



## COMMONWEALTH OF MASSACHUSETTS

### Town of Carver 2006 Annual Town Warrant

Plymouth, ss. To either of the Constables of the Town of Carver.

***GREETING:***

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the Inhabitants of the Town of Carver qualified to vote in elections and in Town affairs to meet at the Carver High School, all three precincts in said Carver, on Saturday, the twenty-second day of April, 2006 at 8:00 o'clock A.M., then and there to act on the following Article, namely:

**Article 1.** To choose all necessary officers to be voted for all on one Ballot: Namely: One Moderator, Two Selectmen, One Assessor, One School Committee Member, Two Library Trustee Members, One Board of Public Works Member, and One Board of Health Member, each for a term of three (3) years; One Planning Board Member and One Board of Health Member, each for a term of one (1) year; One Planning Board Member and One Carver Housing Authority Member, each for a term of five (5) years.

The polls will be open until 6:00 o'clock P.M.

And you are further directed to notify said Inhabitants of said Town that as soon as the votes have been counted, the meeting will adjourn to May 22, 2006 at 7:00 o'clock P.M. and at that time will reconvene at said Carver High School, then and there to act on the following Articles, namely:

**Article 2.** To see if the Town will vote to hear the report of any standing committee, and to abolish any special committee not submitting a report which is required to do so, unless otherwise voted, and to establish any new committee, or take any other action relative thereto.

**Article 3.** To see what action the Town will take with regard to fixing the salaries of Elected Town Officers in accordance with General Laws, Chapter 41, and Section 108 as amended, namely:

	<u>Current Salary</u>	<u>Proposed Salary</u>
Treasurer/Collector	\$ 67,858.91	\$ 70,513.27
Town Clerk	\$ 52,661.00	\$ 54,708.31
Moderator	\$ 250.00	\$ 250.00

Chairman, Board of Selectmen	\$ 1,800.00	\$ 1,800.00
Board of Selectmen all other Members (each)	\$ 1,550.00	\$ 1,550.00
Board of Assessors, each member	\$ 1,500.00	\$ 1,500.00
Board of Public Works, each member	\$ 500.00	\$ 500.00
Planning Board, each member	\$ 1,400.00	\$ 1,400.00
Board of Health, each member	\$ 1,400.00	\$ 1,400.00
Library Trustees, each member	\$ 250.00	\$ 250.00
Chairman, School Committee	\$ 1,500.00	\$ 1,500.00
School Committee, each member	\$ 1,200.00	\$ 1,200.00

This Article is not an appropriation. Appropriation will be made within the respective department budgets. (By Elected Officials)

**Article 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds or borrow sums of money as may be necessary to defray Town charges from July 1, 2006 to June 30, 2007 as set forth in the budget contained in Recommendations of the Board of Selectmen and Finance Committee, which report is on file with the Town Clerk, or take any other action relative thereto. (By the Board of Selectmen & Finance Committee)

**Article 5.** To see what amount the Town will vote to raise and appropriate or transfer from available funds for the purpose of providing a cost-of-living increase for FY2007 for non-union employees, or take any other action thereto.

(By the Board of Selectmen)

**Article 6.** To see what amount the Town will vote to raise and appropriate or transfer from available funds for the purpose of funding a collective bargaining agreement with the Police Union. (By the Board of Selectmen)

**Article 7.** To see if the Town will vote to transfer from the Stabilization Account an amount not to exceed Two Hundred Fifty Thousand (\$250,000.00) Dollars for the purpose of reducing the FY2007 tax levy in order to offset the scheduled increase from the Carver High School debt exclusion, or take any other action relative thereto.

(By the Board of Selectmen)

**Article 8.** To see if the Town will vote to raise and appropriate or transfer from available funds the amount of One Hundred Twenty Thousand (\$120,000.00) Dollars for the purpose of funding the three (3%) percent tax rebate program for FY2007, or take any other action relative thereto.

**Article 9.** To see if the Town will vote to raise and appropriate or transfer from available funds, borrow or lease the sum of Sixty-Five Thousand (\$65,000.00) Dollars for the purpose of upgrading the town's financial management software (General Ledger, Account Payable, Purchasing), or take any other action relative thereto.

(By Town Accountant)

**Article 10.** To see if the Town will vote to re-authorize the establishment of a Library Fines Revolving Account for the Library in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½; to which shall be deposited monies from overdue fines, damaged and lost books levies and from which the director may make expenditures for the purpose of replacing damaged or lost materials; expenditure from such fund not to exceed Seven Thousand (\$7,000.00) Dollars, or take any other action relative thereto.

(By Board of Library Trustees)

**Article 11.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Eighty-Seven Thousand (\$87,000.00) Dollars for the purpose of buying three cars for the police department or take any action relative thereto.

(By the Police Department)

**Article 12.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Nine Thousand (\$9,000.00) Dollars for the purpose of painting the exterior siding and trim of the Center Fire Station including pressure washing, scraping, caulking; and replacing two front windows, or take any other action relative thereto.

(By Superintendent of Buildings & Grounds)

**Article 13.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Six Thousand (\$6,000.00) Dollars for the purpose of buying and installing a transfer switch for the generator at the Carver Public Library. This will be a second switch for the purpose of supplying power from the emergency generator to the boiler room and some hallway lighting, or take any other action relative thereto.

(By Superintendent of Buildings & Grounds)

**Article 14.** To see if the Town will vote to raise and appropriate, transfer from available Funds or borrow the sum of Fifteen Thousand (\$15,000.00) Dollars for the purpose of Repairing Private Ways under Chapter 40, Section 6N, as amended of the Massachusetts General Laws, to be under the direction of the Department of Public Works or take any other action relative thereto.

(By DPW Commissioners and Superintendent)

**Article 15.** To see if the Town will vote to transfer from available funds a sum of money established by the State; which may be used for State Aid Construction and Improvements under the acts of 2006 Chapter 90 apportionment to meet the State's share of the cost of the work reimbursement received there from to be paid to the Treasury, or take any other action relative thereto.

(By DPW Commissioners and Superintendent)

**Article 16.** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of Eighty Thousand (\$80,000.00) Dollars to purchase a Cab and

Chassis with a dump body for the Department of Public Works or take any other action relative thereto.  
(By DPW Commissioners and Superintendent)

**Article 17.** To see if the Town will vote to transfer the sum of Nine Thousand Seven Hundred Two (\$9,702.00) Dollars from the sale of lots accounts in Central, Lakenham and Union Cemeteries and also vote to transfer the sum of Five Thousand Two Hundred and Ninety-Eight (\$5,298.00) Dollars from the perpetual care accounts in Central, Lakenham and Union Cemeteries for the purpose of meeting charges against the cemetery fund in the Town Treasury or take any other action relative thereto.

(By DPW Commissioners and Superintendent)

**Article 18.** To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of Thirty-One Thousand Seven Hundred (\$31,700.00) Dollars for the purpose of hiring a Laborer for the Department of Public Works or take any other action relative thereto.

(By DPW Commissioners and Superintendent)

**Article 19.** To see if the Town will vote to raise and appropriate or take from available funds in the Treasury, or any other lawful authority, a sum of money not to exceed Thirty-Five Thousand (\$35,000.00) Dollars for the purpose of upgrading the Fire Department Computer System, said sum to be expended by the Fire Chief, or take any other action relative thereto.

(By the Fire Chief)

**Article 20.** To see if the Town will vote to raise and appropriate or take from available funds in the Treasury, or any other lawful authority, a sum of money not to exceed Twenty-Five Thousand (\$25,000.00) Dollars, for the purpose of purchasing and installing a replacement generator for Fire Station 2, said sum to be expended by the Chief, or take any other action relative thereto.

(By the Fire Chief)

**Article 21.** To see if the Town will reauthorize the establishment of a Transportation Revolving Account for the Council on Aging in accordance with General Law Chapter 44, Section 53E1/2, which authorization, in addition to items provided by said statute, shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance (but not including insurance of any of the Greater Attleboro Taunton Regional Authority ("GATRA") vehicles used by the Council on Aging) and salaries and expenses for part-time employees used relative thereto: (2) that departmental receipts, consisting of reimbursement of GATRA of transportation expenditures, shall be credited to the revolving fund: (3) that the Council on Aging shall be authorized to expend from such fund: and (4) that the total amount which may be expended from such fund during Fiscal Year Two Thousand Seven shall be Seventy Thousand (\$70,000.00) Dollars in accordance with the contract between the Town through its Council on Aging and GATRA, or take any other action relative thereto.

(By the Council on Aging)

**Article 22.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seven Thousand One Hundred Forty-Four (\$7,144.00) Dollars for the purpose of continuing maintenance on the Marcus Atwood House, or take any other action relative thereto.

