



## TOWN OF CARVER Planning Board

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### Public Hearing Notice

In accordance with the provisions of the Carver Zoning Bylaw and G.L c. 40A § 5, the Carver Planning Board will hold a public hearing beginning March 7, 2023 at 7:00 PM in the Carver Police Department Training Room located at 3 Center Street in Carver, MA.

**X1: AMEND Carver Zoning Bylaw SECTION 3580 - LARGE SCALE GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS:**

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3580 Large-Scale Ground Mounted Solar Photovoltaic Installations to reflect the work of the Solar/Battery Storage Moratorium Committee as shown in an eight page document titled: [“Changes to 3580 Large-Scale Ground Mounted Solar Photovoltaic Installations proposed by the Solar/Battery Storage Moratorium Committee”](#) on file with the Town Clerk, or take any other action relative thereto.

**X2 Amend Carver Zoning Bylaw adding a new Section 3590 Battery Energy Storage Systems +and amend section 2230 Use Regulation Schedule regarding Battery Storage, Amend Article VI. Definitions and Amend the Carver Zoning Map to identify areas for such use**

To see if the Town will vote to amend the Carver Zoning Bylaw, by adding a new Section 3590 Battery Energy Storage Systems as shown in an eight page document entitled [“Proposed New Section 3590 Battery Energy Storage System zoning bylaw from Solar/Battery Storage Moratorium Committee”](#) on file with the Town Clerk. [And further by amending Section 2230 “Use Regulation Schedule” regarding Battery/Energy Storage, Amend Article VI.](#) “Definitions” to include pertinent definition(s) and Amend the Carver Zoning Map to identify areas for such use, or take any other action relative thereto.

**Article X3 Amend Zoning Map to correct previous zoning changes not reflected in the current 2015 Zoning Map.**

To see if the Town will vote to amend the 2015 Zoning Map to correct previous omissions and printing errors as shown on [“Corrections to Carver Zoning Map”](#) maps on file with the Town Clerk, or take any other action relative thereto.

**Article X4 Amend Carver Zoning Bylaw Section 2320 “Table of Dimensional Requirements**

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 2320. Table of Dimensional Requirements, Maximum Building Height (feet) to decrease the maximum Building Height in the Green Business Park Zoning District from sixty five (65) feet to a maximum Building Height of forty (40) feet. This amendment would reverse the change voted in 2022 which raised the height from 40 feet to 65 feet, or take any other action relative thereto.

REQUIREMENT	RA	HC	GB	VB <sup>a</sup>	V	V (Res.)	GBP <sup>b</sup>	IA <sup>d</sup>	IB	IC <sup>c</sup>	AP	SSID <sup>e</sup>
MAX. BUILDING HEIGHT (feet) <sup>8, 9, 11, 12</sup>	35	40	40	30	30	30	<del>65</del> 40 <sup>11</sup>	40	40	40	40	40

**Article X5 Accept the provisions of Massachusetts General Laws, Chapter 39, Section 23D “ the Mullen Rule”**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 39, Section 23D, in its present form and as subsequently amended, for boards, committees, or commissions holding adjudicatory hearings in the Town, which statute provides that when a public body holds an adjudicatory hearing any member thereof shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that before any such vote, the member shall certify in writing that the member has examined all

evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof, or take any other action relative thereto.

To see if the Town of Carver will vote, pursuant to the provisions of G.L. Chapter 40, Section 15C to designate the following roads within the Town as “SCENIC ROADS” in order to preserve the natural character and physical appearance of said roads; and to instruct the Planning Board, in exercising its responsibilities hereunder, to take into consideration sound planning principles, aesthetic consideration, and preservation of natural resources, as well as public safety when considering these roads; or take any other action relative thereto.

1. Center Street	7. Holmes Street	13. Rochester Road
2. Cranberry Road	8. Lakeview Street	14. Savery Avenue
3. Crescent Street	9. Mayflower Road	15. Shaw Road
4. Cross Street	10. Meadow Street	16. Wareham Street
5. Federal Road	11. Old Center Street	17. Wenham Road
6. Green Street	12. Plymouth Street	



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**Article X7 Delete from Carver Zoning Bylaw expired Moratorium Section 4970.**

To see if the Town of Carver will vote to amend the Carver Zoning Bylaw, by deleting Section 4970 Temporary Moratorium on non-medical or recreational marijuana that expired on June 30, 2019. Town Meeting approved Article 17 creating Section 5000. Non Medical MArijuanna Overlay District and Bylaw on April 22, 2019; or take any other action relative thereto.

