



Annual Town Meeting Minutes

The conclusion to the 229th Annual Town Meeting of the Inhabitants of the Town of Carver was held on Wednesday April 14th 2021 at the Carver High School Auditorium at 7:00 P.M., pursuant to a Warrant of the Select Board dated April 5, 2021. The Meeting was called to order at 7:34P.M. by the Moderator, Sean Clancey, there being a quorum of 75 present. The Moderator led the voters in the pledge of allegiance to the Flag.

The appropriate tellers were sworn to their faithful performance of their duties by Town Clerk; Cara L. Dahill. The Tellers for the evening were Donna Ignagni, Ellen Blanchard, Mary Ford, Amy McCain, Patricia Batson and Nancy Ryan.

Members of the Finance Committee, School Committee and Select Board were all introduced in addition to Superintendent Scott Knief, Town Counsel; Gregg Corbo, Town Clerk Cara Dahill, and Interim Town Administrator; Richard LaFond .

ARTICLE 17: SURPLUS PROPERTY TO BE SOLD TO MA DEPT. OF FISH AND GAME:

To see if the Town will vote to transfer the care, custody, management, and control of a parcel of land located at 0 Meadow Street, and located on Assessors Map 88, Lot 3, and recorded at the Plymouth County Registry of Deeds in Book 36043, Page 338, containing approximately 33.40 acres of land more or less, from the board or officer currently having custody and control and for the purposes for which it is currently held to the Select Board for the purpose of conveyance, and further, to authorize the Select Board to convey all, or a portion of said parcel to the Massachusetts Department of Fish and Game for such consideration, which may be nominal consideration, as the Select Board deems to be in the best interests of the Town, but not to exceed the sum of \$20,000; said conveyance to be subject to a restriction that the property be retained in perpetuity in its natural, scenic, and open condition for wildlife conservation, native habitat protection, management for biodiversity protection, associated public outdoor recreation, and other conservation uses consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and to authorize the Select Board to execute all documents and take all actions that may be necessary to effectuate the purposes of this article; or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: Passing this article will ensure that this parcel of land and its wildlife, native habitat, open space, outdoor recreation, and surface and groundwater resources will be preserved and protected in perpetuity by Mass Fish and Game for the sole purpose of the permanent enjoyment and use of the public.

PROPOSED MOTION: I move that the Town approve Article 17 as set forth in the Warrant. (2/3 Vote Required)

Recommendation: Select Board 5-0

Motion to amend: to delete the words "to be subject to a restriction" and add replace them with "will ensure". Passes by majority

Motion as amended, hand count ordered. 42 yes, 26 no. Does not carry by 2/3.

ARTICLE 17 VOTE: FAILS BY 2/3 VOTE

ARTICLE 18: PICNIC ISLE LAND ACQUISITION:

To see if the Town will vote to authorize the Select Board to acquire by gift or eminent domain, under such terms and conditions deemed to be in the best interests of the Town by the Select Board, the fee, easement and/or other property interests in, on, over, across, under and along all or any portion of the property known as "Picnic Isle" owned by McGuire Development Company, or the current owner thereof, shown on Assessors Map 42 (and on Assessors Property Card Map 42A), Lot 74, and is shown on Plan Book 14, Page 359 at the Plymouth County Registry of Deeds, containing 14,374 square feet more or less, and further authorize the Select Board to convey a Conservation Restriction to be held by Massachusetts Department of Fish and Game for such consideration, which may be nominal consideration, as the Select Board deems to be in the best interests of the Town, and to authorize the Select Board to execute all documents and tall all actions that may be necessary to effectuate the purposes of this article; said property to be retained in perpetuity in its natural, scenic, and open condition for fish and wildlife conservation, native habitat protection, management for biodiversity protection, associated public outdoor recreation including boating, fishing, and other conservation uses consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of the premises that will significantly impair or interfere with the conservation values thereof, and to allow public access for the enjoyment of the wildlife and open space and water resources of the premises as specifically provided for herein in perpetuity; or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: Picnic Isle, located in Wenham Pond in the Wenham Shores subdivision, is currently still owned by the company that built the subdivision in the 1960s, which company the town is unable to locate. Passing this article will allow the Town to acquire the property and record a restriction that will ensure Picnic Isle and its wildlife, native habitat, open space, outdoor recreation, and water resources will be preserved and protected in perpetuity, subject to the requirements of Article 97. This article also furthers the intent of the vote taken under Article 6 at the October 15, 2020 Special Town Meeting.