(By the Council on Aging)

**Article 23.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Twenty-Five Thousand Eight Hundred (\$25,800.00) Dollars for the purpose of hiring a full time custodian. This position will replace a part-time position that is funded for 20

hours per week, 6 months a year, or take any other action relative thereto.  
(By the Superintendent of Buildings)

**Article 24.** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of One Hundred Sixty-Six Thousand Nine Hundred Eighty-Nine ((\$166,898) Dollars for the purpose of purchasing and equipping one (1) handicap accessible van, one (1) 65 passenger bus, and one 7 passenger minivan for the School Department, said sum to be expended by the Carver School Committee, or take any other action relative thereto.  
(By the Carver School Committee)

**Article 25.** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of Forty-Two Thousand (\$42,000.00) Dollars for the purpose of replacing the 1983 Chevy dump truck and a 1987 Chevy Pickup, including snowplow, for the School Department, said sum to be expended by the Carver School Committee, or take any other action relative thereto.  
(By the Carver School Committee)

**Article 26.** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of Two Hundred Eighty-Five Thousand (\$285,000.00) Dollars for two (2) portable classrooms at the middle school, said sum to be expended by the Carver School Committee, or take any other action relative thereto.  
(By the Carver School Committee)

**Article 27.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Fifty Thousand (\$50,000.00) Dollars for the replacement of eight to twelve year old desktop computers in classrooms and labs at the four schools, said sum to be expended by the Carver School Committee, or take any other action relative thereto.  
(By the Carver School Committee)

**Article 28.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Twenty-Five Thousand (\$25,000.00) Dollars for replacing the 1997 Kubota, a multi-purpose grounds/tractor vehicle, at the high school, said sum to be expended by the Carver School Committee, or take any other action relative thereto.  
(By the Carver School Committee)

**Article 29.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Seventy-Five Thousand (\$75,000.00) Dollars for replacing the surface of the high school track, said sum to be expended by the Carver School Committee, or take any other action relative thereto.  
(By the Carver School Committee)

**Article 30.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Fifty-Two Thousand (\$52,000.00) Dollars for replacing the technology in the high school language lab, said sum to be expended by the Carver School Committee, or take any other action relative thereto.  
(By the Carver School Committee)

**Article 31.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money in the amount of One Hundred Seventy-Five (\$175.00) Dollars to be expended by the Trustees for Plymouth County Cooperative Extension Service, and choose a Director in accordance with the provisions of the General Laws of Massachusetts, Chapter 128,

Section 41 and 42, said expenditure to be under the direction of the Board of Selectmen, or take any other action relative thereto.

(By the Board of Selectmen)

**Article 32.** To see if the Town will vote to reclassify Article 26 of the 2003 Town Meeting establishing the use of Earth Removal Inspection fees for the purpose of making road repairs, to a revolving fund in accordance with M.G.L. Chapter 44, § 531/2. Expenditures for Fiscal Year Two Thousand and Seven (FY2007) not to exceed Fifty Thousand (\$50,000) Dollars and shall be under the direction of the Earth Removal Committee, or take any other action relative thereto.

(By the Earth Removal Committee)

**Article 33.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury under the provisions of Chapter 44, or any other lawful authority, a sum of money not to exceed Ten Thousand Nine Hundred Seventy-Two Dollars (\$10,972.00) to fund the Carver Visiting Nurse Division of Partners Home Care, Inc.'s budget for professional services for the Fiscal Year Two Thousand and Seven, or take any other action relative thereto.

(By the Board of Health)

**Article 34.** To see if the Town will vote to rescind the vote taken at the Annual Town Meeting held on May 21, 2001 on Article 60, to accept the provisions of Massachusetts General Laws Chapter 59 § 5K authorizing a senior tax liability reduction for volunteerism program which shall not be implemented until such time that the Treasurer/Collector of the Town certifies to the Board of Selectmen that federal tax law regarding bartered service is in compliance with existing state law pursuant to Chapter 59 Section 5K.

(By the Board of Assessors)

**Article 35.** To see if the Town will vote to accept the provisions of Chapter 59 Section 5K, establishing a program to allow persons over the age of 60 to volunteer to provide services to the Town in exchange for which the Town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills, and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed Five Hundred and Ninety-Five (\$595.00) Dollars in a given year.

(By the Board of Assessors)

**Article 36.** To see if the Town will vote to accept the provisions of Ch. 181 of the Acts of 1995, for M.G.L. Ch. 59 Section 5, (17D), to increase the exemption amount annually by 50% beginning with Fiscal Year 2007.

(By the Board of Assessors)

**Article 37.** To see if the Town will vote to accept the provisions of Ch. 181 of the Acts of 1995, for G.L. Ch. 59 Section 5 (41C). to increase the exemption amount annually by 50% beginning with Fiscal Year 2007.

(By the Board of Assessors)

**Article 38.** To see if the Town of Carver will, in accordance with Massachusetts General Laws Chapter 40 §4A, authorize the Carver Board of Health or Health Agent to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an

Intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

(By the Board of Health)

**Article 39.** To see if the Town will vote to add the following section to the Town of Carver By-laws:

### **Right to Farm By-law**

#### **Section 1 Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128, Section IA. We the citizens of Carver restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of Carver by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within Town.

#### **Section 2 Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- a. farming in all its branches and the cultivation and tillage of the soil;
- b. dairying;
- c. production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- d. growing and harvesting of forest products upon forest land, and any other forest or lumbering operations;
- e. raising of livestock including horses;
- f. keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratties (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- a. operation and transportation of slow-moving farm equipment over roads within the Town;
- b. control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plant and animals;
- c. application of manure, fertilizers and pesticides;
- d. conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- e. processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- f. maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- g. on-farm relocation of earth and the clearing of ground for farming operations.

### **Section 3 Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Carver. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### **Section 4 Disclosure Notification**

Within 30 days after this By-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall and make available for distribution the following disclosure:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers and occupants that the property they are about to acquire or occupy lies within a Town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are also informed that the location of property within the Town may be impacted by

commercial agricultural operations including the ability to access water services for such property under certain circumstances."

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall.

### **Section 5 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

### **Section 6 Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Carver hereby declares the provisions of this By-law to be severable.

(By the Agricultural Commission)

**Article 40.** "Whereas there exists in the Town of Carver: (a) substandard, decadent or blighted open areas; *and* (b) that each constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of residents; *and* (c) that the menace of such decadent, substandard or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise; that whereas it is hereby determined that a Redevelopment Authority is needed for: (a) the acquisition, planning, clearance, conservation, rehabilitation or rebuilding of such decadent, substandard and blighted open areas for residential, governmental, recreational, educational, hospital, business, commercial, industrial or other purposes; Now therefore it is hereby voted: that the Redevelopment Authority shall be organized and established under the provisions of the Massachusetts General Laws (Ter. Ed.) Chapter 121B, Section 4 and acts in amendment thereof and in addition thereto."

(By IDC)

**Article 41.** To see if the Town of Carver will vote under Massachusetts General Laws (Ter. Ed.) Chapter 121B, Section 4, as amended, to establish a Redevelopment Authority and in that connection to make any and all determinations and declarations deemed necessary or desirable, and take any action in relation thereto.

(By IDC)

**Article 42.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of up to Three Thousand Dollars (\$3,000.00) to ensure that the Carver Redevelopment Authority can conduct business separate from the Town. These monies will be used for secretarial work, meeting space, copies, mailings and general office work.

(By IDC)

**Article 43.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of up to Ten Thousand Dollars (\$10,000.00) to match with Thirty Thousand Dollars (\$30,000.00) currently committed by the private sector, to conduct a Land Use and infrastructure study for South Carver.

(By IDC)

**Article 44.** To see if the Town will vote to establish the North Carver District Improvement Financing (DIF) District. The District shall consist generally of the northwest area of Carver along the Middleborough and Plympton border, extending just east of Rte. 58 down to High Street and in some areas down to Plymouth Street (as shown on a map on file in the Offices of the Town Clerk and Selectmen). The District shall be subject to a development program, including a financial plan, in conformance with the requirements of 402 Code of Massachusetts Regulations, Section 3.08 (3), on file in the Offices of the Town Clerk and Selectmen.

(By IDC)

**Article 45.** To see if the Town will vote, pursuant to Mass General Laws Chapter 44B, to establish a Community Preservation Committee and to amend the General By-laws of the Town by adding the following:

Section 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- a. one member of the Conservation Commission as designated by the Commission for a term of three (3) years;
- b. one member of Historical Commission as designated by the Commission for term of three (3) years;
- c. one member of the Planning Board as designated by the Board for a term of three (3) years;
- d. one member of the Recreation Committee as designated by the Board of Selectmen for an initial term of one (1) year and thereafter for a term of three (3) years;
- e. one member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three (3) years;
- f. and four members to be appointed by the Board of Selectmen, two members to be appointed for a term of one (1) year and thereafter for a term of three years, and two

members to be appointed for a term of two (2) years and thereafter for a term of three (3) years.

Should any of the Commissions, Boards, Authorities, or Committees who have appointing authority under this By-law be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Authority, or Committee shall become the responsibility of the Board of Selectmen.

Any member of the Committee may be removed for cause by their respective appointing authority after a hearing.

### Section 2: Duties

a. The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, and the Planning Board in conducting such studies. As part of its study, the Committee shall hold one or more public information hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

b. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, restoration and rehabilitation of historic resources; the acquisition, creation, preservation and support of community housing; and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

c. The Community Preservation Committee may include in its recommendations to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Act Fund, or to set aside for later spending funds for general purposes that are consistent with community preservation.

d. In every Fiscal Year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

### Section 3: Requirement for a Quorum and Cost Estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

### Section 4: Amendments

This Chapter may be amended from time to time by majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL Chapter 44B.

Section 5: Severability

In case any section, paragraph, or part of this By-law is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

Section 6: Effective Date

Provided that the Community Preservation Act is accepted by the voters at the 2006 Annual Town Election, this By-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of MGL Chapter 40 Section 32 have been met; or take any other action relative thereto.

(By the Agricultural Commission, the Conservation Commission, the Historic District Commission, the Historical Commission, the Industrial Development Commission, the Planning Board, and the Zoning Board of Appeals)

**Article 46.** To see if the Town will vote to add the following section to the Carver Wetlands Protection By-law under Section III Plans: “(D) Rules and Regulations: After due notice and public hearing, the Commission may promulgate rules and regulations to fulfill the purposes of this section. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effects of this section”; or take any other action relative thereto.

