

**ARTICLE    TABLE OF DIMENSIONAL REQUIREMENTS – BUILDING HEIGHT IN**

**GBP** To see if the Town will vote to amend the Carver Zoning Bylaw, Section 2320. Table of Dimensional Requirements, Maximum Building Height (feet) to increase the maximum Building Height in the Green Business Park Zoning District from forty (40) feet to a maximum Building Height of sixty-five (65) feet,

**NOTE: Maximum Building Height in Table corrected to reflect language in the Article**

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>
<b>MAX. BUILDING HEIGHT (feet)</b> <sup>8, 9, 11</sup>	35	40	40	30	30	30	<b>40 65<sup>11</sup></b>	40	40	40	40	40

and by replacing the language of footnote numbers 11 **and 12**, with a new footnotes 11 **and 12** **designated in the Max. Building Height column of said Table** with **text** additions shown in bold and deletions in strikethrough, or take any other action relative thereto.

11 ~~If a building contains more than two (2) stories, then this minimum requirement shall be increased by twenty-five (25) feet per story for each story that the building exceeds two stories in height up to a maximum setback requirement of two hundred (200) feet. For example, a building containing three (3) stories shall not be located closer than seventy-five (75) feet from the boundary line of the District and a building containing four (4) stories shall not be located closer than one hundred (100) feet from the boundary line of the District. Where a building or improvement is not divided into stories, a story shall be considered fifteen (15) feet in height. Notwithstanding anything to the contrary in this Zoning Bylaw, Building Height shall mean the vertical distance measured from the mean finished grade of the ground adjoining the building or improvement to the highest point of such building or improvement, provided that steeples, cupolas, stage lofts, penthouses, bulkheads, and rooftop mechanicals, rooftop solar, and other appurtenances above roof line shall not be considered as additional stories or considered in determining the height of a building or other improvement. Rooftop mechanicals and rooftop solar will be included in determining the overall height of the building.~~

12 Municipal Facilities may be increased to 40 feet in height provided they meet all public safety standards, **except that a water tower owned or operated by the North Carver Water District shall be considered Municipal Facilities, and shall not be subject to such height limitation within the GBP District provided they meet all public safety standards.**

*INFORMATIONAL SUMMARY: Designed to establish a clear building height meeting the building program needs, while at the same time, clarifying confusing footnote no. 11 to define building height and related exclusions, and which appears to have applied only to the GBP District.*

(2/3 Vote Required)

**ARTICLE    DEFINITIONS - HEIGHT OF CERTAIN ACCESSORY STRUCTURES**

To see if the Town will vote to amend the Carver Zoning Bylaw, Article VI, "Accessory Building and Structure" as shown below, with additions shown in bold and deletions in strikethrough, or take any other action related thereto:

Accessory Building or Structure shall mean a building or structure subordinate to a principal building or structure and customarily used to serve the purposes of that principal building. A building is accessory only where a principal building exists on the same lot. No accessory building or structure may be higher than twenty feet, or ten feet less than the height of the principal building or structure on the lot, whichever is greater **except that a structure or structures such as a water tower or tank used for potable water supply or fire protection purposes for a nonresidential use shall not be subject to such height limitation.** An accessory building serving the needs of residents of a dwelling may include the following:

- a. Garage; tool shed; shop; well house; not exceeding a floor area of 700 square feet.
- b. Barn or building used to house animals or poultry and not exceeding a floor area of 600 square feet.