**Article X8 Amend Carver Zoning Bylaw Section 3170. Approval. Increase from one year to two years lapse of Site Plan Approval to be consistent with time allowed for Special Permits**

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3170. Approval. To increase from one year to two years lapse of Site Plan Approval to be consistent with time allowed for Special Permits under Section 5370 as shown below

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 **two years** ~~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.

or take any other action relative thereto.

**Article X9 Increase to Percentage of Affordable Units to 20%**

To see if the Town will vote to amend the Carver Zoning Bylaw, Sections 2852, Section 3030 and Section 3941 to increase the percentage of affordable units to 20% to be consistent with the TDR bylaw as shown below, or take any other action relative thereto.

**Planned Neighborhood Development**

2852. Affordable housing: At least ~~fifteen percent (15%)~~ **twenty percent (20%)** of all dwelling units constructed in 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

**Inclusionary Zoning**

3030. Inclusionary Units; Bonus Units: Where a special permit is required for development as described in this section, ~~15 percent~~ **twenty percent (20%)** of the units proposed for the development shall be Inclusionary Units and shall be reserved for sale or rental to Eligible Households. In the case of an existing residential property the inclusionary requirement shall be 15 percent of the net new units to be created on the property. For purposes of calculating the number of Inclusionary Units required in a proposed development, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

**Town House Development**

3941. ~~Ten percent (10%)~~ **twenty percent (20%)** of the total number of dwelling units shall meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through, and homebuyers or renters selected by, a housing organization approved by the Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase / occupancy of unit. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development.

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**Petitioned Zoning Bylaw Articles**

**Petitioned Article 1** To see if the Town will vote to make the following changes to Section 2230, Use Regulation Schedule, Section C, Industrial, of the Zoning By-law:

In the row "Large-Scale Ground Mounted Solar-Photovoltaic Installations," replace "SP\*" with "N" under column RA.

If Town Meeting votes to accept Article XX (General Bylaw amendment), in the first column, replace "Battery Storage" with "Lithium-ion battery storage equipment-6" and to add note 6, "allowed by Special Permit from the Planning Board under the General Bylaw, Article 9.9.

In the amended "Lithium-ion battery storage equipment-6" row, replace "SP\*Y" with "N" in the RA, HC, GB, VB, V, GBP and SSID columns.

**Petitioned Article 2** To see if the Town will vote to amend Zoning By-law 3580.32, Land Clearing, Soil Erosion and Habitat Impacts.

To add the following to Section 3580.32 of the Bylaw:

A LSGMSPI that actively occupies more than five acres in area in any Residential-Agricultural District is prohibited.

In all Zoning Districts, if a parcel has been previously disturbed, LSGMSPI may not be installed on such parcel for a period of five years from the latest date of disturbance. "Previously disturbed" shall mean cleared or substantially cleared of natural vegetation by other than natural forces such as fire or flood, or where earth materials, including sand, gravel and topsoil have been removed, or other land clearing and earth removal operations have occurred.

A LSGMSPI consisting primarily of Disturbed Area and, if located within any of the following Districts or areas, provided a minimum 200-foot Buffer is in place along each Lot line that abuts a Residential District shall be allowed by Special Permit from the Planning Board under Section 5300.

HC-Highway Commercial

GB-General Business

VB-Village Business

V-Village

GBP-General Business Park

IA-Industrial A

IB-Industrial B

IC-Industrial C

AP-Airport

SSID-Spring Street Industrial District

**Petitioned Article 3** To see if the Town will vote to amend the Carver Zoning Bylaw by adding a new Section 3580.70 to place an eleven and a half month moratorium on the construction of Dual Use Large Scale Ground Mounted Solar Photovoltaic Installations ("Dual Use") and Floating Solar Photovoltaic Installations ("Floating Solar").

The purpose of this moratorium is to allow sufficient time to engage in a study and planning process to determine:

1. the total number of existing Dual Use Solar installations in the Town, the number of solar panels on each, the number of lithium-ion battery storage units associated with each, and the amount, status and terms of the financial surety for each;
2. cumulative impact on wetlands resources and the Plymouth Carver Sole Source Aquifer including stormwater runoff, water quality and water quantity;
3. the decommissioning terms and conditions for each, including the method and location of disposal or recycling of the solar panels and associated equipment.

Said study shall be conducted under the direction of the Planning Board which may engage such independent, professional experts as it sees fit, in order to assess the impact on the public health, safety, and welfare of Carver residents, including but not limited to safe drinking water and protection of the Plymouth-Carver Sole Source Aquifer.

**Petitioned Article 4** To see if the Town will vote to amend Zoning By-law 3580.70 Dimension and Density Requirements, Setbacks by striking from Section 3580.70, subsections (2)(a), (2)(b) and (2)(c) .

**Patriot Ledger Publish Dates: February 18, 2023 and February 24, 2023**