(By the Conservation Commission)

**Article 47.** To see if the Town will vote to add the following section to the Carver Wetlands Protection By-law under Section I (C) Statement of Jurisdiction: “(5) Except as authorized by the Commission through the issuance of a variance as defined by Section V of this By-law and an issuance of an Order of Conditions, as defined in the state Wetlands Protection Act Regulations, 310 CMR 10.04, or as exempted under 310 CMR 10.04 as land in agricultural use, no person shall install a septic system, leaching field, or septic or wastewater drain within 100 feet of a cranberry bog. This addition to the Carver Wetlands Protection By-law will not apply to any lot for which an application has been filed with the Board of Health prior to this article’s effective date nor to a lot for which a permit has been issued by the Board of Health but not exercised by the applicant.”; or take any other action relative thereto.

(By the Conservation Commission)

**Article 48.** To see if the Town will vote to amend the Carver Wetlands Protection By-law under Section V, Definitions: Variance, by adding the following phrase: “or Section I (C) (5)”; or take any other action relative thereto.

(By the Conservation Commission)

**Article 49.** To see if the Town will vote to amend the Carver Wetlands Protection By-law under Section I (C) (2) by adding the word “feet” after the number “200”; or take any other action relative thereto.

(By the Conservation Commission)

**Article 50.** To see if the Town will vote to amend the Carver Wetlands Protection By-law under Section II (A) (3) by changing the number “8” to “4” and by adding the sentence: “The

Commission may request up to 4 more copies of plans for each project”; or take any other action relative thereto. (By the Conservation Commission)

**Article 51.** To see if the Town will vote to amend the Carver Wetlands Protection By-law under Section II (B) (3) by changing the number “8” to “4” and by adding the sentence: “The Commission may request up to 4 more copies of plans for each project”; or take any other action relative thereto. (By the Conservation Commission)

**Article 52.** To see if the Town will vote to amend Article II, Section 2260 of the Zoning By-laws, by deleting the same and inserting the following:

2260. Accessory Apartments.

2261. Purpose. For the purpose of enabling elderly (as defined by 55 years of age and older) and/or handicapped persons to provide small additional dwelling units to rent or reside in without adding to the number of buildings in the Town, or substantially altering the appearance of the Town for the reason of (a) enabling elderly/handicapped owners of single family dwellings to share space and the burdens of home ownership or (b) providing an alternative housing option for elderly/handicapped persons. Accessory apartments shall not be allowed in a Townhouse Development pursuant to Section 3900.

An accessory apartment is incorporated within a single-family dwelling and is a subordinate part of the single-family dwelling and complies with the criteria below.

2262. Requirements.

- a. The gross floor area shall not be greater than or be limited to eight hundred (800) square feet.
- b. Once an accessory apartment has been added to a single-family residence, the accessory apartment shall never be enlarged beyond the eight hundred (800) square feet.
- c. The owner(s) of the residence in which the accessory unit is created must continue to occupy the single-family house as their primary residence. The Special Permit shall automatically lapse if the owner no longer resides at the home.
- d. This section shall specify that the owner must reside at the home. The owner shall provide to the Building Commissioner a notarized letter stating that the owner does live at this home and that this is their primary residence which shall also be recorded at the registry of deeds with the decision, in the chain of title to the property.
- e. Any new outside entrance to serve an accessory apartment shall be located on the side or in the rear of the building.
- f. Only one (1) accessory apartment may be created within a single-family house or house lot.
- g. An accessory apartment may not be occupied by more than three (3) people.

- h. All parking to the single-family home and the accessory apartment shall be provided off-street.

2264. Conditions of Issuance of Permit. Permit for an accessory apartment is only good for three (3) years. Subsequent permits issued for an existing accessory apartment shall be granted after certification by affidavit is made by the applicant to the Building Commissioner that the accessory apartment has not been extended, enlarged or altered to increase its original dimensions, as defined in the initial permit application, and that the unit still meets the requirements of 2263.

(By the Planning Board)

**Article 53.** To see if the Town will vote to amend Article II, Section 2700 of the Zoning By-laws, by deleting the same and inserting the following:

#### 2700. TRANSFER OF DEVELOPMENT RIGHTS

2710. Purpose and Intent. The purpose of this By-law is to allow the development rights from one property (the sending parcel) to be transferred to another property (the receiving parcel) while contemporaneously restricting the sending parcel from future development. The Transfer of Development Rights (TDR) By-law allows for the maintenance of low-density land uses, open spaces, historical features, critical environmental resources, and other sensitive features of the sending parcel to be preserved while providing compensation to the property owner. The TDR program is consistent with the Carver Master Plan's goals to further the conservation and preservation of natural and undeveloped areas, wildlife, flora, and habitats for endangered species; protection of ground water, surface water, as well as other natural resources; balanced economic growth; the provision of adequate capital facilities, including transportation, water supply, and solid, sanitary, and hazardous waste disposal facilities; the coordination of the provision of adequate capital facilities with the achievement of other goals; the development of an adequate supply of affordable housing; and the preservation of historical, cultural, archaeological, architectural, and recreational values.

2720. Applicability. The provisions of Section 2700 shall apply to land identified as follows:

- a. Sending areas: Areas designated as sending areas on the TDR Overlay Map.
- b. Receiving areas: Areas designated as receiving areas on the TDR Overlay Map (Areas designated as existing commercial village or potential village expansion in the "Action Plan" map of the Carver Master Plan) and all land within any Planned Neighborhood Development (PND) overlay district.

Properties within the designated sending and/or receiving areas may either be developed under existing By-laws and regulations or may file for a Transfer of Development Rights (TDR) Special Permit. Applicants seeking a TDR special permit shall own or have the authority to represent the fee owners of both the proposed sending and receiving areas. A TDR Special Permit consists of two phases: Determination of sending area development rights; and Approval of receiving area development plan. The two phases may be combined into one single concurrent Special Permit or may be filed separately. The determination of development rights shall require a preliminary plan submittal for the sending parcel(s) as

noted in Section 2730. The Planning Board shall be the Special Permit Granting Authority for TDR special permit(s).

2730. Determination of Sending Area Development Rights. To establish the development rights available for transfer, the applicant shall file a preliminary plan for the sending parcel(s) with the Planning Board. The preliminary plan with supporting information as deemed necessary by the Planning Board shall comply with all existing density and dimensional limitations (see section 2300) in effect at the time of application. The preliminary plan for the sending parcel(s) shall also comply with Planning Board's Rules and Regulations without the need for major waivers. The determination of major waivers lies at the discretion of the Planning Board.

2731. The applicant shall provide a written report to the Planning Board that identifies the importance of the sending parcel(s) to remain in a natural state because the parcel(s) contain one or more of the following features: visual prominence, potential vista impairment, ecological significance, fragility, importance as farmland, value for recreation and/or future Town water supply. The Planning Board shall note the importance of the sending parcel in the Sending lot(s) Special Permit decision.

2732. The base development rights (number of lots) of the sending parcel(s) as established by the Planning Board from the Preliminary Plan shall be multiplied by 1.50, and this increased amount shall be the number of development rights available under a potential TDR application. Fractions of a unit shall be rounded down. For example, if the base development rights equals 10 units,  $10 \times 1.5 = 15$  units available for a TDR application. If the base development rights equals 15 units,  $15 \times 1.5 = 22.5$ , which is rounded down to 22 units.

If the Planning Board determines that one or more of the sending parcel(s) is of particularly significant importance, the base development rights of those parcel(s) may be multiplied by 2.0 instead of 1.50. Examples of particularly significant importance include:

- a. three (3) or more "approval not required" lots (i.e. lots having the minimum frontage and area requirements of the underlying zoning district and fronting on a public way or a way which the municipal clerk certifies is maintained and used as a public way) that are contiguous to each other or another parcel from which development rights are being transferred;
- b. lands that provide direct recharge to public drinking water supplies;
- c. habitat for rare or endangered species (as mapped by the Natural Heritage and Endangered Species Program);
- d. parcels contiguous to State or Town conservation land;
- e. parcels containing structures, features or trails of noteworthy historical significance;
- f. parcels with special recreational value.

The determination of particularly significant importance lies at the discretion of the Planning Board. The Planning Board shall note the total number of development rights available for use under a potential TDR application in the Preliminary Plan decision.

2733. Any lot or lots from the sending parcel(s) deemed to qualify for a transfer of development rights must be permanently restricted from future development by way of a

permanent conservation restriction in accordance with Massachusetts General Law Chapter 184, Section 31-33, as most recently amended, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, or by being donated to the Town of Carver for conservation purposes and being accepted by the Town or by being conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, and any other purposes set forth by the Planning Board. Draft restriction(s) language on the sending lot(s) shall be submitted to the Planning Board with the application. The Planning Board shall require the restriction or on the sending parcel(s) to be recorded at the Plymouth County Registry of Deeds/Land Court prior to the issuance of any building permit on the receiving parcel(s). In the case of a donation to the Town of Carver, no building permit shall be issued until the fee title of the parcel has been transferred to and accepted by, the Town of Carver. On property that will be protected by way of a conservation restriction, a management plan(s) shall be provided to the Planning Board, which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with best management practices.

2734. All instruments implementing the Transfer of Development Rights shall be recorded in the manner of a deed(s) at the Plymouth County Registry of Deeds for both the sending and receiving parcel(s). The instrument evidencing such TDRs shall specify the map and lot numbers of the sending and receiving parcel(s).

2735. The Carver Town Assessor shall be provided by applicant, all pertinent information required by such Assessor to value, assess and tax the respective parcels at their fair market value as enhanced or diminished by the TDRs. This information shall include both the sending parcel(s) and receiving parcel(s) and shall be obtained from the clerk of the Plymouth County Registry of Deeds.