## Proposed Zoning Articles 2022 Annual Town Meeting

### INFORMATIONAL SUMMARY:

- As to height, the Zoning Bylaw defines "Building Height" and "Accessory Building or Structure."
- Does not appear a water tower or water tank is a building, so a water tower or tank placed on the Project lot would likely be considered an accessory use and structure.
- There is a height limitation under the zoning definition of "Accessory Building or Structure" which "shall mean a building or structure subordinate to a principal building or structure and customarily used to serve the purposes of that principal building. A building is accessory only where a principal building exists on the same lot. No accessory building or structure may be higher than twenty feet, or ten feet less than the height of the principal building or structure on the lot, whichever is greater. An accessory building serving the needs of residents of a dwelling may include the following:
  - a. Garage; tool shed; shop; well house; not exceeding a floor area of 700 square feet.
  - b. Barn or building used to house animals or poultry and not exceeding a floor area of 600 square feet."
- If, for example, the water tower **or tank** needs to be ~~100~~ 70 feet, a height variance would need to be issued unless a zoning amendment as proposed was approved.

(2/3 Vote Required)

**ARTICLE X ACCESS DRIVEWAYS - NONRESIDENTIAL PREMISES** To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3350, Driveway Design, as shown below, with additions shown in bold and deletions in strikethrough, or take any other action related thereto:

3350. Driveway Design. Access driveways to nonresidential premises shall be **a minimum of** 12 feet wide for one-way traffic and **a minimum of** 24 feet for two-way traffic.

### INFORMATIONAL SUMMARY:

- Section 3350 of Zoning Bylaw ( Driveway Design.) provides that " Access driveways to nonresidential premises shall be 12 feet wide for one-way traffic and 24 feet for two-way traffic."
- Zoning Bylaw provides for a driveway width which is not a minimum or maximum but an exact width requirement.
- As to driveways in subdivisions, Section 7.3.7 of the Subdivision Regulations provide standards for residential subdivision lots which conflict with the zoning requirements but no standards for driveways for commercial lots as follows: 7. Curb Cuts -- a. Driveways serving one dwelling shall be at least 10 feet and not more than 14 feet wide, shall have an opening at the gutter line of at least 16 feet and not more than 22 feet, and, where curbing is required, a sloped curb at the intersection with the roadway. b. Driveways serving two (2) dwellings shall be 22 feet wide, shall have an opening at the gutter line of at least 34 feet, and, where curbing is required, a sloped curb at the intersection with the roadway; c. Driveways serving more than two dwellings shall be 24 feet wide, shall have an opening at the gutter line of at least 36 feet and not more than 54 feet, and, where curbing is required, shall have a curb return at the roadway with a radius of at least six (6) feet. The Fire Department may determine that a Fire Access Road, conforming to the latest edition of the National Fire Protection Association's (NFPA) NFPA 1: Uniform Fire Code, is required to service multiple dwellings.
- There does not appear to be a clear standard for the width of an industrial driveway although the zoning bylaw mandates an exact width.
- The proposed zoning amendment would allow for the planning board, through the site plan review process to provide for a more flexible driveway width standard based upon user operational requirements, the professional judgement of the traffic professional, and other considerations.

(2/3 Vote Required)

**ARTICLE X REZONE FROM HIGHWAY COMMERCIAL (HC) to GREEN BUSINESS PARK (GBP) DISTRICT.**

To see if the Town will vote to amend the Carver Zoning Bylaw and Zoning Map by rezoning, from Highway Commercial (HC) to Green Business Park (GBP), a parcel of land located off Park and Montello Street, consisting of approximately 7.48 acres, and identified on the Assessors Maps as Map 20, Lot 14 [Kuhn, 0 Cobbs Pond]; a copy of said map having been filed with the Town Clerk or take any other action relative thereto.

*INFORMATIONAL SUMMARY: The so-called Kuhn parcel appears to be the only parcel within the project area which has not been rezoned to Green Business Park (GBP), presumably due to the fact this parcel was not yet under agreement when other parcels were rezoned to GBP at the November 8, 2010 Special Town Meeting [Article 18; November, 2010 STM].*

(2/3 Vote Required)

**ARTICLE AMEND SECTION 3580 - EXEMPTIONS FROM LARGE SCALE GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS:**

To see if the Town will vote to amend Section 3580 LARGE SCALE GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS of the Carver Zoning Bylaw, Section 3580.10, Purpose, by deleting the exemptions from the third paragraph of Section 3580.10 as shown below, and by replacing the language with a new Section 3580.15 "Exemptions" with additions shown in bold and deletions in strikethrough, or take any other action related thereto:

