following three (3) requirements:

- 1) The unit must be contained within the principal commercial building.
- 2) The unit must be an accessory use to the primary business/commercial use, and as such shall not contain more than 50% (fifty percent) of the gross floor area of the principal building.
- 3) The unit shall be occupied by the owner of the business located within the same principle commercial building, and shall not be leased, rented, or otherwise occupied for residential purposes by a third party.

A Commercial Accessory Dwelling Unit (CADU) shall be a Special Permit Allowed Use in those business or industrial zoning districts where listed in the zoning district uses sections of this Zoning Bylaw. The Planning Board shall be the Special Permit Granting Authority for all Commercial Accessory Dwelling Unit Special Permits.

For the first 120 days after adoption of this section, the Special Permit Granting Authority may also allow up to two (2) additional Commercial Accessory Dwelling Units to be included in this CADU Special Permit if the Special Permit application clearly meets all of the following three (3) specific conditions:

- 1) The two additional units have been in existence and continuous use since January 1, 2005.
- 2) The two additional units met all requirements of all Building Codes when originally constructed, including having all applicable permits.
- 3) The two additional units meet all requirements of all Health Codes, including having all applicable permits.

This provision for two (2) additional CADU units shall automatically expire and no longer be in effect 120 days after this zoning change is adopted by Town Meeting.

Modify SECTION 5. ALLOWED USES

F. DISTRICT B-1 (BUSINESS 1)

(2). SPECIAL PERMIT ALLOWED USES

(a). Commercial Accessory Dwelling Unit (CADU), or Uses in Sections 5.F.(1).(b)., 5.F.(1).(c)., and 5.F.(1).(d)., above, if they are combined into a minor planned shopping center, or if any one use contains more than three-thousand (3,000) square feet but not more than five-thousand (5,000) square feet in total ground floor area.

Modify SECTION 5. ALLOWED USES

H. DISTRICT B-3 (BUSINESS 3)

(2). SPECIAL PERMIT ALLOWED USES

(d). Business or professional offices, and commercial accessory dwelling unit (CADU).

Modify SECTION 5. ALLOWED USES

I. DISTRICT B-4 (BUSINESS 4)

(2). SPECIAL PERMIT ALLOWED USES

(f). Hotels, motels, and inns for transients, tourist homes, and commercial accessory dwelling unit (CADU).

Add SECTION 5. ALLOWED USES

K. DISTRICT I-1 (INDUSTRIAL 1)

(2). SPECIAL PERMIT ALLOWED USES

(c). Commercial accessory dwelling unit (CADU)

or take any other action relative thereto.

Request of the Planning Board

ARTICLE 40-- To see if the Town will vote to amend the current East Bridgewater Zoning By-Laws by adding and modifying the following:

Modify SECTION 4. Establishment of Districts

F. The Flood Plain and Wetland Protection District shall be superimposed upon the districts established in this By-Law. Regulations pertaining to the FP District shall be in addition to the regulations of the underlying districts and other Town Laws and By-Laws, and shall include all special flood hazard areas as delineated ~~designated as Zone A, A1-30~~ on the East Bridgewater Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, dated July 17, 2012 ~~July 2, 1981~~, on file with the Town Clerk, which maps as well as accompanying East Bridgewater Flood Insurance Study are incorporated herein by reference. Additional detailed FEMA/FIRM Flood Plain requirements are included in Section 5.X.

Add to SECTION 5. ALLOWED USES

X. FEMA FLOOD HAZARD PROTECTIVE OVERLAY DISTRICT

ARTICLE I. STATEMENT OF PURPOSE

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

ARTICLE II. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

SECTION A. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The District includes all

special flood hazard areas within the Town of East Bridgewater designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of East Bridgewater are panel numbers 25023C0178J, 25023C0179J, 25023C0183J, 25023C0186J, 25023C0187J, 25023C0188J, 25023C0189J, 25023C0191J, 25023C0192J, 25023C0193J, 25023C0194J, 25023C0306J, and 25023C0307J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, and the Planning/Building Department.

SECTION B. BASE FLOOD ELEVATION AND FLOODWAY DATA

1. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

ARTICLE III. NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

ARTICLE IV. USE REGULATIONS

SECTION A. REFERENCE TO EXISTING REGULATIONS

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP

- (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

SECTION B. OTHER USE REGULATIONS

1. In Zone AE, along watercourses within the Town of East Bridgewater that have a regulatory floodway designated on the Plymouth County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.
3. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
4. There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, and Building Inspector for comments which will be considered by the appropriate permitting board prior to issuing applicable permits

ARTICLE V. PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions.

ARTICLE VI. DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

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NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised map.

or take any other action relative thereto.

Request of the Planning Board

ARTICLE 41- Will the Town vote to amend the Zoning Bylaw of the Town of East Bridgewater Section 5, Allowed Uses, A. District R-1 (Residence 1), subparagraph (1): by adding the following subsection to the list of allowed uses:

- (q) with a SPECIAL PERMIT (per Section 2 of this Bylaw) and SITE PLAN APPROVAL (per Section 13 of this Bylaw) restaurants with a gross square footage of not greater than 6,000 s. f. of gross floor area and not including of nightclubs; or take any other action relative thereto.

Request by Petition

Action Items

M/Condon, s/Connors, a majority vote, the minutes from the Executive Sessions for the following dates:


- a. August 8, 2011
- b. September 12, 2011
- c. January 23, 2012
- d. February 6, 2012
- e. March 5, 2012
- f. March 12, 2012
- g. March 19, 2012
- h. March 26, 2012
- i. April 2, 2012

Abstain – Crowley

M/Condon, s/Connors, motion to adjourn.

VOTE: Yes – Crowley, Condon, Connors; a unanimous vote in favor.

Meeting adjourned at 9:04 pm



Board of Selectmen Clerk