2736. The record owner of the sending parcel(s) shall, within thirty days of the expiration of the appeal period from the special permit decision authorizing TDRs (or within thirty (30) days of the date on which the disposition of any such appeal is filed in the Town Clerk's office), record at the Registry of Deeds the special permit decision. Evidence of said recording shall be transmitted to the Planning Board within twenty (20) days of the recording of the special permit document with the Registry of Deeds. Evidence to the Planning Board shall include the date of recording and the deed book and page at which the recording is located.

2737. The record owner of the sending parcel(s) shall, prior to the issuance of any building permit for the receiving parcel(s) and only after discussion and written agreement with the Planning Board, record at the Registry of Deeds either: a Conservation Restriction as defined by MG.L. c. 184 §31-33, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, prohibiting in perpetuity the construction, placement, or expansion of any new or existing structure or other development on said sending parcel(s); or a deed evidencing the transfer of said sending parcel(s) to a nonprofit organization, the principal purpose of which is conservation of open space, or to the Town of Carver for conservation purposes. Evidence of said recording shall be transmitted to the Planning Board indicating the date of recording and the deed book and page number at which the recording is located. The grant of the special permit to transfer development rights shall be expressly conditioned upon evidence of the recordation of such restriction or donation prior to the issuance of any building permit for the receiving parcel.

2740. Approval of Receiving Area Development Plan. After the Planning Board has determined the development rights available to be transferred, the applicant shall submit a development plan(s) for the receiving parcel(s). The development plan shall conform to all regulations applicable in the zoning district in which the receiving area is located, except density and dimensional requirements. The minimum area of a receiving area shall be 10 acres.

The base density of the receiving area (before the TDRs are transferred) shall be established by having a Net Usable Land Area (NULA) plan for the entire receiving area(s) submitted to the Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area to these regulated lands. The remaining area is the NULA. The NULA divided by the minimum lot size in the underlying zoning district equals the base number of units that could be developed on the receiving parcel(s). Fractions of a unit shall be rounded down. The base number plus the number of TDRs available to be transferred (as calculated under Section 2730) shall be the total number of units allowed on the receiving parcel(s).

The Receiving Area Development Plan shall show all existing legal restrictions, easements or limitations on development. The receiving parcel(s) shall have public water and public septic services available or said services shall be provided as part of the TDR special permit development plan approval.

2750. TDR Special Permit Criteria. A TDR special permit may be granted by the Planning Board upon its written determination and in its sole discretion that the benefits of the proposed transfer of development rights to the receiving parcel(s) outweigh the detrimental impacts of the development in the receiving area, the surrounding neighborhood, and the Town. The Board shall review and make a positive finding on each of the following criteria:

2751. The development complies with the Carver Master Plan and Open Space and Recreation Plan, as amended from time to time;

2752. The development preserves or provides one or more of the following: natural areas; wildlife, flora, and habitats for endangered species; protection of ground water, surface water, or other natural resources; visual or vista importance; farmland; and/or recreation opportunities;

2753. The development provides adequate water and wastewater disposal facilities;

2754. The development design is appropriate to the natural topography, soils and other characteristics of the site;

2755. The development design integrates into an existing village or expansion area as mapped in the Carver Master Plan, or development occurs in and achieves the goals of the Planned Neighborhood Development (PND) zoning district;

2756. Projected traffic generation from development onto local roads and intersections is within the capacity of the road network and does not create any safety concerns. If deemed necessary by the Planning Board, traffic mitigation improvements may be required to address capacity, safety and access management issues;

2757. The design and layout of streets, parking and loading of the development is acceptable to the Planning Board.

2760. Governance. Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in MGL c. 40A, §.9. The Planning Board as S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in MGLc.40A.

(By Planning Board)

**Article 54.** To see if the Town will vote to add Article II, Section 2800 of the Zoning By-laws, by inserting the following:

## 2800. PLANNED NEIGHBORHOOD DEVELOPMENT (PND) OVERLAY DISTRICT

2810. Purpose. The purpose of this Section 2800 is to authorize and encourage planned neighborhood developments that promote a broad range of housing types and limited small retail/office uses, all centered around areas of usable public open space. Traditional neighborhood developments should incorporate pedestrian, bike, and transit-friendly design. Traditional neighborhood developments should include conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Carver generally.

The PND overlay district further serves as a receiving area for development rights transferred under Section 2700, Transfer of Development Rights.

2820. Applicability. The PND is an overlay district superimposed over the underlying zoning district(s). The boundaries of the PND are defined as the area designated “PND” shown on the Zoning Map. The PND district is applicable solely for developments that receive a special permit pursuant to Section 2700 (Transfer of Development Rights). . The enhanced density, dimensional, and use regulations contained in this section shall only apply to developments that receive a special permit pursuant to Section 2700. . Furthermore, there must be a minimum of 50 TDR units transferred into the PND per planned neighborhood development for the enhanced density, dimensional, and use regulations of the PND to take effect. Developments that do not utilize TDRs or do not meet the 50 TDR requirements are limited to the density, dimensional, and use regulations of the underlying zoning district(s).

2821. Each planned neighborhood development must contain at least Sixty (60) acres.

2830. Use Regulations. All principle and accessory uses that are allowed in the Village district, either by right or special permit, shall be allowed in the PND, subject to the following restrictions:

- a) All commercial uses (i.e. retail, office, banks, restaurants, etc.) shall have less than 8,000 sq. ft. of gross floor area per establishment;
- b) All commercial uses should be two stories and include flexible floor space on the second story to allow for office or residential uses.

In addition, the following uses shall also be allowed in the PND:

Multi-family dwellings may take the form of apartments and/or Townhouses; Townhouse dwellings may contain up to six (6) dwelling units per building, apartment dwellings may contain up to ten (10) dwelling units per building.

Mixed-use buildings may include residential uses accessory to non-residential uses. Other uses include convalescent or nursing home, or assisted elderly housing, health/membership club, intermodal passenger terminal, small (neighborhood) office and/or small (neighborhood) retail.

All PND uses are subject to the dimensional regulations and design standards/requirements of this Section.

2831. Prohibited Uses: All principle and accessory uses prohibited in the Village district shall be prohibited in the PND. In addition, drive-in/through facilities shall be prohibited in the PND.

2832. Use mix: Each planned neighborhood development must contain a least three (3) different land uses. For the purposes of this subsection, single-family residential is considered a different land use than multi-family residential, retail is considered a different land use than office, etc. Public open space/park is required in all planned neighborhood developments and shall not be included as one of the three required land uses. The maximum percentage of land area allowed per land use category within a planned neighborhood development phase shall be as follows:

USE CATEGORY	Maximum Percentage of a PND Phase, in Acres
Single-family residential	45%
Multi-family residential, including residential in mixed-use buildings	35%
Community uses (religious, education, municipal)	10%
Commercial uses (retail, office, bank, restaurant, etc.)	10%

2833. The above use regulations apply only to developments that utilize TDRs and meet the 50 TDR requirements.

2840. Density and Dimensional Regulations: Developments that receive a special permit pursuant to Section 2700 and meet the 50 TDR requirements shall conform to the following dimensional requirements:

***Planned Neighborhood Development Overlay District***

Minimum Area (1)	7,000 sq. ft.
Minimum Frontage	65 feet
Minimum Depth	75 feet
Minimum Front Setback (2)	10 feet
Maximum Front Setback	20 feet
Minimum Side Setback (2)	10 feet
Minimum Rear Setback (2)	15 feet

Maximum % Building Coverage	55%
Maximum % Lot Coverage	75%
Maximum Height:	
1-family or 2-family residential	Two and a half (2.5) stories or 35 ft
Multi-family residential	Three (3) stories or 40 feet
Non-residential or mixed-use buildings	Three (3) stories or 40 feet

1. For multi-unit residential dwellings, add 2,000 sq. ft. to the minimum lot requirement for each additional unit in addition to the first unit (example: 2 units requires 9,000 sq. ft., 3 units 11,000 sq. ft., etc.). Mixed-use buildings containing residential and non-residential uses are exempted from this requirement.
2. Parking and loading spaces shall not be allowed in a front, rear or side yard setback.

2841. Density Limitation: The maximum density of a planned neighborhood development shall be six (6) units per net usable land area (NULA) acre. The NULA calculation is explained in Section 2863.

2850. Design Standards/Requirements.

2851. Green/Square and other Public Open Spaces. At least 20% of the land area within a PND shall be open space. Open space shall be permanently protected from future development via a deed restriction or donation to the Town of Carver or donation to a non-profit organization. Within the 20% open space requirement, there shall be a minimum of one (1) acre of public land suitable for active and/or passive recreation for every twenty (20) acres within the PND. Land for active/passive recreation may be provided in one or more parcels, provided each parcel contains a minimum of 10,000 sq. ft.

- a. Each PND phase shall include at least one neighborhood green/square. Neighborhood greens shall be used solely for active and/or passive recreation purposes and shall be open to the public. Each neighborhood green shall be at least one (1) acre in area. The neighborhood green shall be designed as a pedestrian friendly park, and shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. The neighborhood green shall be easily accessible to pedestrians and shall be properly maintained. The green/square should be surrounded by buildings with complementary ground floor uses such as restaurants and cafes (preferably with seasonal outdoor seating), and other businesses that operate in both daytime and evening hours, to create a festive, welcoming, well-populated attraction for pedestrians.
- b. Additional public open spaces as needed to meet the 20% open space requirement or the active/passive recreation requirement should be sited throughout the district to serve a variety of purposes, such as commons or greens, walking trails, bikeways, neighborhood pocket parks, community gardens, civic gathering places, and passive and/or active recreation. All public land for active/passive recreation shall be accessible via pedestrian connections and shall be properly maintained. Small-scale “pocket parks” and community gardens are encouraged in all

residential areas, particularly adjacent to multi-family dwellings with limited private open space.