PROPOSED MOTION: Sarah Hewins made motion and was seconded to move that the Town approve Article 18 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0

Point of order made by Paul Kelly that Acquisition is spelled wrong in Article 18's title

ARTICLE 18 VOTE: MOTION PASSES BY MAJORITY VOTE

ARTICLE 19: CEDAR SWAMP LAND DONATION:

To see if the Town will vote to accept a donation of six parcels of the Great South Meadow Cedar Swamp from Roger W. Shores, or the current owner thereof, said parcels located on Assessors Map, Lots 34-0-R (6 acres), 35-0-R (6 acres), 36-0- R (8 acres), 37-0-R (12 acres), 38-0-R (6 acres), and 39-0-R (1 acre) and recorded in Book 10572, Page 346 in the Plymouth County Registry of Deeds, said parcels to be conveyed to the care, custody, management and control of the Conservation Commission, said parcels to be retained in perpetuity in their natural, scenic, and open condition for wildlife conservation, watershed protection, native habitat protection, management for biodiversity protection, associated public outdoor recreation, and other conservation uses consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of the premises that will significantly impair or interfere with the conservation values thereof, and to allow public access for the enjoyment of the wildlife, open space, and water resources of the premises as specifically provided for herein; or take any other action related thereto.

CONSERVATION COMMISSION & SELECT BOARD

INFORMATIONAL SUMMARY: Passing this article will ensure that these parcels of land in the Great South Meadow Cedar Swamp and their wildlife, native habitat, open space, outdoor recreation, and surface and groundwater resources will be preserved and protected in perpetuity by the Conservation Commission for the sole purpose of the permanent enjoyment of the public.

PROPOSED MOTION: Sarah Hewins made motion and was seconded to move that the Town approve Article 19 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0 Conservation Commission 5-0

ARTICLE 19 VOTE: MOTION PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 20: AMEND SECTION 3580 LARGE SCALE GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS:

To see if the Town will vote to amend Section 3580.00 of the Carver Zoning Bylaw titled "LARGE-SCALE GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS," as shown

below, with deletions are shown in strikethrough and additions are shown in bold, or take any other action related thereto:

3580.00. LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

3580.10. Purpose. The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations (LSGMSPI) including conventional and dual use, defined as those with a minimum nameplate capacity of 250 kW or greater or covering 1 acre or more of land, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of LSGMSPI proposed to be constructed or materially altered after the effective date of this section. To the extent that any particular provision of this bylaw is determined to be invalid, such invalidation shall not affect the validity of any other provision.

Smaller-scale ground or building-mounted solar electric installations (less than 250kW and/or covering less than one (1) acre of land) are considered an accessory use to an existing residential or non-residential use and do not need to comply with this section. Smaller-scale ground or building-mounted solar electric installations must comply with the other provisions of Carver's Zoning Bylaws as applicable, and with health and safety conditions required by the Building Commissioner and Fire Chief and/or his/her designee.

3580.20. General Requirements for all Large-Scale Solar Power Generation Installations. The following requirements are common to all LSGMSPI to be sited in designated locations:

3580.21. Site Plan Review. All LSGMSPI shall undergo site plan review prior to construction or modification by the Planning Board, prior to issuance of a building permit to ensure conformity with all applicable bylaws. When one project is proposed on multiple contiguous parcels, the Applicant may submit only one application.

3580.21.1. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer and Professional Land Surveyor licensed to practice in Massachusetts.

3580.21.2. Required Documents. Pursuant to the site plan review process, the project proponent shall provide a site plan showing:

- A) Property lines and physical features, including roads, for the project site;
- B) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- C) Blueprints or drawings of the solar photovoltaic installation, and one or three line electrical diagrams detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over

current devices signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system

D) Documentation of the major system components to be used, including makes and models of the PV panels, transformer, inverter, mounting system, and chemicals for cleaning and maintenance of equipment;

E) Name, address, and contact information for proposed system installer, the project proponent (s), and property owners if different;

F) The name, contact information, signature of any agents representing the project proponent; and

i) Documentation of actual or prospective access and control of the project site (see also Section 3580.22);

ii) An operation and maintenance plan (see also Section 3580.23);

iii) District designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

iv) Proof of liability insurance; and

v) Description of financial surety that satisfies Section 3580.53.

The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the site plan review process.

3580.22. Site Control. The project proponent shall submit documentation of prospective access and control of the project site sufficient to allow for construction and operation of the proposed LSGMSPI.

3580.23. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the LSGMSPI, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. A ground fuels maintenance plan shall be submitted during the site plan review process and be approved by the Fire Chief. The approved plan shall become a condition of the general site maintenance requirements outlined in section 3580.40.