**3580.00. LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

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

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

~~Smaller scale ground or building mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but must comply with the other provisions of Carver's Zoning Bylaws as applicable.~~

**3580.15 Exemptions.** Notwithstanding any other Zoning Bylaw provisions to the contrary, the following types of solar uses and structures are exempt from the provisions of Section 3580 and are considered as allowed uses and structures by right and customarily accessory and incidental to permitted principal uses:

- a. **Roof-mounted solar electric installations on a new non-residential building within the GBP District;**

**provided, however, that such uses and structures above shall comply with the other provisions of the Carver Zoning Bylaws as applicable, and with health and safety requirements of the Building Inspector and Fire Chief, and/or his/her designee.**

*INFORMATIONAL SUMMARY: This Warrant Article proposes a limited exemption for roof mounted solar for a new non-residential building in the GBP District because the size of solar facility required by the MEPA Certificate for the Project may well exceed the 250 kW and 1 acre threshold established as exempt under the current Zoning Bylaw provision. This proposed change addresses the need to provide roof top solar and at a level as mandated by the MEPA Section 61 Finding for this project.*

(2/3 Vote Required)

**ARTICLE X AMEND SECTIONS 3166 and 3347 — SITE PLAN REVIEW PERFORMANCE AND PARKING LOT LIGHTING STANDARDS**

To see if the Town will vote to amend Site Plan Review Performance Standards for Lighting in Parking Lots under Sections 3166. And 3347, as shown below, with additions shown in bold and deletions in strikethrough, or take any other action related thereto:

3166. Minimize lighting intrusion through use of such devices as cut-off luminaires confining direct rays to the site, with fixture mounting not higher than 11 feet in pedestrian areas; and 15 feet in parking lots, **except as otherwise provided under Section 3347.**

3347. All artificial lighting shall be not more than twenty (20) feet in height in pedestrian areas, and twenty (20) feet in parking lots **except that site lighting in the GBP Zone may be no more than 40 feet in height**, and shall be arranged and shielded so as to prevent direct glare from the light source onto any public way or any other property **except at driveways where illumination is desirable for public safety purposes**. All parking facilities which are used at night shall be lighted as evenly and fully as possible. The Planning Board shall require the applicant to provide the type and wattage of all proposed lighting for the parking areas.

*INFORMATIONAL SUMMARY: The lighting standards above are not designed for an industrial facility of the nature contemplated by the Project; nor do the Zoning Bylaws provide for a waiver standard to modify these provisions. Moreover, the provision of light poles with such a low height will both present a safety issue with trucks and other vehicles due to low pole heights, and will require a significantly higher number of light poles at the property without a significant benefit to the surrounding neighborhood and a photometric plan will be able to demonstrate no spillover effect with lighting which will have light poles at a greater height and with more focused lighting with appropriate cut shields and other mitigation measures.*

(2/3 Vote Required)

**ARTICLE X AMEND SECTION 3521. PERMITTED SIGNS FOR GREEN BUSINESS PARK (GBP) DISTRICT.**

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3521 (Permitted Signs) by replacing the term “HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICTS” above the applicable sign regulations for such Districts with the term “HIGHWAY COMMERCIAL/INDUSTRIAL/GREEN BUSINESS PARK DISTRICTS” such that said sign regulations will apply to the Green Business Park District.

