

TOWN OF
BRIDGEWATER
 MASSACHUSETTS
ZONING BYLAWS
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TOWN OF
BRIDGEWATER
MASSACHUSETTS
ZONING BYLAWS

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

SECTION 1
Purpose and Validity

1.10 ZONING PURPOSES

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

1.20 CONFLICT OF LAWS, VALIDITY, SERVERABILITY

- 1.21 In general, this bylaw is supplementary to other Bridgewater bylaws affecting the use, height, area and location of buildings and use of premises, but where this bylaw imposes a greater restriction in any respect than is imposed by other Bridgewater bylaws, the provisions of the bylaw shall prevail
- 1.22 The invalidity of any section or provision of the bylaw shall not invalidate any other section or provision thereof.

SECTION 2

Definitions

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

2.11 Street

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

(Amended 11/14/1994)

2.21 Lot

Section 81 -L of Chapter 41 of General Laws.

2.22 Lot-Line, Front

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

2.23 Lot Frontage

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

(Amended 11/14/1994)

2.24 Lot Width

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

2.25 Open Space

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

(Adopted 5/6/1991)

2.26 Lot Depth

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

(Adopted 5/4/1998)

2.27 Lot Coverage

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

(Adopted 5/3/1999)

2.31 Front Yard

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

2.32 Rear Yard

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

2.33 Side Yard

An area extending along a sideline of lot (between the front yard and the rear yard on such lot), and extending between the side lot line to the nearest point of the building for a side yard distance as established under Section 8.4.

2.40 Building Coverage

The measured exterior horizontal footprint of buildings and or structures (covered or enclosed) located on any lot. The maximum percentage of building coverage allowable on a lot shall be set forth in Section 8.40 (Land Space Requirements Table) of the Zoning By-Law.

(Adopted 5/3/1999)

2.41 Structures

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

2.42 Building

The word "building" shall mean any three-dimensional enclosure by any building materials of any space for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

2.43 Built, Erected

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

2.44 Story

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

2.45 Half-Story

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

2.46 Habitable-Space

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

2.51 Family

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

Approved by Atty. Gen. Oct. 19, 1981

2.52 One-Family Dwelling

A freestanding building exclusively for residential use by one family.

2.53 Two-Family Dwelling

A freestanding building exclusively for residential use by two families, but not more than two families.

2.61 Dwelling

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

2.62 Multifamily Building

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

2.71 Hotel

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

2.72 Lodging House

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

2.73 Motel

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

2.74 Home Occupation

An accessory use which is customarily conducted entirely within a dwelling or accessory structure, is incidental and subordinate to the dwelling use, occupies an area no greater than fifty percent of the gross floor area of the dwelling, includes no more than one non-resident employee, and does not in any manner change the residential character of the building or premises. Any retail sales of merchandise on premises shall not exceed two days per month nor eight days per calendar year.

2.81 Special Permit

A special permit is a use that would not be appropriate generally, or without restriction through the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as special permits, where specific provision for such special permits is made in this Zoning Bylaw.

Approved by the Atty. Gen. Aug. 26, 1983

2.82 Adult Bookstore

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

(Adopted 11113190)

2.83 Adult Motion Picture Theatre

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

(Adopted 11/13/90)

2.91 Regional Materials Recycling Facility

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

(Adopted 6/29/89)

2.92 Junk

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

2.93 Recyclable Material

Means a material is:

- (a) Not co-mingled or contaminated with significant amounts of inorganic waste or toxic constituents;
- (b) Handled in a manner which will not constitute a danger to the public health or safety or the environment;
- (c) Utilized as an ingredient or a feedstock in a process which will result in a beneficial use as a raw material or a finished product.
- (d) Not speculatively accumulated. A material is not speculatively accumulated if the person accumulating the material can demonstrate that
 - 1. The material is potentially recyclable;
 - 2. There exists a feasible means of recycling the material; and
 - 3. During the calendar year the amount of recyclable material that is processed or transferred to a different site for processing equals at least 75% by weight or volume of the amount of that material accumulated at the site during the calendar year.

2.94 Driveway

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

2.95 Common Driveway

A travel way which accommodates vehicular circulation between a STREET and no more than two adjoining LOTS. Such a way shall not be less than 22 feet in width as measured at the paved surface of the adjoining STREET.

2.96 Expanded Living Space (In-/aw living area)

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

(Adopted 111 12/96 S.TM.)

2.97 Trade, Professional and other Educational Uses

A facility for general and/or specialized education that meets all Federal, state and local licensing and certification requirements.

(Adopted 5/4198)

2.98 Adult Retirement Village (ARV)

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

(Adopted 51112000)

Mobile Home

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

(Adopted 11/13/2000)

Mobile Home Elderly Community (MHEC)

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

(Adopted 1111312000)

Screening

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

(Adopted 1112?72000)

Tattoo and/or Body Art Establishments and Practitioners

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

(Adopted 5/7/2001)

Parking Lot

A lot and/or area designated for the parking of motor vehicles, which includes parking spaces along with the access to and from the area, circulation with the area and landscaped buffers.