- c. The total acreage of all public land for active/passive recreation may be used toward calculating the allowable density for one of the nearby land uses within that phase.

2852. Affordable housing: At least fifteen percent (15%) of all dwelling units constructed in each phase of a planned mixed-use development shall meet the State's affordable housing requirements for low to moderate income. Fractional units of .5 or greater should be rounded up to the next whole unit; fractional units less than .5 shall be rounded down. It is intended that the affordable housing units that result from this By-law shall qualify as Local Initiative Program (LIP) units in compliance with the requirements for the same as specified by the Department of Housing and Community Development and that said units count toward the Town's requirements under M. G. L. c. 40B, § 20-23. The affordable units shall be marketed through the Carver Housing Authority, South Shore Housing Development Corporation, or other housing organization approved by the Planning Board. The affordable units must be marketed fairly and openly in accordance with state and federal laws. All affordable units shall be initially sold or rented at an affordable price to qualified affordable housing occupants, and resale restrictions will assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase/occupancy of unit.

- a. In lieu of providing said affordable units on-site, the applicant may satisfy the affordable housing requirement by providing fifteen percent (15%) of the total number of dwelling units as affordable off-site, through the purchase of vacant or abandoned units, redevelopment and/or new construction within the Town.
- b. Affordable dwelling units shall remain available to persons of qualifying income levels in perpetuity through the use of an affordable housing deed restriction as defined in M.G.L. c. 184 § 31.
- c. The purchaser of an affordable housing unit developed as result of this By-law shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town's right of first refusal for a period of not less than one hundred eighty (180) days to purchase the property or assignment thereof, in the event a qualified affordable purchaser cannot be located, despite diligent efforts to sell the property.
- d. All affordable units constructed or rehabilitated under this By-law shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
  1. Affordable units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

2. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-Rate Unit %	Affordable Housing Units %
Up to 30%	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

2853. Parking.

- a. On-street parking is encouraged throughout the PND overlay district. Parking lanes should be provided on at least one side of the street in predominantly residential areas and on both sides of the street in predominantly mixed use and non-residential areas. On-street spaces along the front property lines of a block shall be designed as either parallel to or diagonal to the curb and be consistent on both sides of the same side of the street within the same block. On-street spaces along the front property line of an individual lot shall be counted toward the minimum number of parking spaces required for the use on that lot.
- b. Off-street parking as an accessory use shall only be provided at the sides or the rear of a building. Surface parking lots and/or private garages may be provided for all uses. For multi-family, mixed, and non-residential uses, pedestrian connections shall be provided from all side or rear parking facilities to the front of the building. Where a parking facility is located behind and serves multiple adjacent buildings, pedestrian connections to the street shall be provided between buildings at regular (maximum 400 foot) intervals.
- c. Required Parking Spaces
  1. Residential: Two (2) spaces per dwelling unit.
  2. Residential in Mixed-Use Buildings residential parking may be reduced to One and one-half (1 1/2) spaces per dwelling unit.
  3. Non-Residential Uses: Spaces shall be provided as per the requirements of Section 3300. A 25% reduction in required spaces may be permitted when the applicant provides common parking areas and submits information on peak times by use, confirming that uses are compatible relative to parking demand. On street parking in front of a building may be utilized to help fulfill this requirement. Common parking areas for commercial uses should be within 1,000 feet of business and connected by lighted sidewalks or paths.

2854. Pedestrian Access:

- a. All new streets shall have paved sidewalks to maintain continuous pedestrian connections throughout the PND and to/from adjacent public ways. On streets with mixed and non-residential uses, sidewalks shall be a minimum six (6) feet wide; for residential uses, a minimum four (4) feet wide. Accessible curb cuts shall be provided at all intersections and pedestrian crosswalks.
- b. Crosswalks are required at all intersections where pedestrian and vehicular traffic are expected to intersect. Crosswalks may be designated by painted lines or changes in paving materials.
- c. Footpaths/bikeways shall be provided throughout the PND to facilitate pedestrian connections throughout the District, particularly to and from the Village Square/Green, and to and through public open spaces. Footpaths need not be paved, but shall be accessible to the public, well lit, and regularly maintained. Paved footpaths may double as bikeways as long they meet AASHTO Standards.

2855. Building Design:

- a. The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves.
- b. Architectural details of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Carver.
- c. Front and sides of the building facades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth, to break up the building's mass.

2856. Other requirements and standards.

- a. Public trash receptacles should be provided throughout the mixed-use area and the Village square/green.
- b. All utilities shall be placed underground.
- c. All mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be located out of public view and situated with the intent of causing minimal acoustic intrusion on building occupants and adjacent uses. Visual screening or acoustic buffering may be required, by means of parapets, walls, fences, dense evergreen foliage, or other suitable means.
- d. All other applicable design regulations of this By-law, including but not limited to landscaping, lighting, and signage, shall apply to Planned Mixed-use Developments. If the design standards/requirements of this section conflict with another section of the By-law, the standards/requirements of this section shall apply.

2860. Procedures: All Planned Neighborhood Developments are subject to a Special Permit. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for a PND special permit.

2861. Pre-application Meeting and Preliminary PND Concept Plan: A pre-application meeting between the applicant and the Town Planner is strongly encouraged. The purpose of the pre-application meeting is to identify issues relating to the proposed PND. At this pre-application meeting, applicants are encouraged to submit a Preliminary PND Concept Plan for review and comments by the Planning Board. A Preliminary PND Concept Plan shall consist of a sketch plan showing the layout, lotting, and number of units of all proposed land uses, as well as the location of all public open space and road networks. The sketch plan should show the proposed PND in a general or schematic way. The applicant is further encouraged to submit several alternative sketch plans where appropriate.

2862. Planned Neighborhood Development Plan: Applicants for a Planned Neighborhood Development shall submit to the Planning Board an application for a special permit and ten (10) copies of a Planned Neighborhood Development Plan in such form as may be required in the Planning Board's Rules and Regulations governing Planned Neighborhood Development Special Permits. Applicants shall also submit a Net Usable Land Area plan as described in Section 2863 and an application for Site Plan Approval under Section 3100. Applicants shall include a statement indicating the number and types of dwelling units, as well as the proposed use and ownership of all open space. Applicants shall also submit a mitigation plan for the Planned Neighborhood Development. The mitigation plan should include any needed or required offsite improvements to roads or other infrastructure.

2863. Net Usable Land Area Plan: The base density of the tract under consideration for a Planned Neighborhood Development shall be established by having a Net Usable Land Area (NULA) plan submitted to the Planning Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area to these regulated lands. The remaining upland area is the NULA. The NULA divided by the minimum lot size in the underlying zoning district equals the base number of units that could be developed on the tract. Fractions of a unit shall be rounded down. The base density may be increased by adding TDRs up to the 6 units per NULA acre cap stipulated in Section 2841. The applicant shall demonstrate how the proposed density can be achieved by a combination of base density and available TDRs.

2864. The Planning Board shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other Town boards, commissions and or departments, the Planning Board may grant such a permit. The Planning Board shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to improve the site design or mitigate the impacts of the proposed development. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the Planning Board.

2870. Criteria for Review and Approval: PND special permits may be granted by the Planning Board upon its written determination and in its sole discretion that benefits of the proposed planned mixed-use development or phase thereof outweigh the detrimental impacts of the development in the PND overlay district and on the Town. The SPGA shall review and make all determinations on the application. In order to approve, the SPGA shall also make a positive finding on each of the following criteria:

- a. The resulting development complies with the currently accepted versions of the Master Plan and the Open Space & Recreation Plan.
- b. The mixed-use design provides a superior pedestrian friendly neighborhood.
- c. The resulting development meets the design standards/requirements of Section 2850.
- d. The resulting development provides adequate water supplies and wastewater disposal facilities that meet 310 CMR 15.00 (Title 5) and Board of Health requirements.
- e. The development will not create a greater demand on public facilities and services than would have occurred in the absence of a PND special permit, or such increases have been adequately mitigated.
- f. The projected traffic generation from the development onto local roads and intersections is within the capacity of the existing local and regional road network and adequately adheres to acceptable principles of access management. If deemed necessary by the Planning Board, traffic mitigation improvements may be required to address capacity, safety and access management issues.
- g. The design and layout of streets, parking and loading of the development is suitable to the property and surrounding neighborhood, creates a network of interconnecting, pedestrian-oriented streets, and is acceptable to the Planning Board.

(By Planning Board)

**Article 55.** To see if the Town will vote to amend Section 3200 of the Zoning By-laws, by deleting the same and inserting the following:

3220. Applicability: The requirements of this section shall apply to any nonresidential use and any multi-family dwelling of three (3) or more dwelling units.

3230. Landscaping Requirements Along Roadways and Property Lines:

3231. Roadways/Front Property Lines: The roadway/front property line landscaped buffer is intended to contribute to the creation of tree-lined roadways and shall create a strong impression of separation between the street and the developed area of the site without necessarily eliminating visual contact between them. Planted buffer areas shall be established adjacent to any public road, and shall be continuous except for approved access ways. The roadway/front property line shall have shade trees planted at least every thirty-five (35) feet along the roadway. Planted buffer areas along roadways/front property lines shall be of the following minimum depth in each district, as measured from the layout of the roadway:

IA or B	HC	GB	V
30 feet	20 feet	20 feet	10 feet

3232. Side and Rear Property Lines. Side and rear property line landscaped buffers are intended to promote proper visual separation and adequate buffering between adjoining properties. Planted buffer areas along side and rear property lines shall be of the following minimum depth in each district:

IA or B	HC	GB	V
20 feet	10 feet	10 feet	0 feet

3233. Property lines bordering residential uses. Wherever a nonresidential use or multi-family dwelling is located on a lot which abuts or is across a street from land developed or zoned for residential use, a landscaped buffer shall be provided and maintained on the nonresidential/multi-family lot along the bordering lot line in order to minimize the visual effect of all the nonresidential/multi-family use on the adjacent land. Planted buffer areas along property lines bordering residential districts or uses shall be of the following minimum depth in each district:

IA or B	HC	GB	V
100 feet	50 feet	50 feet	10 feet

The bordering residential buffer shall supercede the applicable front, side or rear property line buffer required by Sections 3231 and 3232.

