

**WEST BRIDGEWATER PLANNING BOARD
MEETING MINUTES
4/30/2025**

PRESENT: Hugh Hurley (HH), James Noyes (JN), Gerald Stetson (GS) and Marcus Bornstein (MB).

ABSENT: Anthony Kinahan (AK)

Town Planner, Tracy Altrich; Board of Selectmen Chairman, Jeff Ryan; Horsley Witten Group Consultant, Jeff Davis; Cable TV Manager, Ben Smith; and resident, Constance Holmes were present. It was noted for the record that no other residents were in attendance.

The meeting was called to order at 6:30 p.m.

Special Meeting - Public Hearing – Zoning Amendments – 2025

The hearing opened at 6:30 p.m. at the Council on Aging cafeteria. Mr. Hurley read the notice as it appeared in The Enterprise newspaper on April 14 and April 21, 2025. He stated that the Board will review the articles for the proposed Zoning By-Laws amendments that will be on the Warrant for the Annual Town meeting on May 12, 2024. They include:

1. MBTA Multi-Family Housing Overlay District,
2. Accessory Dwelling Units,
3. Principal Buildings and Uses,
4. Fencing Screening and Landscaping,
5. Sheds and Portable Storage, and
6. Site Plan.

Mr. Hurley stated that the Board would review each proposal and vote to make their recommendations to the Town residents. He noted that copies of the proposed bylaw changes, in full, are available at the Town Clerk's office. He also noted that this hearing was being taped and would be available on the local channel and on YouTube for any interested voters that were not present.

Article #33

Mr. Hurley stated that the intent of this Article is to create regulations that would allow multi-family development by-right within in a new overlay district, consisting of approximately 7.7 acres of land on North Main Street, as shown on Assessor's Map as 0 North Main Street, Parcel ID 19-001; 0 North Main Street, Parcel ID 19-002; 683 North Main Street, Parcel ID 18-120; 685 North Main Street, Parcel ID 18-119; 687 North Main Street, Parcel ID 18-118; 695 North Main Street, Parcel ID 18-117; and 679 Main Street, Parcel ID 25-081 and to update the Zoning Map accordingly as required by Section 3A of the Zoning Act.

Ms. Altrich gave a Power Point presentation that included the items that the State has mandated through the new law. The highlights included excerpts from the Mass General Laws Chapter, 40A Section 3A and outlined what the new law will mean for West Bridgewater. She stated the Town is designated as an Adjacent Small Town which has fewer compliance requirements than other community designations under the law.

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Ms. Altrich noted that the deadline for compliance is December 31, 2025. She stated that the minimum multi-family housing Unit Capacity to be zoned for is one-hundred and forty-five (145) units and the Minimum Gross Density requirement to be zoned for is fifteen (15) units per acre. She noted that there is no minimum land area required and no location requirements. She stressed that the requirement is to have zoning that allows for multi-family housing, but the law does not mandate construction or infrastructure improvements and will not override the MA Wetland Protection Act or the Title V Environmental Code.

Ms. Altrich stated that after testing numerous areas of Town, and working with Jeff Davis of Horsley Witten Group, a preliminary review was completed with the Executive Office of Housing and Livable Communities. She stated that currently, multi-family is not an allowed use in the Business District, but as proposed in the new Overlay District, it would be allowed subject to Site Plan review. Ms. Altrich stated the underlying zoning would follow the requirements of the Business District.

Ms. Altrich noted that 10% of units in certain developments in the overlay district would be affordable units are at no more than 80% AMI. She reported that the Unit Density stayed close to the minimum 145 units and was capped at 150. She further noted that residential development is permitted in the Water Resource Protection District, but special permits cannot be required for multi-family housing under the law, but it will require a site plan review. Ms. Altrich noted that if the Town fails to comply, they will not be eligible for certain funding and per the Attorney General's Office, the Town could be subjected to civil liability.

Mr. Davis spoke briefly about the progress that the Town has made to meet the requirements of the law. He noted that there will be little change to the underlying dimensional requirements of the Zoning By-laws. Mr. Davis gave an overview of how the 177 MBTA Communities are complying with the new law. Mr. Davis reiterated that the deadline was fast approaching. He also noted that the town can make adjustments up until Town Meeting. He noted that some other towns have filed court cases. He stated that the towns have time to reconsider and make sure they are in compliance. It was noted that the Board of Selectmen have voted 3-0 to not to recommend the article and the Finance Committee voted 3-2 not to recommend approval of the article.