(Adopted 11/13/2001)

Parking Structure

A building or structure or part thereof designed for parking of motor vehicles for four (4) or more parking spaces, along with available access, circulation and maneuvering.

(Adopted 11113/2001)

SECTION 3

Zoning Boundary Descriptions

3.10

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

RESIDENTIAL A/B
RESIDENTIAL C
RESIDENTIAL D
CENTRAL BUSINESS DISTRICT (*Adopted 11/14/94*)
SOUTH BUSINESS DISTRICT (*Adopted 11/14/94*)
BUSINESS B
INDUSTRIAL A
INDUSTRIAL B
PLANNED DEVELOPMENT DISTRICT (*See Section 9.60*) (*Amended 5/1/89*)
MOBILE HOME ELDERLY COMMUNITY (*See Section 9.70*) (*Amended 11/14/94*)
FLOOD PLAIN DISTRICT (*See Section 14*)
AQUIFER PROTECTION DISTRICT (*See Section 15*)

3.20

- a. The location and boundaries of these districts are hereby established as shown on a map entitled “Zoning Map of the Town of Bridgewater,” dated January 27, 1969, bearing the signatures of the members of the planning board and on file in the office of the town clerk, which map, with all explanatory matter thereon, is declared to be a part of this bylaw.
- b. Any changes or amendments shall be indicated by the alteration of such map, and the map thus altered is declared to be a part of the bylaws thus amended.
- c. Where a district boundary is indicated as within or parallel to a street, highway, railroad right-of-way, watercourse or town municipal boundary such district boundary shall be construed as the centerline or being parallel to the centerline of such street, highway, railroad right-of-way, watercourse or town municipal boundary
- d. Whenever any dispute arises on district boundaries as to the exact location of a district boundary line, the location of such line shall be determined by the building inspector.

3.30 PURPOSE STATEMENTS

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

3.31 **Central Business District**

To meet the objectives of the Central Business District (CBD), the town shall adopt specific land use design criteria and area designation to interrogate the proposed MBTA parking facility within a neighborhood business setting. Guidelines for proposed land uses within the re-zoned CBD shall include the use of New England architectural style which compliments the historical nature of the downtown district. Goals and objectives for the CBD include economic revitalization and re-development through the attraction of uses which complement and support small retail and pedestrian service establishments within the districts. As the basis for the planned development, the historical nature of existing land uses within the downtown area shall be preserved, and pedestrian orientation of activities therein shall be encouraged.

Goals to be achieved within the CBD shall also include enhancement of recreational uses such as pedestrian walkways, bicycle paths and open space within that portion of the CBD should also reflect an intent that is consistent with growth patterns to be established by its proximity to the proposed MBTA station, Bridgewater State College, related parking areas and pedestrian traffic.

3.32 **South Business District**

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

SECTION 4

Application of Regulations, Modifications and Exceptions

4.10

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

4.20

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

4.30

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

4.40

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

4.50

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

4.60

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

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

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

4.70

Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been taken or was taken by eminent domain, shall not be deemed to be transferred in violation of the land area, width and space provisions of the bylaw.

4.80

Whenever any residential dwelling is located in or constructed in an industrial or business zone, then the provisions and restrictions of the nearest residential zone shall apply to such residence.

SECTION 5

Nonconforming Buildings and Uses

5.10

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

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

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

- 5.11 Use of the alteration or addition will be limited to the principal use of the dwelling.
- 5.12 The alteration or addition will come no closer to the lot lines than the existing dwelling at its closest point unless the existing setback condition so affects resulted from the issuance of a variance pursuant to Section 10 of Chapter 40A, MGL.

Accepted 11/13/95

5.20

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

5.30

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

5.40

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

5.50

_____ment of the bylaw unless the use or construction is commenced within six months after the issuance of the permit and in case involving construction, unless such construction is continued through to the completion as continuously and expeditiously as is reasonable.

SECTION 6

Use Regulations

6.10

Except as provided by law or in this bylaw in each district not building, structure, or land shall be used or occupied except for the purpose permitted as set forth in the accompanying Table of Use Regulations, Section 6.30, The use of lands within an aquifer protection district, shall, In addition, by subject to Section 15.40of this bylaw.

6.20

A use listed in section 6.30 is permitted as of right in any district under which it is denoted by the letter “Y” subject to such requirements as may be specified elsewhere in the By-Law. A use designated in Section 6.30 by the letters “SP” may be permitted as a special exception only if the Special Permit Granting Authority so determines and grants a special permit therefore subject to such restrictions as set forth elsewhere in this By-Law and such further restrictions as said Special Permit Granting Authority may establish. Unless otherwise stated within this By-Law, the Zoning Board of Appeals shall be the Special Permit Granting Authority for uses identified under Section 6.30 as requiring a special permit within the Residential A/B, Residential C, and Residential D zoning districts. The Planning Board shall be the Special Permit Branting Authority for use identified under Section 6.30 as required a special permit within a Mobile Home Elderly District in addition to all other zoning districts and where specifically designated as the Special Permit Granting Authority within this By-Law.

6.30 TABLE OF USE REGULATIONS

(see following pages)