3580.24. Utility Notification. No proposed LSGMSPI shall be submitted for review until evidence has been given to the Planning Board that the utility company that operates the electrical grid to which the installation is to be connected has been informed of the LSGMSPI owner or operator's intent to install an interconnected customer-owned generator, and that the electrical grid can safely transmit the proposed power output of the installation.

3580.25. Dimension and Density Requirements.

LSGMSPI shall follow the dimensional and density requirements of Section 3580.25 and as delineated in 3580.25.1.1 Table of Dimensional Requirements for Large-Ground Mounted Solar Photovoltaic Installations both Conventional and Dual Use.

3580.25.1. Setbacks. For LSGMSPI, front, side, and rear setbacks shall be at least 50 feet on the applicant's property; provided, however, that where the lot is located in a Residential-Agricultural district, the setbacks shall not be less than 200 feet on the applicant's property.

LSGMSPI shall be provided with 200 foot setbacks on all lot lines abutting the Residential-Agricultural district, regardless of the zoning designated for the proposed site. Vegetated screening shall be provided for a minimum of 50% of the specified setback. The Planning Board may allow reduced setbacks for LSGMSPI for both Conventional and Dual Use solar arrays as specified below:

- a) The Planning Board may reduce setbacks or screening, but in no instance shall setbacks be less than 25 50 feet when abutting the Residential-Agricultural Zoning District (RA), Amend Section 3580.25.1 to allow reduced setbacks for large-scale ground -mounted solar photovoltaic installations ("LSGMSPI") to a minimum of 50 feet, provided standard setbacks and/or screening requirements are waived in writing by all any direct abutters. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by all owners of record of direct abutters must be on file with the Planning Board and referenced in the Special Permit Decision.
- b) Amend Section 3580.25.1 to allow s Setbacks may be to be reduced to a minimum of 12.5 feet by right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines;
- c) Setbacks may be reduced to 12.5 feet when abutting a bog or other agricultural use as defined in M.G.L. Chapter 128, Section 1A, provided that standard requirements are waived in writing by all any direct abutters in an RA zoning district. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by owners of record of all any direct abutters within the RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.

Every abutting property shall be visually and acoustically screened from the installation through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life, and replaced as necessary. As an alternate to providing the required screening through vegetation, it is acceptable to increase the setback to 600 feet on the applicant's property while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the project.

The provided screening shall obscure from view on all sides at least 50% in GBP, IA, IB, IC and AP zoning districts or 100% if the project is located in the Residential-Agricultural zoning district,. For projects located in or abutting a RA zoning district, 100% screening shall be attained from the greater of the abutting street grade or yard grade. of the project from adjacent properties, including upper levels of existing structures at the time of construction, within three years of the start of construction or earthwork activities. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid. Access roads and transmission lines shall be placed in such a manner as to not create an unobstructed view of the project from adjacent property lines.

- 1a) Amend Section 3580.25.1 to allow reduced setbacks for large-scale ground -mounted solar photovoltaic installations ("LSGMSPI") to a minimum of 50 feet, provided standard setbacks

and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district. An affidavit signed by all owners of record of all direct abutters within a Residential -Agricultural (RA) zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.

1b) Amend Section 3580.25.1 to allow setbacks to be reduced to a minimum of 12.5 feet by right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines.

3580.25.1.1	TABLE OF DIMENSIONAL REQUIREMENTS FOR LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS-CONVENTIONAL AND DUAL USE					
Requirement	RA	GBP	IA	IB	IC	AP
Min. Lot Size (x 1,000 sq. ft.)	60	60	60	60	60	40
ACCESS (1)	Must Meet Carver Fire Department Access Requirements and have Access Agreement					
FRONT, SIDE AND REAR SETBACKS (feet)	200	50	50	50	50	50
MINIMUM SETBACKS WHEN NON-RA LOT ABUTS RA LOT (feet)	---	200	200	200	200	200
MINIMUM SETBACKS WITH RA WAIVERS (feet) (2)	50	25	25	25	25	25
MINIMUM SETBACKS WHEN SOLAR PROJECT ABUTS A BOG OR OTHER AGRICULTURAL USE WITH RA WAIVERS (feet) (3) (4)	12.5	12.5	12.5	12.5	12.5	12.5
SCREENING IN SETBACK-MINIMUM % ON ALL SIDES (5)	100%	50%	50%	50%	50%	50%
DENSITY-10-20 ACRES	50%	50%	50%	50%	50%	50%
DENSITY-GREATER THAN 20 ACRES	66%	66%	66%	66%	66%	66%

TABLE 3580.25.1.1 Footnotes:

1. The Planning Board may waive all or part of the required street frontage of the underlying zoning district for sites that are well-suited for solar development due to the ability to maximize

screening from residential uses and other factors. Proponents of sites seeking screening waivers must meet accessibility requirements of the Carver Fire Department. If the proponent is seeking to use an easement or right of way owned by another party, the proponent shall provide a written agreement showing that there is access to the solar project for the life of the project.