A Motion (GS) was made to 1) **not recommend** passage of Article #33 as it has come to the Board's attention that material facts may change and prompt additional reviews, and it is anticipated that the Board of Selectmen will call a Special Town Meeting in the fall, and 2) to provide such recommendation to the Board of Selectmen and Town Meeting.

Second (JN). Vote: Unanimous of the four (4) members present. Mr. Hurley requested a roll call vote of the Board. The members voted as follows:

Mr. Hurley – Aye
Mr. Noyes – Aye
Mr. Stetson – Aye
Mr. Bornstein – Aye.

Article #34

Accessory Dwelling Units: Mr. Hurley stated that the intent of this article is to amend the Zoning By-Laws to comply with the provisions of Sections 1A and 3A of Chapter 40A (the Zoning Act) as modified by § 8 of Chapter 150 of the Acts of 2024 (the Affordable Homes Act), which require accessory dwelling units to be permitted by-right, and to update other regulations reasonably related to the development of accessory dwelling units.

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Ms. Altrich stated that the bylaw would be updated to comply with the law and that a single family home would be allowed to add up to a nine hundred (900) square foot accessory dwelling unit, or one half (1/2) of the gross total area, whichever is less. She noted that Accessory Dwelling Units would be permitted by right in the General Residential and Farming District.

Mr. Noyes asked about minimum lot sizes. He asked how it would work for houses on postage sized lots that are throughout the town and the number of new units that could be built upon a subdivision approval. Mr. Hurley stated that they would have to meet the current guidelines. Mr. Stetson asked if they would need Conservation Commission approval. Mr. Stetson suggested that it not be allowed. Mr. Hurley stated that they would also have to meet storm water regulations. Mr. Noyes stated that they would have to restrict the water usage. He noted that current residents already have water restrictions in place now. He stated that the town would need new wells to accommodate these new dwellings. He also noted he objects to the fact that the State is forcing these things “down our throats” without considering or contributing in the costs to implement these mandates. Mr. Hurley stated that the legislature should assist the Towns and share the costs. Mr. Stetson stated that he was aware of several “mansion type” houses being built in Town now are being occupied by 2 or 3 families living together in order to be able to share the costs.

Ms. Altrich stated that the current bylaw is not compliant with the law. Ms. Altrich stated that currently accessory dwelling units are allowed in all districts in town by special permit, but if the amendments were approved, the bylaw would limit them to the General Residential and Farming only. Ms. Altrich stated this would limit the number of units that could be created in town. Mr. Stetson stated that there are already some in the other districts. Mr. Hurley stated that the zoning change will give the town more control over where the dwellings are allowed.

Mr. Noyes stated that the State shouldn’t make the towns make changes with no thought given to the cost of these changes. He noted that at one time the State would split the cost with the towns, and yet we are supposed to help everyone else. Mr. Noyes asked if the in-law apartments would be impacted by this change. There was a brief discussion about existing in-law apartments.

A Motion (MB) was made to **not recommend** Article #34 to the voters at Town Meeting. Second (JN). Vote: Unanimous of the four (4) members present. Mr. Hurley requested a roll call vote of the Board. The members voted as follows:

Mr. Hurley – Aye
Mr. Noyes – Aye
Mr. Stetson – Aye
Mr. Bornstein – Aye

continued:

Article #35

Fencing, Screening and Landscaping: Mr. Hurley stated that the intent of this article is to amend the Zoning By-Laws, Fencing, Screening and Landscaping, Section 6.6.4.1. including to require a building permit, in compliance with the State Building Code, for fences in excess of seven (7') feet.

A brief discussion was held on what the bylaw is currently and what they were changing. It was noted that the bylaw stated six feet, four inches (6'4") on the Warrant and they want it be increased to seven (7') feet, to meet the State Building Code. Mr. Hurley stated that the amendment recommendation was Unanimously voted by the Board of Selectmen, three to zero (3-0) and the Finance Committee referred it to the voters, five to zero (5-0). Mr. Stetson stated that he has no problem with this change.

A Motion (GS) was made **to recommend** Article #35 as presented and with the amendment that fences will need a permit from the Building Inspector for any height over seven (7') feet. Second (JN). Vote: Unanimous of the four (4) members present. Mr. Hurley requested a roll call vote of the Board. The members voted as follows:

Mr. Hurley – Aye
Mr. Noyes – Aye
Mr. Stetson – Aye
Mr. Bornstein – Aye.