*INFORMATIONAL SUMMARY: At the time the Green Business Park District was adopted, it appears that sign regulations were not assigned to property zoned under this GBD District. This proposed zoning amendment serves to assign specific sign regulations to the GBP District. \_*

(2/3 Vote Required)

**ARTICLE X AMEND SECTION 2230. Use Regulation Schedule – INDUSTRIAL – ALLOW PRIVATELY OWNED WASTEWATER TREATMENT FACILITIES AS AN ACCESSORY USE**

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 2230.C Use Regulation Schedule – Industrial, under the use category PRIVATELY OWNED WASTEWATER TREATMENT FACILITIES, under Footnote 5 with additions shown in bold and deletions in strikethrough, or take any other action related thereto;

5 Does not include package treatment plants as accessory uses to subdivision, commercial or industrial development **which are permitted by right as an accessory use and structure.**

*INFORMATIONAL SUMMARY: The Zoning Bylaw regulates private wastewater treatment plants as a principal use, and appears to be geared toward regulating sewage sludge plants which had historically been permitted within the Town. The Article seeks to clarify the intent of having privately owned wastewater treatment facilities which are needed to treat wastewater as a part of a subdivision or commercial or industrial development not otherwise served by public sewer are allowed as a customary accessory use and structure by right.*

(2/3 Vote Required)

**ARTICLE X: MORATORIUM ON MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS:**

To see if the Town will vote to amend Section 3580 of the Town's Zoning Bylaws, Large-Scale Ground Mounted Solar Photovoltaic Installations, to add a new section adopting a twelve month moratorium on the issuance of special permits for new Installations or the expansion of existing Installations, not including expansions that do not increase the footprint of existing installations, for the period of one year from the effective date of the bylaw, as set forth below; or take any other action relative thereto.

3580.01. Moratorium. Notwithstanding any other provision of the Town of Carver Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the issuance of special permits for the new use of land for Large-Scale Ground Mounted Solar Photovoltaic Installations (hereinafter referred to as "Installations") or for the expansion of any existing Installations for a period of one (1) year from the effective date of this bylaw , provided that such moratorium shall not apply to the expansion of any existing Installation that does not increase the footprint thereof. During the moratorium period, the Planning Board, Select Board and other Town officials shall conduct a review of Carver Zoning By-law 3580, review solar bylaws in other communities, undertake a planning process that addresses potential impacts of solar photovoltaic installations in Carver, consider the long-term objective for solar photovoltaic installations and their impact on health, safety, and welfare of Carver's citizenry, determine how the Town shall reasonably and thoroughly regulate and approve solar electric installations, shall review and address the impacts of current, impending and potential Installations and they may develop a plan to mitigate future impacts of such Installations on the general health, safety, welfare and quality of life of the residents of the Town of Carver, which may include but not be limited to the presentation of a suggested bylaw amendments to a future town meeting.

*SELECT BOARD*

*INFORMATIONAL SUMMARY:*

**(2/3 Vote Required)**

**ARTICLE X: ZONING BY-LAW SECTION 3500 SIGNS AMENDMENT :**

To see if the Town will vote to amend Section 3500, Signs by replacing the Planning Board as the permitting authority to the Building Commissioner. By doing so, the following sections as amended:  
**3500. SIGNS**

3510. Purpose. The purpose of this Section 3500, Signs, is to promote the safety, comfort, and well-being of the user of streets, roads, and highways in Carver; to reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon pubic ways; to discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and to preserve or enhance town character by requiring new and replacement signage which is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors or of the community as a whole, and appropriately sized in its context, so as to be easily readable.

3520. General Regulations

3521. Permitted Signs. Only signs which refer to a use permitted by the Zoning By-Law or protected by statute are permitted, provided such signs conform to the provisions of this Sign By-Law.

VILLAGE AND AGRICULTURAL/ RESIDENTIAL DISTRICTS<sup>#</sup>

Sign	Permitted	Max. Number	Max Area	Max Height	Clearance/ Setback
Address*	Yes	1 per building	2 square feet	4 feet	Setback at least 3 feet from right of way
Traffic Flow*	Yes	Unlimited	3 sq. feet per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	4 sq. ft. for the name of the building; 2 sq. ft. for each business	5 feet	
Freestanding♣	Yes	1 per single-occupancy commercial building	4 square feet	5 feet	
Marquee/ Canopy	Yes	1 per business	4 square feet; letters may not exceed 12” in height	Lowest point of the roof	10 foot clearance above sidewalk
Monument	No	1 per single-occupancy commercial building or business park			
Wall	Yes	1 per business	10% of wall area	Lowest point of the roof	Shall not project more than 6” from building
Window	Yes	1 per business	30% of the window area		
Individual letters or symbols	No				
TOTAL OF ALL SIGNS		2 per business	8 sq. ft. per business		