2. The Planning Board may reduce setbacks or screening, but in no instance shall setbacks be less than 25 50 feet when abutting a Residential-Agricultural (RA) zoning district, provided that standard setbacks and/or screening requirements are waived in writing by any direct abutters in a RA zoning district. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by all owners of record of any direct abutters within a RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.

3. The Planning Board may allow setbacks of a minimum of 12.5 feet if arrays are abutting a bog or other agricultural use as defined in General Laws Chapter 128, Section 1A provided that standard setbacks requirements are waived in writing by any direct abutters in a Residential-Agricultural zoning district. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by all owners of record of any direct abutters within a RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.

4. The Planning Board may allow setbacks to be reduced to a minimum of 12.5 feet by right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines.

5. For projects located in or abutting a Residential-Agricultural district, 100% screening shall be attained from the greater of the abutting street grade or yard grade.

3580.25.2. Maximum Site Density. For projects with 10-20 acres within the security fence or the inner limits of screening if no security fence, no more than 50% of the receiving lot may be developed. For projects greater than 20 acres, up to 66% of the receiving lot may be developed. The developed area shall include the area of the project within the security fence of inner limits of screening if no security fence, plus all other existing and proposed structures throughout the site.

1c) Amend Section 3580.25.2 to provide that when one project is proposed on multiple contiguous parcels, only one single application is required.

3580.25.3. Appurtenant Structures. All appurtenant structures to LSGMSPI shall be subject to regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements contained elsewhere within the zoning bylaws. All such appurtenant structures shall be architecturally compatible with each other and be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. The project shall be designed so that the transformer (s) and inverter (s) are sited in the most remote location practical.

3580.26. Design Standards

3580.26.1. Lighting. Lighting of LSGMSPI shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, shall be shielded to eliminate glare from abutting properties, shall be directed downward, and shall incorporate cut-off fixtures to reduce light pollution.

3580.26.2. Signage. Signs on LSGMSPI shall comply with the Town of Carver's sign bylaw, Section 3500. Signage at all site entrances shall be required to identify the owner and provide a 24-hour emergency contact phone number. LSGMSPI shall not be used for the display of any advertising.

3580.26.3. Utility Connections. All utility connections from the LSGMSPI shall be placed underground, unless soil conditions, shape, or topography of the site and any requirements of the utility provider dictate above ground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

3580.26.4. Hazardous Materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000, and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the LSGMSPI, including the photovoltaic panels or transformer (s), then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

3580.30. Safety and Environmental Standards.

3580.31. Emergency Services. The LSGMSPI owner or operator shall provide a copy of the project summary, electrical schematic, as built plans, and site plan to the Fire Chief and Emergency Management Director. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the LSGMSPI shall be clearly marked, and training required to allow emergency response personnel to safely shut down the LSGMSPI in event of an emergency provided at no cost to the Town as requested by the Town. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation, all changes shall immediately be brought to the attention of the Town. Site access to LSGMSPI shall be conducive to emergency vehicle travel to allow for unimpeded access around the site at all times. Access requirements, not limited to gating, road widths and surfaces, etc. will be reviewed during the site plan review process, with approval being at the discretion of the Fire Chief.

3580.32. Land Clearing, Soil Erosion and Habitat Impacts. Prior to any site disturbance and construction, the limits of the approved buffer zones and any other approved site disturbances, shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify to the Planning Board, in writing, that the limit of work, as shown on the approved site plans, has been established on site. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and

maintenance of the LSGMSPI or otherwise prescribed by applicable laws, regulations, and bylaws.

3580.33. Control of Vegetation. Mowing or the use of pervious pavers or geo-textile materials underneath the LSGMSPI is the preferred method of vegetation control. Herbicides may only be used where it can be demonstrated that no danger is posed to groundwater supplies, or to local agricultural activities. The Agricultural Commission and Board of Health are to approve all proposed herbicides.

3580.34. Panel Maintenance. Any and all materials used for maintenance of the LSGMSPI or other structures shall be properly disposed of and no harmful chemicals shall be used.