3240. Landscaping Requirements for Parking Areas:

3241. Parking lot interior landscaping: Interior parking lot landscaping shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site. Parking areas with more than 10 spaces shall contain 150 square feet of planted areas for every 1000 square feet of parking proposed, appropriately situated within the parking area. All interior parking lot landscaping shall occur in landscaped islands containing at least 150 square feet of unpaved area and measuring at least 10 feet across. A landscaped island may be up to thirty-three percent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas. The distance from one landscaped island to next or to the perimeter of the parking lot shall be no more than 180 feet.

3242. Parking lot perimeter landscaping: Perimeter parking lot landscaping shall create visual screening of automobile parking areas, create summer shade along paved surfaces and reduce wind velocity across open lot areas. Buffer strips shall be located along the perimeter of at least three sides of all parking lots with more than 10 spaces, and shall meet the following specifications:

Number of Spaces in Lot	Depth of Buffer Strip
Up to 10	10 feet
11 – 24	10 feet plus one foot for each space in

	excess of 10 spaces
25 or more	25 feet

If the parking perimeter buffer requirements conflict with roadway/property line buffer requirements, the larger requirement shall apply.

3243. All interior and perimeter parking lot landscaped areas shall be suitably protected by raised curbing to avoid damage to the plant materials by vehicles and by snowplows and to define the edge of the landscaped area.

3250. Landscaping Requirements for Buildings and Screening of Unsightly Features:

3251. Landscaped areas at least ten (10) feet in depth shall be provided adjacent to buildings on every side of the building that has a public entrance, and shall contain trees and shrubs.

3252. Unsightly features such as loading areas, storage areas, refuse storage and disposal areas, service areas and mechanical or utility equipment shall be screened from view, to the extent feasible, from all public ways; and from adjacent properties, by the use of planted buffers, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

3260. Planting Requirements: All landscaping and buffers shall consist of grass, shrubs and trees of a species common to the area and appropriate for their intended purpose. Such plantings shall be provided and maintained by the owner of the property used for nonresidential/multi-family purposes. The buffer area may contain walks, sewerage, and wells, but no part of any building structure, or space intended for or used as a parking area, driveway, or drive through may be located within the buffer area.

The side/rear property line, bordering residential, and parking lot perimeter buffers, may include plantings, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees. Shrubs and hedges shall be at least two and half (2.5) feet in height at the time of planting, and have a spread of at least eighteen (18 ) inches.

3261. Grass is preferable to mulch where practical.

3262. Wherever possible, the planting and screening requirements of this section shall be met by the retention of existing vegetation and topography. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

3270. Coordination with Site Plan Approval: The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section 3100.

3280. Maintenance of Landscaped Areas: The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth.

(By Planning Board)

**Article 55.** To see if the Town will vote to amend Section 3200 of the Zoning By-laws, by deleting the same and inserting the following:

3220. Applicability: The requirements of this section shall apply to any nonresidential use and any multi-family dwelling of three (3) or more units.

3230. Landscaping Requirements Along Roadways and Property Lines:

3231. Roadways/Front Property Lines: The roadway/front property line landscaped buffer is intended to contribute to the creation of tree-lined roadways and shall create a strong impression of separation between the street and the developed area of the site without necessarily eliminating visual contact between them. Planted buffer areas shall be established adjacent to any public road, and shall be continuous except for approved access ways. The roadway/front property line shall have shade trees planted at least every thirty-five (35) feet along the roadway. Planted buffer areas along roadways/front property lines shall be of the following minimum depth in each district, as measured from the layout of the roadway:

IA or B	HC	GB	V
30 feet	20 feet	20 feet	10 feet

3232. Side and Rear Property Lines. Side and rear property line landscaped buffers are intended to promote proper visual separation and adequate buffering between adjoining properties. Planted buffer areas along side and rear property lines shall be of the following minimum depth in each district:

IA or B	HC	GB	V
20 feet	10 feet	10 feet	0 feet

3233. Property lines bordering residential uses. Wherever a nonresidential use or multi-family dwelling is located on a lot which abuts or is across a street from land developed or zoned for residential use, a landscaped buffer shall be provided and maintained on the nonresidential/multi-family lot along the bordering lot line in order to minimize the visual effect of all the nonresidential/multi-family use on the adjacent land. Planted buffer areas along property lines bordering residential districts or uses shall be of the following

minimum depth in each district:

IA or B	HC	GB	V
100 feet	50 feet	50 feet	10 feet

The bordering residential buffer shall supercede the applicable front, side or rear property line buffer required by Sections 3231 and 3232.

3240. Landscaping Requirements for Parking Areas:

3241. Parking lot interior landscaping: Interior parking lot landscaping shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site. Parking areas with more than 10 spaces shall contain 150 square feet of planted areas for every 1000 square feet of parking proposed, appropriately situated within the parking area. All interior parking lot landscaping shall occur in landscaped islands containing at least 150 square feet of unpaved area and measuring at least 10 feet across. A landscaped island may be up to thirty-three percent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas. The distance from one landscaped island to next or to the perimeter of the parking lot shall be no more than 180 feet.

3242. Parking lot perimeter landscaping: Perimeter parking lot landscaping shall create visual screening of automobile parking areas, create summer shade along paved surfaces and reduce wind velocity across open lot areas. Buffer strips shall be located along the perimeter of at least three sides of all parking lots with more than 10 spaces, and shall meet the following specifications:

Number of Spaces in Lot	Depth of Buffer Strip
Up to 10	10 feet
11 – 24	10 feet plus one foot for each space in excess of 10 spaces
25 or more	25 feet

If the parking perimeter buffer requirements conflict with roadway/property line buffer requirements, the larger requirement shall apply.

3243. All interior and perimeter parking lot landscaped areas shall be suitably protected by raised curbing to avoid damage to the plant materials by vehicles and by snowplows and to define the edge of the landscaped area.

3250. Landscaping Requirements for Buildings and Screening of Unsightly Features:

3251. Landscaped areas at least ten (10) feet in depth shall be provided adjacent to buildings on every side of the building that has a public entrance, and shall contain trees and shrubs.

3252. Unsightly features such as loading areas, storage areas, refuse storage and disposal areas, service areas and mechanical or utility equipment shall be screened from view, to

the extent feasible, from all public ways; and from adjacent properties, by the use of planted buffers, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

3260. Planting Requirements: All landscaping and buffers shall consist of grass, shrubs and trees of a species common to the area and appropriate for their intended purpose. Such plantings shall be provided and maintained by the owner of the property used for nonresidential/multi-family purposes. The buffer area may contain walks, sewerage, and wells, but no part of any building structure, or space intended for or used as a parking area, driveway, or drive through may be located within the buffer area.

The side/rear property line, bordering residential, and parking lot perimeter buffers, may include plantings, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees. Shrubs and hedges shall be at least two and half (2.5) feet in height at the time of planting, and have a spread of at least eighteen (18 ) inches.

3261. Grass is preferable to mulch where practical.

3262. Wherever possible, the planting and screening requirements of this section shall be met by the retention of existing vegetation and topography. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

3270. Coordination with Site Plan Approval: The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section 3100.

3280. Maintenance of Landscaped Areas: The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth. (By Planning Board)

**Article 56.** To see if the Town will vote to amend Article VI of the Zoning By-laws by inserting the following definitions:

DEFINITIONS:

Adult Use: [The definition of adult use includes the following types of establishments.]

Adult Bookstore shall mean an establishment having as a substantial or significant portion of its stock in trade books, magazines, and other matters which are distinguished as characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31 which excludes minors by virtue of age.

Adult Dance Club shall mean an establishment which, as its principal form of entertainment, permits a person or persons to perform in a state of nudity as defined in M.G.L.A. c. 272, § 31.

Adult Theater shall mean 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 M.G.L.A. c. 272, § 31 and which excludes minors by virtue of age.

Adult Video Store shall mean an establishment having as a substantial or significant portion of its stock in videos, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. c. 272, § 31 and which excludes minors by virtue of age.

Animal Clinic or Hospital shall mean a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

ATM shall mean a device whether attached to a structure or free standing, for the dispensing of money and the conducting of financial transactions. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

Bank shall mean an establishment for the conduct of financial transactions including the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

Bituminous Concrete or Concrete Batching Plant shall mean a manufacturing facility where a hard strong building material is produced by mixing a cementing material (such as portland cement) and a mineral aggregate (such as sand and gravel) with sufficient water to cause the cement to set and bind the entire mass.

Car Wash shall mean:

- a. An area of land and/or a structure with machine, or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing, of motor vehicles.
- b. A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

Cemetery shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Commercial Recreation, Outdoors shall mean drive-in theatre, golf course/driving range, miniature golf course, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this By-law.

Copy Shop shall mean a place which provides photocopying, blueprinting or binding services to the public, but does not include printing presses or silk screening.

Craftsman/Tradesman shall mean retail and/or service provided by a worker who practices a trade or handicraft, one who creates or performs with skill or dexterity especially in the manual arts, such as a jeweler, cabinet maker, frame person etc.