<sup>#</sup> Signs for home occupations are subject to the provisions of Sections 2241 and 2242

Proposed Zoning Articles 2022 Annual Town Meeting

GENERAL BUSINESS AND SPRING STREET INNOVATION DISTRICT (SSID)

Sign	Permitted	Max. Number	Max. Area	Max. Height	Clearance/ Setback
Address*	Yes	1 per building	2 sq. feet	4 feet	setback at least 3 feet from right of way
Traffic Flow*	Yes	unlimited	3 sq. ft. per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	16 sq. ft. for the name of the building; 2 sq. ft. for each business	10 feet	
Freestanding	Yes	1 per single-occupancy commercial building	10 sq. feet	10 feet	
Marquee/ Canopy	Yes	1 per business	8 sq. feet; letters may not exceed 12” in height	lowest point of roof	10 foot clearance above sidewalk
Monument	Yes	1 per single-occupancy commercial building or business park	10 square feet	4 feet	
Projecting	Yes	1 per business	10 square feet	Bottom sill of the second story window or the lowest point of the roof of a 1 story building	setback at least 2 ft from the curb; 8” clearance above sidewalk; 13” clearance above driveway
Wall	yes	1 per business	10% of wall area	lowest point of the roof	shall not project more than 6” from building
Window	Yes	1 per business	30% of the window area		
Individual letters of symbols	Yes		10% of wall area		shall not project more than 12” from building surface
TOTAL OF ALL SIGNS		2 per business	16 sq. ft. per business		

Proposed Zoning Articles 2022 Annual Town Meeting

HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICTS

Sign	Permitted	Max. Number	Max. Area	Max. Height	Clearance/ Setback
Address*	Yes	1 per building	2 square feet	4 feet	setback at least 3 feet from right of way
Traffic Flow*	Yes	unlimited	3 sq. ft per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	16 sq. ft for the name of the building;  2 sq. ft for each business	10 feet	
Freestanding	Yes	1 per single-occupancy commercial building	16 sq. feet	10 feet	
Marquee/ Canopy	Yes	1 per business	8 sq. feet  letters may not exceed 12” in height	lowest point of the roof	10 foot clearance above sidewalk
Monument	Yes	1 per single-occupancy commercial building or business park	16 square feet	4 feet	
Projecting	Yes	1 per business	10 square feet	bottom sill of the second story window or the lowest point of the roof of a 1 story building	setback at least 2 ft from the curb; 8’ clearance above sidewalk; 13’ clearance above driveway
Wall	Yes	1 per business	10% of wall area	lowest point of the roof	Shall not project more than 6” from building
Window	Yes	1 per business	30% of the window area		
Individual letters or symbols	Yes		10% of wall area		Shall not project more than 12” from building surface
TOTAL OF ALL SIGNS		2 per business	32 sq. ft per business		

\* Shall not count in the total number or area of signs allowed per business.  
2 wall signs may be permitted per business where the business has frontage on two streets.

♣ Free standing signs over six feet in height may have no more than two sides; those less than six feet in height may have three or four sides.

# The name of the business included within a directory sign will not count as the one sign per business. However, the aggregate area will include both the directory sign and the additional sign permitted per business.

3522. Prohibited Signs

- 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.



## Proposed Zoning Articles 2022 Annual Town Meeting

- 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 properly registered vans, panel trucks, or any other business vehicles used on a regular basis on public ways for normal business.
- 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 are prohibited.
- j. Individual freestanding signs are not permitted for multiple-occupancy commercial buildings. All information relating to establishments within the building or complex must be contained within one directory sign permitted for the entire premises.