3580.40. Monitoring and Maintenance.

3580.41. Large-Scale Solar Photovoltaic Installation Conditions. The LSGMSPI owner or operator shall maintain the facility in good condition, including but not be limited to, snow removal, painting, structural repairs, maintenance of landscaping and required screening, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for all maintenance.

3580.42. Modifications. All material modifications to a LSGMSPI made after issuance of the required building permit shall require site plan review and approval by the Planning Board for continued compliance of all applicable bylaws.

3580.43. Annual Reporting. The owner or operator of the LSGMSPI shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan and the requirements of this bylaw and their approved site plan including control of vegetation, maintenance of screening, adequacy of road access, information on the maintenance completed during the course of the year, and the amount of electricity generated by the facility. 6 copies of the report shall be submitted to the Board of Selectmen no later than 45 days after the end of the calendar year.

3580.44. Sale or Transfer of Solar Project. When a solar project is being sold or transferred, the buyer/acquiring entity shall meet with the Planning Board administratively to review the decision, plans and conditions of approval to ensure the project will be constructed and maintained according to the approved site plan and special permit decision.

3580.50. Abandonment or Decommissioning

3580.51. Removal Requirements. Any LSGMSPI which has reached the end of its useful life, or has been abandoned consistent with Section 3580.52 of this bylaw, shall be removed no more than 120 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

3580.51.1. Physical removal of all LSGMSPI, structures, equipment, security barriers, and transmission lines from the site.

3580.51.2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3580.51.3. Stabilization or re-vegetation of the site as necessary to minimize erosion and runoff.

3580.52. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LSGMSPI shall be considered abandoned when it fails to operate for more than sixty days without the written consent of the Board of Selectmen. As a condition of approval, if the owner or operator of the LSGMSPI fails to remove the installation in accordance with the requirements of this section within 120 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation. The costs for the removal may be charged to the property owner.

3580.53. Financial Surety. Proponents of LSGMSPI shall provide a form of surety through an escrow account to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Planning Board and form determined to be reasonable by the Treasurer, but in no event to be less than 75 percent nor to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified expert, which shall include a mechanism for calculating increased removal costs due to inflation.

The financial surety may also be used to replace and maintain all required landscaping and vegetative screening when in the opinion of the Planning Board the owner/operator has failed to do so. All costs incurred by the Town for maintenance activities shall be paid by the property owner within 90 days, or the maintenance costs may be charged to the property owner.

3580.60. Special Permit for LSGMPI. In the event that a Special Permit is required for a LSGMPI, the planning board may grant a Special Permit if the following conditions are met:

1. Such use will not nullify or substantially derogate from the intent or purpose of this bylaw;
2. Such use will not constitute a nuisance;
3. Such use will not adversely affect the neighborhood in which it is sited;
4. Such use complies with the standards for site plan review as spelled out in this bylaw;
5. The Planning Board may also provide for other conditions that it deems necessary.

3580.70. Dual Use Large Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI")

2a) To add a new Section addressing required setbacks and screening for SMART/Dual Use Arrays as described below:

Delete SMART/Dual Use Array Table

2b) To allow setbacks of a minimum of 12.5 feet if arrays are abutting a bog or other agricultural use as defined in G.L. c. 128, § 1A provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district.

2c) To allow setbacks of a minimum 25 feet provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district.

INFORMATIONAL SUMMARY: At the 2019 Annual Town Meeting, the bylaw was amended to allow for dual use solar projects. There were differences in the setback requirements for conventional and dual use solar projects which caused confusion among applicants, residents and board members as to which regulations applied. The purpose of this amendment is to make several changes to clarify the Solar bylaw by making the following changes:

1. Amend Section 3580.10 Purpose. by inserting after the phrase, "The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations (LSGMSPi), including conventional and dual use, ...;
2. Amend Section 3580.10 by clarifying language regarding small-scale solar projects;
3. Amend Section 3580.25 Dimension and Density Requirements by changing the following:
 - a. Adding a new dimensional table and deleting SMART/Dual Use Array table;
 - b. Clarifying language regarding setback and/or screening waivers in the Residential/Agricultural zoning district;
 - c. To make the setback requirements for conventional and dual use solar installations the same;
4. To allow the Planning Board to waive all or some of the frontage requirements for sites that are well-screened from abutting properties so long as the proposed access meets Carver Fire Department Standards. The Planning Department and Planning Board has encountered some proposals for solar projects that may be well suited for the location being proposed except that the property lacks the proper frontage on a public way. As solar projects are generally co-located with agricultural operations that use bog roads for access. The applicant must ensure that either existing or proposed access roads meet Carver Fire Department Standards. If the applicant is using an easement or right-of-way owned by another party then the applicant must provide a copy of an access agreement which shows the applicant has access to the project for the life of the project;
5. Clarify language regarding abutter affidavits from all direct abutters to any direct abutters;
6. Add a new Section 3580.44 to the bylaw to address the sale or transfer of solar projects and requires a meeting with the Planning Board to review the site plans and conditions of approval with the new owner/transferee.