Development Rights shall mean rights to develop a single-family house lot, expressed as the maximum number of lots permissible on a designated sending parcel(s) under the applicable zoning and subdivision rules and regulations in effect on the date of the transfer of development rights. Development rights (house lots) are computed on a one-for-one-basis. Determination of the maximum number of development rights (house lots) available for transfer shall be made by the Planning Board.

Gross Floor Area shall mean the floor area of all floors within the perimeter of the outside walls of the building under consideration without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Heliport-Unlimited Use shall mean any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-downs areas, hangars, and other necessary buildings and open spaces.

Heliport-Limited Use shall mean any landing area used for the landing and taking off of helicopters, including necessary passenger and cargo facilities, fueling, and emergency service facilities.

Hospital shall mean:

- a. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in a surgery, obstetrics, and general medical practice.
- b. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Lot shape shall mean lots that are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with the dimensional requirements established herein, shall not be allowed. The minimum width of a lot from the front setback line to the rear house line shall be not less than 75 feet. The minimum 75 foot width shall not apply to rear lots. Any lot to be created having frontage on an existing roadway, must meet the minimum lot size requirement for the zoning district it is located, minus any easements and/or right of ways, except those for municipal purposes.

Manufacturing shall mean a use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

Miniature Golf shall mean a novelty version of golf played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges, and tunnels.

Nursery/Greenhouse shall mean the raising of trees (for transplanting), ornamentals, shrubs, flowers, ground cover or house plants for any commercial purpose.

Nursing Home shall mean any place or institution for the aged, infirmed, chronic or convalescent, whether conducted for charity or for profit, which is established to render domiciliary care, custody, treatment and/or lodging of three or more unrelated persons who require or receive assistance in ordinary daily activities of life, or who are confined to bed or chair. (This term includes boarding and rooming houses for aged people, convalescent homes, rest homes, homes for the aged or infirmed, convalescent homes for children, and the like; but does not include hospitals, clinics and similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.)

Place of Assembly shall mean a structure accommodating ten (10) or more persons, for recreational, for-profit educational, political, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers or private clubs conducted for or not for profit.

Print Shop shall mean a retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Receiving Parcel(s) shall mean land that, through the granting of a special permit, may receive development rights from a sending parcel(s).

Retail Sales Establishment shall mean a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Sawmill shall mean a manufacturing facility housing a mill or machine used for sawing logs into lumber.

Sending Parcel(s) shall mean land from which development rights, as determined by the Planning Board, may be transferred to a receiving parcel(s).

Tattoo Parlor shall mean an establishment which provides the service of tattooing by a qualified, licensed professional.

Transfer of Development Rights (TDR) shall mean a development right (house lot) can be transferred from a sending parcel(s) in the sending area to a receiving parcel(s) in the receiving area. As part of the transfer of the development rights from the sending parcel either a

conservation restriction shall be placed on the sending parcel or ownership of the sending parcel shall be donated to the Town of Carver for conservation purposes or its designee.

(By Planning Board)

**Article 57.** To see if the Town will vote to amend the Zoning By-laws Section 2230 Use Regulation Schedule as follows:

Modify the uses in the Principal Use Table to read as follows:

2230. Use Regulation Schedule.

PRINCIPAL USE	RA	HC	GB	V	1A	1B	AP
A. RESIDENTIAL							
Townhouse development	SP*	SP*`	SP*	SP*	N	N	N

PRINCIPAL USE	RA	HC	GB	V	1A	1B	AP
C. COMMERCIAL							
Office	N	Y	Y	SP*	Y	N	SP*
Bank, including free standing ATM and drive-in facilities	N	Y	Y	SP*	SP*	N	SP*
Restaurant, not including fast-food or drive-in restaurant	N	Y	Y	SP*	SP*	N	SP*
Landscaping Business	SP*	Y	SP*	SP*	Y	N	N
Craftsman/Tradesman	N	Y	Y	Y	N	N	N
Nursery/Greenhouse	Y	Y	Y	SP*	Y	Y	N
Copy Shop	N	Y	Y	Y	N	N	N
Retail sales or rental less than 80,000 square feet in gross floor area for a single structure without display outdoors	N	Y	Y	SP*	SP*	N	N
Retail sales or rental less than 80,000 square feet in gross floor area for a single structure with display outdoors	N	Y	SP*	N	SP*	N	N
Commercial Recreation, Outdoors	SP	SP	SP	N	SP	N	N

PRINCIPAL USE	RA	HC	GB	V	1A	1B	AP
D. INDUSTRIAL							
Contractor's Yard	N	SP*`	N	N	SP*	SP*	N

(By Planning Board)

**Article 58.** To see if the Town will vote to amend Section 3330, Table of Parking Requirements, of the Zoning By-laws by inserting the following:

PRINCIPAL USE	PARKING
RESIDENTIAL	
Detached single-family dwelling	2 for each dwelling unit

Flexible development	1 for each dwelling unit up to 50 units and 1.5 for each dwelling unit in excess of 50
Conservation subdivision	2 for each dwelling unit up to 50 units and 1.5 for each dwelling unit in excess of 50
Townhouse development	2 for each dwelling unit
<b>EXTENSIVE USES AND COMMUNITY FACILITIES</b>	
Airport	1 per 500 sq. ft. of gross floor area
Religious or educational use exempted by G.L. c.40A,s.3	1 per 8 occupants + 1 per 2 employees
Educational use not exempted by G.L. c.40A,s.3	1 per 8 occupants + 1 per 2 employees
Agricultural use exempted by G.L. c.40A,s.3	Not applicable
Agricultural use not exempted by G.L. c.40A,s.3	Not applicable
Cranberry receiving station	As may be determined by the building commissioner
Child care facility or day care facility exempted by G.L. c.40A,s.3	1 per 8 occupants + 1 per 2 employees
Municipal facilities	Based on Occupancy Load, 1 space for every 3 people
Essential services	Based on Occupancy Load, 1 space for every 3 people
Cemetery	1 per 8 occupants + 1 per 2 employees
Earth Removal	Not applicable
Mobile home park	2 for each dwelling unit, plus one space per each five homes
<b>COMMERCIAL</b>	
Office	1 per 250 square feet of gross floor area
Bank, including fee-standing ATM and drive-in facilities	1 per 175 square feet of gross floor area
Retail sales or rental without display outdoors	1 per 250 square feet of gross floor area
Retail sales with manufacturing or assembly in a building less than 20,000 sq. ft. building footprint	1 per 500 square feet of gross floor area
Retail sales or rental with display outdoors	1 per 250 square feet of gross floor area
Motor vehicle service station	4 spaces for every service bay/plus employees
Establishment for the sale or consumption of alcoholic beverages, with or without entertainment, including	1 space for each 4 seats plus employees

clubs, whether for profit or not for profit	
Junkyard or automobile graveyard	Not applicable
Hospital or sanitarium	1 space for each 3 beds plus 1 for each 50 square feet of outpatient facilities plus employees; plus 1 for each 400 square feet net floor space of medical office buildings related to hospitals
Convalescent or nursing home, or assisted elderly housing	1 space for each 6 beds plus employees
Hotel or motel	(Hotel)1 space for each 3 sleeping rooms/plus employees (Motel)1 space for each unit/plus employees
Bed and Breakfast	1 per sleeping room plus 1 per 2 employees
Print shop	1 per 500 square feet of gross floor area
Service shop	1 for each 400 square feet of gross floor space
Restaurant, not including fast-food or drive-in restaurant	1 per two seats plus 1 per two employees
Fast-Food or drive-in restaurant	1 space for each 300 square feet of gross floor space
Places of assembly	1 per 8 occupants plus 1 per 2 employees
Animal Hospital or Hobby or Commercial Kennel	1 space for each 400 square feet of gross floor space
Drive-in service at facility other than restaurant or bank	Not applicable
Adult Use	1 space for each 4 seats plus employees
Landscaping business	1 for each 400 square feet of gross floor space
Car wash	spaces for employees
Commercial recreation, outdoors	Based on Occupancy Load, 1 space for every 2 people
Major Commercial Project	1 for each 300 square feet of gross floor space
Tattoo parlor/Body Piercing	1 for each 400 square feet of gross floor space
<b>INDUSTRIAL</b>	
Light manufacturing in a building with less than 20,000 sq. ft. building footprint	1 per 500 square feet of gross floor area, or 1 per employee, whichever is greater
Light manufacturing in a building with more than 20,000 sq. ft. building footprint	2 per 500 square feet of gross floor area, or 1 per employee, whichever is greater
Manufacturing, processing, assembly, or fabrication in a building with less than 20,000 sq. ft. building footprint	3 per 500 square feet of gross floor area, or 1 per employee, whichever is greater
Manufacturing, processing, assembly, or fabrication in a building with more than 20,000 sq. ft. building footprint	4 per 500 square feet of gross floor area, or 1 per employee, whichever is greater

Wholesale, warehouse, or distribution facility in a building with less than 20,000 sq. ft. building footprint	1 space for each 2 employees in the maximum working shift; others as may be determined by the building commissioner
Wholesale, warehouse, or distribution facility in a building with less than 20,000 sq. ft. building footprint	2 spaces for each 2 employees in the maximum working shift; others as may be determined by the building commissioner
Bituminous concrete or concrete batching plant	As may be determined by the building commissioner
Contractor's yard	1 space for each 2 employees in the maximum working shift
Sawmill	Based on Occupancy Load, 1 space for every 3 people
Truck, bus or freight terminal	Based on Occupancy Load, 1 space for every 3 people

(By Planning Board)

**Article 59.** To see if the Town will vote to add to Section 2540 of the Town of Carver Zoning By-laws the following new section, or take any other action relative thereto:

2544. The proposed division of land has an extraordinary significance which enhances the Town's historical, cultural, environmental, agricultural and/or recreational character. Examples of possible features would be construction or rehabilitation of playgrounds and/or ballfields, rehabilitation of historic structures or entities, protection of vernal pools, protection of endangered or threatened species, conveyance of public drinking supply, and any other action deemed appropriate by the Carver Planning Board.