### 3530. Standards.

#### 3531. Illumination Standards.

- a. Signs shall be illuminated only with steady, stationary light sources directed solely onto the sign without causing glare. Internal illumination is prohibited. Lightbulbs and gas-filled tubes providing external illumination shall be shielded in such a way as to be hidden from view from any point along the roadway or sidewalk.
- b. Strings of bulbs are not permitted, except as part of a holiday celebration; provided, however, that strings of bulbs may be permitted to decorate trees where such display does not interfere with neighboring land uses.
- c. Signs may be illuminated during business hours and for thirty (30) minutes before and after the hours of operation of the business advertised thereon.
- d. No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.
- e. Decorative neon window signs may be permitted where the ~~Planning Board~~ **Building Commissioner** determines that such window signs are compatible with the building's historic or architectural character in style, scale and color.
- f. Canopies shall not be illuminated from behind in such a way that light shines through canopy material creating the effect of an internally illuminated sign.

#### 3532. Placement Standards.

- a. No person may erect a sign which is affixed to a utility pole, tree, or shrub.
- b. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in the zoning district in which it is located.

## Proposed Zoning Articles 2022 Annual Town Meeting

- c. Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices, and transom windows.
- d. Signs for businesses withing the same structure shall be coordinated as to placement, porportion, and format.

3533. **Safety Standards.** No person may erect or maintain a sign which is structurally unsafe; constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment; obstructs free entrance or exit from a required door, window, or fire escape; obstructs the line of sight of drivers exiting from the property onto the street; obstructs light or air or interferes with proper functioning of the building; or does not conform to the State Building Code.

3534. **Materials Standards.**

- a. Village and Residential Districts: All signs shall be made of wood or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those obtained with medium density overlay (MDO) board.
- b. General Business, Highway Commercial, Industrial and Airport Districts: The use of wood or metal signs is highly recommended.

3535. **Color Standards.**

- a. The number of colors shall be limited to three (3), except in the instance of an illustration.
- b. Colors should be chosen to complement the facade color of the building.
- c. Dark backgrounds with light colored lettering are strongly encouraged. Examples of preferred background colors are burgundy red, forest green, chocolate brown, black, charcoal, and navy blue.
- d. "Day Glow" colors are prohibited.

3536. **Measurement of Sign Area.**

- a. Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
- b. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building.
- c. For a sign consisting of individual letters or symbols attached to, painted, or carved or engraved on a surface, building wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- d. The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- e. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

3537. **Measurement of Height.** The height of any sign shall be measured from the surface of the road up to the highest point of the sign. In situations where a sign is intended to be visible from two roads of different elevations measurement shall be from the surface of the lower roadway.

3538. **Maintenance.** A sign shall be maintained in a secure and safe condition. If the Sign Officer is of the opinion that a sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Sign Officer, the Sign Officer may revoke the sign

## Proposed Zoning Articles 2022 Annual Town Meeting

permit and take possession of the sign until the owner pays the cost of removal, thus placing the sign owner in violation of the sign bylaw and liable for a fine as specified in Section 3567.

3539. Exceptions. For the purposes of this Section, the term "sign" shall not include:

- a. signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation;
- b. a bulletin board or similar sign not exceeding twenty (20) sq. ft in display area, in connection with any church, museum, library, school, or similar public or semi-public structure, provided that the top of such sign shall not be more than eight (8) feet above ground level and provided that it does not possess any of the characteristics listed in Section 3522 above;
- c. signs relating to trespassing and hunting not exceeding two (2) sq. ft. in area.

3540. Nonconforming Signs. Nonconforming signs and sign structures which were lawfully in existence before the adoption of this bylaw may remain except as qualified below:

3541. Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size. Remodeling shall include changes in lettering or symbols due to change in tenancy or ownership of the premises. Changes in directory signs are excepted, and individual portions of a directory sign may be changed as tenancy or ownership dictate.