PROPOSED MOTION: Motion made by Bruce Maki and seconded to move that the Town approve Article 20 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board: No Action Taken Planning Board 5-0

Motion made by Kim Branch Motion to amend page 16 table ruled out of scope by Moderator.

ARTICLE 20 VOTE:

Motion made by Cornelius Shea to refer to planning board for further study. Passes unanimously.

ARTICLE 21: SOLAR CANOPIES:

To see if the Town will vote to amend the Carver Zoning Bylaw by adding a new section (3590) titled "Solar Canopies" as set forth below, or take any other action related thereto:
Section 3590. SOLAR CANOPIES

3590.10 Purpose. The purpose of this bylaw is to promote the creation of solar canopies over municipal parking lots owned by the Town.

3590.20 Locations. Solar canopies are a permitted principal use in all zoning districts where municipal facilities are a permitted use, subject to site plan review (Section 3100) and special permit (Section 5300) by the Planning Board as the special permit granting authority. Proposed locations shall be approved at Town Meeting. In addition, the Board/Commission or Department controlling a town-owned property shall approve of any proposal for solar canopies on property under its jurisdiction.

3590.30 Procedure. Any town-owned property that is being considered for solar canopies must undergo a procurement process for lease of land and/or air rights. The procurement process will consider location, design, height, screening and other factors, in addition to financial factors to select a company to develop a solar canopy project for the site. After a solar developer is selected, then the Planning Board, as the special permit granting authority, will follow the procedures for site plan review and special permit and after notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and/or departments, the SPGA may grant such a permit.

PLANNING

BOARD

INFORMATIONAL SUMMARY: The 2019 Annual Town Meeting approved Article 17 Lease of Air Rights Over Town-Owned Land for Solar Canopies. The vote approved the transfer of the care and custody of municipal parking lots of specified Town-Owned properties to the Select Board for the lease of air rights, easements, etc. to private solar developers that would allow for the development of solar canopies over municipal parking lots. This proposed amendment would amend the zoning bylaw to allow the solar canopies as a second principal use so that any electrical power generated may be sold to the electrical grid if the power generated could not be used locally due to existing power agreements.

PROPOSED MOTION: Bruce Maki made the motion and was seconded to move that the Town approve Article 21 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board 0-0 Planning Board 5-0

Hand count taken – 36 yes, 25 no – does not carry by 2/3

ARTICLE 21 VOTE: MOTION FAILS BY 2/3 VOTE

ARTICLE 22: FLOODPLAIN DISTRICT:

To see if the Town will vote to repeal Section 3700 of the Carver Zoning Bylaw in its entirety and replace it as set forth below or take any other action related thereto:

3700. FLOODPLAIN DISTRICT

3710. Scope of Authority.

The Floodplain District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations in the Carver Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Floodplain District imposes additional regulations, the more stringent regulations shall prevail.

3720. Purpose. The purpose of the Floodplain District is 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.

3730. Floodplain District Delineation.

3731. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Carver on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Commissioner, Planning Board, and Conservation Commission.

3740. Administration, Abrogation, Liability, Severability

3741. Administration and Enforcement. The Town designates the position of Building Commissioner to be the official floodplain administrator for the Town of Carver. The Building Commissioner shall administer and enforce this by-law section in accordance with Section 5100 of the Carver Zoning By-laws.

3742. Abrogation. The Floodplain management regulations found in this Floodplain District section shall take precedence over any less restrictive conflicting bylaws or regulations.

3743. Liability Disclaimer. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

3744. Severability. If any section, provision or portion of this bylaw is deemed unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

3740. New Technical Data Submission Requirements

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these change(s) by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th Floor
Boston, MA 02110

And a copy of notification to:

Massachusetts NFIP State Coordinator
Massachusetts Department of Conservation & Recreation
251 Causeway Street

Boston, MA 02114

3750. Variances/Permits in the Floodplain

3751. Building Code Floodplain Variance. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering the property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain district.