(By Planning Board)

**Article 60.** To see if the Town will vote to amend Article II, Section 2270 of the Zoning By-laws, by deleting the same and inserting the following:

- a. Billboards, streamers, pennants, ribbons, spinners, signs tacked, posted, painted or otherwise attached to utility poles, posts, trees, sidewalks, buildings or curbs, or to motor vehicles and trailers regularly located for fixed display or other similar devices shall not be constructed, posted or erected in any zone; provided, however, that streamers, pennants, ribbons, spinners, or other similar devices may be permitted in conjunction with the grand opening of a business and for twenty (20) days thereafter. Flags and bunting exhibited to commemorate national patriotic holidays, and temporary banner announcing charitable or civic events are exempted from this prohibition.
- b. Flashing signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this By-law.
- c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.
- d. Off-premises signs are not permitted in any district, with the exception of directional signs on public property.

- e. Roof signs which project above the highest point of the roof are not permitted in any district.
- f. When visible from a public way, no advertising shall be permitted on storage tanks, vehicles or similar types of containers. This restriction applies to both permanently located and mobile units, and trailers and trucks regularly located for fixed display. This prohibition shall not apply to van, panel trucks, or any other business vehicles used on a regular basis.
- g. Signs on trees, etc., except for approved subdivision entrance signs or signs warning of danger or prohibiting trespass or the like; no sign shall be painted on or affixed to any tree, fence, utility pole, painted or posted on any wall.
- h. Signs shall be illuminated from the exterior only by a stationary, shielded light directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. Signs of the exposed neon or other gas-filled tube type are prohibited. No sign shall be internally illuminated, except those utilizing the “soft-glo” method.
- i. Illuminated features other than approved signs, on the exterior of a building that call attention to the building, product or services available within the building.  
(By Planning Board)

**Article 61.** To see if the Town will vote to amend the Zoning By-laws Section 2900 by adding the following language:

**2900. BED AND BREAKFAST**

2910. Purpose. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Carver by providing detailed review of the design and layout of Bed and Breakfast facilities, which have a substantial impact upon the character of the Town of Carver and upon adjacent properties, utilities and services therein.

2920. Powers and Administrative Procedures. A Special Permit may be granted for a bed and breakfast. Such Special Permit granted shall be valid for one year from the date of issuance. Such Special Permit may be renewed, provided however, the premises are first inspected by the Building Commissioner and found to be in compliance with the above stated requirements and any other applicable ordinances, rules, regulations, laws or restrictions. The Zoning Board of Appeals (ZBA) may issue the permit for a Bed and Breakfast upon such conditions and limitations as are consistent with the zoning ordinance. In addition to such conditions and limitations, the permit for a bed and breakfast shall contain the following information: (i) number of rooms to be rented; (ii) signage requirements; (iii) off-street parking requirements; (iv) statement that only breakfasts and dinner may be served on the premises. The Bed and Breakfast may be specially permitted where the ZBA determines that:

- a. The building to be used for the Bed and Breakfast is a single family residence, except that if the building is listed on the historic inventory, the Carver Historic

Commission, Carver Historic District Commission and the Planning Board for the Town of Carver have offered a recommendation on the intended use.

- b. There shall be no significant alteration of the building's exterior. This shall not include safety or general maintenance measures such as painting, etc.
- c. Off-street parking will be screened from adjacent properties. No additional parking will be allowed within front yard setbacks. Pre-existing parking is exempt.
- d. The Bed and Breakfast is not located within 1,000 feet of another bed and breakfast. This may be waived if the ZBA determines that a waiver of this requirement will not have an adverse impact on the neighborhood.
- e. The only meals that may be provided to guests shall be breakfast and dinner, and it would only be served to guests taking lodging at the facility.
- f. Information and literature describing activities and cultural and historical events and landmarks in the Town of Carver shall be prominently displayed for the benefit of guests.
- g. Trash/waste containers are to be enclosed and secured from entry and screened.  
(By Planning Board)

**Article 62.** To see if the Town will vote to amend Section 3864 of the Town of Carver Zoning By-laws by deleting the same and inserting the following new section, or take any other action relative thereto:

3864. The required open space shall, upon mutual agreement between the applicant and the Carver Planning Board, be conveyed to:  
(By Planning Board)

**Article 63.** To see if the Town will vote to amend Sections 3169 and 3170 of the Zoning By-laws, by deleting the same and inserting the following:

3169. Comply with all applicable provisions of this Zoning By-law, the Planning Board's Subdivision Rules and Regulations, and other Town regulations, including but not limited to, Section 3200, General Landscaping Requirements, and Section 3300, Townwide Parking and Loading Requirements.

3170. Approval: Site plan approval shall be granted upon determination of the board that the requirements of this Section 3100, Site Plan Review, and all other applicable requirements have been satisfied. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to ensure that the performance standards are met. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

(By Planning Board)

**Article 64.** To see if the Town will vote to amend the Zoning By-laws Section 3500 by adding the following language:

3560. Special Permit to Exceed Dimensional Requirements for Signs. The Carver Planning Board, acting as the Special Permit Granting Authority, may issue a Special Permit to exceed the number and size of signs within the HC, BG, V, IA, IB and AP zoning districts. The Board's decision shall be based upon the following criteria:

- a. Signs are compatible with surrounding Neighborhood.
- b. Signs are not considered visual pollution.
- c. There is no obstruction to traffic, and or public safety.
- d. Amount and number of signs will be of a benefit to the community as a whole.  
(By Planning Board)

**Article 65.** To see if the Town will vote to accept as a public way Arrowhead Lane, and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.  
(By Planning Board)

**Article 66.** To see if the Town will vote to accept as a public way Captain Perkins Drive, as shown on the plan located in the Planning Board Office entitled "As-Built Plan, Captain Perkins Drive, Carver, Mass," dated February 13, 2006, and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.  
(By Planning Board)

**Article 67.** To see if the Town will vote to accept as a public way Cherryhill Lane and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.  
(By Planning Board)

**Article 68.** To see if the Town will vote to accept as a public way Commons Drive and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.  
(By Planning Board)

**Article 69.** To see if the Town will vote to accept as a public way Cordwood Circle, and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.  
(By Planning Board)

**Article 70.** To see if the Town will vote to accept as a public way Jason Drive and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.  
(By Planning Board)

**Article 71.** To see if the Town will vote to accept as a public way Lacey Lane and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.

(By Planning Board)

**Article 72.** To see if the Town will vote to accept as a public way Russell Trufant Drive and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.

(By Planning Board)

**Article 73.** To see if the Town will vote to accept as a public way Toftree Court and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.

(By Planning Board)

**Article 74.** All churches in the Town of Carver will be exempt from the Sign By-law and be exempt from all fees associated with removal, installation or replacement. Churches must file for all permits and complete the permitting process. This exemption will expire two (2) years from the adoption of this By-law unless extended by Town Meeting members.

(By Petition)

**Article 75.** To see if the Town will accept the following: Recreational vehicles shall not operate within three hundred (300) feet of an occupied residence in a zoned residential area.

(By Petition)

**Article 76.** To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Three Thousand (\$3,000.00) Dollars to support South Coastal Counties Legal services, formerly known as Legal Services for Cape, Plymouth & Islands, Inc., continued provision of free legal services in civil matters to low-income families and their children, or take any action thereon.

(By Petition)

**Article 77.** To see if the Town of Carver will vote to raise, appropriate, or transfer from available funds, a sum of Four Thousand (\$4,000.00) Dollars to support the Plymouth Area Coalition for the Homeless, Inc. in their service to homeless families.

(By Petition)

**Article 78.** To see if the Town of Carver will vote to raise, appropriate or transfer from available funds, the sum of Three Thousand (\$3,000.00) Dollars to contract with South Shore Women's Center for domestic violence intervention and prevention services for its residents.

(By Petition)

**Article 79.** To see if the Town of Carver will vote to raise, appropriate, or transfer from available funds, the sum of Four Thousand (\$4,000.00) Dollars to Womansplace Crisis Center in Fiscal Year 2007 in lieu of services provided to the sexual assault survivors and their families.

(By Petition)

**Article 80.** To see if the Town of Carver will vote to raise, appropriate, or transfer from available funds, the sum of Twenty-Five Hundred (\$2,500.00) Dollars to South Shore Community Action Council, Inc. for services to low-income families and elderly residents who live in the Town of Carver.

(By Petition)

And you are directed to serve this warrant by posting attested copies thereof at the several places designated by vote of the Town seven days at least before the time of holding said meeting.

Hereof fail not and make due return of this warrant, with your doings thereon at the time and place of meeting aforesaid.

Given under our hands this Twelfth Day of May in the Year Two Thousand and Six.

CARVER BOARD OF SELECTMEN

\_\_\_\_\_  
Francis Muscato, Chairman

\_\_\_\_\_  
Francis J. Casey

\_\_\_\_\_  
Michael J. O'Donnell

\_\_\_\_\_  
James M. Grimes

\_\_\_\_\_  
John Angley

Pursuant to the above warrant, I have notified and warned the inhabitants of Carver qualified to vote in town affairs to meet at the time and place and for the purpose therein expressed by posting attested copies thereof in the Town Hall and in each of the Fire Stations and Post Offices in Carver as required by law seven days at least before the time of said meeting.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Constable

A True Copy Attest