3542. Nothing in this Sign By-Law shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs may be replaced, providing that such replacement makes structure conforming as to height, setback, and other requirements.

3543. A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.

3544. A nonconforming sign or sign structure shall be removed within thirty (30) days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

3550. Additional Regulations For Specific Types Of Signs

3551. Directional Signs on Public Property

- a. Such signs may be allowed with permission of the ~~planning board~~. **Building Commissioner**
- b. Signs shall contain the business name and logo only (logo allowed for seasonal attractions only), with no additional advertising.
- c. Signs shall not exceed 3 sq. ft. and shall not be illuminated.
- d. ~~The Planning Board may formulate additional rules and regulations for such signs, including duration of display, appearance, number of signs allowed per location, fees, etc.~~

Proposed Zoning Articles 2022 Annual Town Meeting

3552. Moveable or Temporary Signs (and/or moveable). Such signs are prohibited except as follows:

Type	Duration	Max. Size	Permit Required
Charitable or Civic Events	Week prior to event	80 square feet	no
Commercial	30 days; twice yearly	32 square feet	yes
Construction	6 months	12 square feet	no
For Sale/Rent/Lease	Till 30 days after sale or lease	6 square feet	no
Grand Opening Banner	21 days	32 square feet	no
Holiday displays: Banners & Bunting	4 separate 30 consecutive day periods in each calendar year	as appropriate(shall consist of cloth, canvas, vinyl or the like)	no
Political - unlighted	30 days prior; 7 days after election *	6 square feet	no
Yard Sale	5 days prior	2 square feet	no

\* signs erected for a primary election may remain up through the final election

3553. Projecting Signs

- a. Such sign shall be hung at right angles to the building and shall not project closer than two (2) feet to the curb line.
- b. The supporting framework shall be in proportion to the size of such sign.
- c. No such sign shall overhang a public way travelled by vehicles of any kind.
- d. The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the sign officer:
  - 1. Suspended between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or
  - 2. The lowest point of the roof of a one story building.
- e. Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over a driveway, the clearance must be at least thirteen (13) feet.

3554. Public Service Signs

- a. Such signs necessary for public safety and convenience shall not exceed two (2) sq. ft.
- b. Such signs shall bear no advertising.
- c. Such signs are not included in computing total sign area allowed.

3560. Administration

3561. Sign Permits

- a. No sign shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for such action has been issued by the ~~Planning Board~~. **Building Commissioner**Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises, and shall be on forms prescribed by the ~~Planning Board~~. **Building Commissioner** At a minimum, all applications shall include a scale

## Proposed Zoning Articles 2022 Annual Town Meeting

drawing specifying dimensions, materials, illumination, letter sizes, color, support systems, and location on land or buildings with all relevant measurements. Permits shall be issued only if the ~~Planning Board~~ **Building Commissioner** determines that the sign complies or will comply with all applicable provisions of this Sign By-Law.

- b. ~~The Planning Board shall act within 30 days of receipt of such application together with the required fee. The Planning Board's action or failure to act may be appealed to Superior Court within sixty (60) days after the expiration of said 30 day period.~~
- c. ~~After the Planning Board has issued a sign permit, a copy of the permit shall be transmitted to the Building Inspector, who shall assign a registration number to the sign, issue a building permit if required, and monitor compliance with the terms of the permit.~~

3562. Fees. A schedule of fees of such permits may be established and amended from time to time by the ~~Planning Board~~ **Building Commissioner**

3563. Duration of Permits. The ~~Planning Board~~ **Building Commissioner** may limit the duration of any sign permit and may condition said permit upon continued ownership or operation of the business advertised upon the sign.

3564. Enforcement. The Zoning Enforcement Officer is hereby designated as the Sign Officer, and is hereby authorized to enforce this bylaw. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair or which is erected or maintained contrary to this bylaw.