3752. Local Zoning Variances. A variance from these floodplain bylaws must meet the requirements set out by State law, and may be only granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

3753. Floodplain Permits. The Town of Carver requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

3754. Permitting Review Process. Carver's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

3755. Subdivision and Other Development Proposals. All subdivision and development proposal in the floodplain district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage;
- (b) Public utilities and facilities are located and constructed so as to minimize flood damage;
- and
- (c) Adequate drainage is provided.

3760. Use Regulations.

3761. Permitted Uses. Except as otherwise provided, in the Floodplain District, no new building shall be constructed, and no existing structure shall be enlarged within its existing footprint, moved to a more vulnerable location, or altered except to upgrade for compliance with documented existing health and safety codes; no dumping, filling, or earth transfer or relocation shall be permitted; nor shall any land, building or structure be used for any purposes, except:

- a. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.

- b. Wildlife management or conservation areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of floodwaters or of any water course.
- c. Agricultural uses or forestry uses.
- d. Uses lawfully existing prior to the enactment of this bylaw.

3765. Use Limitations.

3766. No development or redevelopment shall be permitted within FEMA identified Special Flood Hazard Areas, except where fire, storm, or similar disaster caused damage to or loss of greater than 50% of the market value of buildings in this high hazard zone.

3767. No new public infrastructure or expansion of existing infrastructure shall be made in FEMA A flood zones unless there is a documented and accepted overriding public benefit provided, and provided that the infrastructure will not promote new growth or development in these areas. New or replacement water and/or sewer systems shall be designed to avoid impairment to them or contamination from them during flooding.

3768. Development and redevelopment shall be subject to the requirements of the FEMA identified Special Flood Hazard Areas and related policies and regulations;

3769. Public infrastructure and private wastewater treatment facilities may be constructed in FEMA Mapped A-zones provided that: 1) the facilities are consistent with the Flood Hazard Mitigation Plan and 2) the infrastructure is flood resistant.

3770. All new buildings or substantial improvements to existing structures in the FEMA A-zone shall comply with FEMA and State Building Code regulations for elevation and flood proofing.

3771. In Zone AE, along watercourses within the Town of Carver 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."

3772. 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.

3773. No activity shall increase the elevation or velocity of flood waters or flows in the floodplain district.

3775. Base Flood Elevation, Floodway Data and Flood Zones.

3776. Base Flood Plain Elevation Data. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine, base flood elevations for each developable parcel shown on the design plans.

3776. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, and for prohibiting encroachments in floodways.

3777. Floodway Encroachment. In Zones A, A1-30, 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.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's 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.

3778. AO and AH Zones. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

3779. Recreational Vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

3780. Notification of Watercourse Alteration

In a riverine situation The Town of Carver shall notify the following of any alteration or relocation of a watercourse:

Abutting Communities:

NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

251 Causeway Street, 8th Floor

Boston, MA 02114

NFIP Program Specialist:

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110

3790. Definitions.

DEVELOPMENT means any man-made 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 or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and

500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek 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 more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

[Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

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. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONES, FLOOD -

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and **ZONE AE** means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

PLANNING BOARD

INFORMATIONAL SUMMARY: The Federal Emergency Management Agency (FEMA) has updated the Plymouth County Flood Insurance Study report and Plymouth County Flood Insurance Rate Maps. The Commonwealth of Massachusetts National Flood Insurance Program Office has requested that the Town amend Section 3700 Floodplain District bylaw to reflect the updated Flood Insurance Study and Flood Insurance Rate Maps.

PROPOSED MOTION: Bruce Maki made a motion and was seconded to move that the Town approve Article 22 as set forth in the Warrant.
(2/3 Vote Required)

Recommendation: Select Board 0-0 Planning Board 5-0

ARTICLE 22 VOTE: PASSES UNANIMOUSLY BY 2/3 VOTE

ARTICLE 23: NON-MEDICAL MARIJUANA OVERLAY DISTRICT:

To see if the Town will vote to amend Carver Zoning Bylaw Section 5000 Non-Medical Marijuana and the Town of Carver Zoning Map to change the boundaries of the Overlay District and by allowing cultivation, processing and retail uses to occur in both Non-Medical Marijuana Overlay Districts, as shown below, with deletions shown in strikethrough and additions shown in bold, or take any other action related thereto.

Section 5000.2 - Establishment

There shall be two Non-Medical Marijuana Overlay Districts ("NMOD"); Non-Medical Marijuana Overlay District/ Cultivation and Processing North Carver ("NMOD/CP North Carver") and Non-Medical Marijuana Overlay District/Retail South Carver ("NMOD/R South Carver"). The boundaries of both NMOD/ CP North Carver and NMOD/R South Carver are shown on the Zoning Map on file with the Town Clerk and shall comprise the following parcels, as set forth on the maps of the Town Board of Assessors:

The following Assessors parcels (map, lot) are to be deleted from the Cultivation/ Processing and Retail Overlay Districts: Map 25 Lots 4, 4A, 4B, 4C, 5 and Map 95 Lot 6A.