Article #36

Principal Buildings and Uses: Mr. Hurley stated that the intent of this article is to clarify the Zoning By-Laws Section 5.2.2., Other Dimensional and Density Provisions, regarding the instances where multiple buildings or uses are allowed on a lot.

Ms. Altrich stated that this amendment is to clarify Section 5.2.2 to read that no more than one principal building or use shall be permitted on a lot except for business or industrial development in the Industrial or Business District, or in other specific cases. Mr. Hurley stated that this bylaw amendment recommendation was voted Unanimous by the Board of Selectmen, three to zero (3-0) and the Finance Committee referred it to the voters five to zero (5-0). Mr. Stetson stated that he has no problem with this change.

A Motion (GS) was made to **not recommend** Article #36 to the voters at Town Meeting. Second (JN). Vote: Unanimous of the four (4) members present. Mr. Hurley requested a roll call vote of the Board. The members voted as follows:

Mr. Hurley – Aye
Mr. Noyes – Aye
Mr. Stetson – Aye
Mr. Bornstein – Aye.

continued:

Article #37

Sheds and Portable Storage: Mr. Hurley stated that the intent of this Article is to add a new Portable Storage Building definition to Section 2.0, Definitions; update Section 6.2.2.3, Storage Buildings; amend Section 6.2.3, Number of Accessory Buildings Restricted on Lots, 6.2.3.1; and amend the table in Section 5.2.1, Table of Dimensional and Density Requirements, to clarify when a permit is necessary and to incorporate Portable Storage Buildings where applicable.

Ms. Altrich stated that the Building Commissioner cannot enforce where these containers are allowed to be at this time. There was discussion regarding the meaning of portable storage. Mr. Stetson stated that as long as they meet the side and rear setbacks they can put them anywhere.

Mr. Noyes asked if an 8x3 storage shed would need to have a permit. Mr. Stetson stated that he never had to get a permit. Ms. Altrich stated that any shed would require a permit and there would be a minimum fee. Mr. Ryan stated that if someone is moving and using a pod, the Selectmen discussed that they didn't want owners to have to pay for a permit for it, until after forty-five days, since these pods are a temporary use for household storage. Ms. Altrich stated that they would have to meet the setback requirements and this would give the Building Commissioner the ability to do that.

Mr. Stetson stated that there have been at least four (4) building inspectors in the last twenty (20) years. He stated that the Town needs a building inspector to enforce the zoning laws that are already in place. Mr. Stetson stated that the new building inspector appears to be very intelligent and knows his responsibilities. Mr. Ryan stated that he agreed. Ms. Altrich stated that the portable containers are not in the bylaws at all.

A lengthy discussion was held on what types of storage/buildings will be required to obtain a building permit from sheds, to shipping containers, and green houses, pool storage and permanent structures. There was also discussion regarding the sizes of the containers and if there was a minimum cut off. Mr. Noyes asked if a container is under twenty (20') square feet would it require a permit. He noted that there is nothing in the bylaw that has to do with size or square feet. He stated that it should be defined. Mr. Hurley stated that the State decides what is considered a building. He noted anything under one hundred (100') feet is usually the cut off.

A Motion (MB) was made to **not recommend** Article #37 to the voters at Town Meeting. Second (JN). Vote: Unanimous of the four (4) members present. Mr. Hurley requested a roll call vote of the Board. The members voted as follows:

Mr. Hurley – Aye
Mr. Noyes – Aye
Mr. Stetson – Aye
Mr. Bornstein – Aye.

continued:

Article #38

Site Plan: Mr. Hurley stated that the intent of this article is to amend the Zoning By-Laws, Site Plan, Section 7.2.1.1.b., to give the Inspector of Buildings authority to review and approve site plans for commercial applications under certain circumstances, instead of requiring Planning Board or Board of Appeals review in all cases.

The Board discussed the instances where they were comfortable with the Building Commissioner performing the site plan review.

Mr. Hurley reminded the Board that they will still do the waivers, change of use, expansion and changes to the exterior of the building if they are beyond a minor site plan. They will continue to do this moving forward.

A Motion (GS) was made **to recommend** Article #38 to the voters at Town Meeting. Second (JN). Vote: Unanimous of the four (4) members present. Mr. Hurley called for a roll count. Members voted as follows.

Mr. Hurley – Aye
Mr. Noyes – Aye
Mr. Stetson – Aye
Mr. Bornstein – Aye.

The Public Hearing was closed at 8:12 p.m.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Donna M. Cotter,
Secretary