NMOD/~~CP~~ North Carver:

Map	Lot	Ext												
20	1		21	2	A	22	10		24	1		25	1	
	12						10	1		2			1	A

	13							11				3			2	N
	14							3				3	1		4	
	2							3	1			3	2		4	A
	2	1						3	A						4	B
	3							3	B						4	C
						22		4						25	5	
								5	A							
								5	B							
								5	C							
								5	D							
								5	E							
								7	A							

NMOD/R South Carver:

Ma p	Lo t	Ex t	Ma p	Lo t	Ex t	Ma p	Lo t	Ma p	Lo t	Ex t	Ma p	Lo t	Ex t	Ma p	Lo t
94	6		95	4	A	98	6	126	21		127	A	3	128	1

Within the NMOD/CP North Carver and NMOD/R South Carver, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the NMOD/CP North Carver and NMOD/R South Carver may be used for any state-licensed Non-Medical Adult Use Marijuana Establishment, in which case the requirements set forth in this section shall apply. Land in either the NMOD/CP North Carver and/or NMOD/R South Carver may be used for a use

allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the NMOD/CP North Carver and/or NMOD/R South Carver are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the NMOD/CP North Carver and/or NMOD/R South Carver conflict with the requirements of the underlying district, the requirements of the NMOD/CP North Carver and/or NMOD/R South Carver shall control.

Section 5000.5 - Location and Dimensional Controls

1. Non-Medical Marijuana Establishments may be permitted in the NMOD/CP North Carver and/or NMOD/R South Carver pursuant to a Special Permit and Site Plan Approval.

Section 5000.4 - Number of Licenses

Only two (2) Marijuana Retailers will be allowed to operate in the Town of Carver. Prospective retailers could propose to operate in either the NMOD/CP North Carver or NMOD/R South Carver at one time.

3. Cultivation and processing facilities located within the NMOD/CP North Carver or NMOD/R South Carver shall be separated from adjacent uses by a 50-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.

INFORMATIONAL SUMMARY: The Planning Department has received numerous inquiries from prospective marijuana facility developers that were seeking to develop retail marijuana facilities either alone or combined with cultivation/processing facilities in either overlay district. The proposed changes to the Non-Medical Marijuana Bylaw would allow Marijuana retail use and/or Marijuana cultivation/processing in either Non-Medical Marijuana overlay district. The proposed changes would not increase the cap on retail marijuana facilities (currently at two) nor would it change the 500 foot buffer zone around uses identified in the bylaw.

PROPOSED MOTION: Bruce Maki made motion and seconded to move that the Town approve Article 23 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board: No Action Taken; Planning Board: 5-0

Hand count taken – 39 yes, 23 no – does not carry by 2/3

ARTICLE 23 VOTE: MOTION FAILS BY 2/3 VOTE

ARTICLE 24 DEFINITIONS - TOWNHOUSE To see if the Town will vote to amend Article VI of the Carver Zoning Bylaw, definition of "Townhouse" as shown below, with additions shown in bold and deletions in strikethrough, or take any other action related thereto: Townhouse shall mean a single building or group of buildings on a single lot containing at least more than two (2) but not more than five (5) dwelling units per building, except single-family dwelling units may be allowed for 55 and older housing by special permit, created in accordance with the provisions of Section 3900, herein.

INFORMATIONAL SUMMARY: The purpose of the proposed change is to correct a discrepancy between the Townhouse Development bylaw (Section 3900) and the current definition of Townhouse found in Article VI of the Carver Zoning Bylaws. Section 3945 of the Townhouse Development bylaw states that "duplexes and/or two family dwellings shall be allowed in a Townhouse Development..." The current Townhouse definition defines a

Townhouse as more than "two" units per building but not more than five dwelling units per building.

PROPOSED MOTION: Motion made by Bruce Maki and seconded to move that the Town approve Article 24 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board 0-0 Planning Board 5-0

ARTICLE 24 VOTE: MOTION TO REFER TO PLANNING BOARD FOR FURTHER REVIEW PASSES UNANIMOUSLY

Motion to amend to delete words "except single-family dwelling units may be allowed for 55 and older housing by special permit" Passes.

Motion to refer to planning board for further review. Passes unanimously.

Motion to adjourn at 9:54 pm.

A True Record, Attest:

Cara Dahill
Town Clerk