3565. Removal of Signs. Any sign which has been ordered removed by the Sign Officer, or which is abandoned or discontinued, shall be removed by the person, firm, or corporation responsible for the sign within thirty (30) days of written notice to remove. Any sign not removed within the time limit shall be deemed a public nuisance, and shall be removed by the Town of Carver. The cost of said removal shall be borne by the sign and/or property owner and may be recovered by the Town, if necessary, in an action in the appropriate court. A sign or structure removed by the Town shall be held for not less than thirty (30) days by the Town during which period it may be recovered by the owner upon payment to the Town of the cost of removal and storage, and upon payment of any fine which may have been imposed. If not recovered within said thirty (30) day period, the sign or structure shall be deemed abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.

3566. Penalties. Violation of any provision of this bylaw or any lawful order of the Sign Officer shall be subject to a fine of not more than \$300.00 per offense. Each day that such violation continues shall constitute a separate offense.

~~3570. Special Permit to Exceed Dimensional and Lighting 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 and to allow "internally lit" signs within the HC, BG, V, GBP, IC, IA, IB and AP zoning districts. The Board's decision shall be based upon the following criteria:~~

~~3571. Signs are compatible with surrounding Neighborhood.~~

~~3572. Signs are not considered visual pollution.~~

~~3573. There is no obstruction to traffic, and or public safety.~~

~~3574. Amount and number of signs will be of a benefit to the community as a whole.~~

- ~~1. Planning Board may also provide for other conditions that it deems necessary.~~

## BUILDING COMMISSIONER

***INFORMATIONAL SUMMARY:** The purpose for this change is to give the applicant more flexibility for attaining a sign permit. The applicant would need to file a building permit application with the Building Department and not have to wait for a Planning Board meeting that may happen twice a month. Also this would give the Planning Board more time for the planning duties that they are required to do. At their meeting on 11-23- 21, the Planning Board agreed to support this change.*

(2/3 Vote Required)

**ARTICLE X: ZONING BY-LAW SECTION 2700 TRANSFER OF DEVELOPMENT RIGHTS BY-LAW AMENDMENT :**

**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 TDR program is consistent with the Carver Master Plan's goals. 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, while also sending development to areas of town with adequate water service and transportation infrastructure for appropriate growth.

The purpose of the sending area is 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; and the preservation of historical, cultural, archaeological, architectural, recreational, community character, and scenic values of Carver. As such, they are areas with one or more of the following attributes: location on a scenic road or vista; aquifer protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard Area or 500-year flood hazard area; adjacent to other preserved lands; significant wetland and bog areas; or areas with significant agricultural soils and practices; and areas that can host uses for passive recreation as defined per MGL 301 CMR 5.00.

The purpose the receiving area is to provide opportunity for 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; and the development of an adequate supply of affordable housing. As such, they are areas with one or more of the following attributes: connection or potential connection to water service; and proximity and access to arterial transportation routes.

**27XX DEFINITIONS.**

Sending Parcel(s) shall mean land from which development rights may be transferred to a receiving parcel(s).

Receiving Parcel(s) shall mean land that may receive development rights from a sending parcel(s).

Transfer of Development Rights (TDR) shall mean the process by which a development right (house lot) can be severed and transferred from a sending parcel(s) in the mapped designated sending area to a receiving parcel(s) in the mapped designated receiving area.

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

- a. **Sending areas.** Sending areas are those parcels or portions of parcels categorized as sending area on TDR Overlay Map. Any land that falls within the designated sending area on the map is part of the sending area and eligible to generate sending area development credits as part of the TDR program.
- b. **Minimum Sending Area.** A sending area must be a minimum of five acres. These five acres can be comprised of multiple adjacent parcels.
- c. **Receiving areas.** Receiving areas are those parcels or portions of parcels categorized as receiving area on TDR Overlay Map. Any land that falls within the designated receiving area on the map is part of the receiving area and eligible to receiving development credits as part of the TDR program.
- d. The minimum gross area of a receiving area shall be 5 acres, except for (a) receiving areas in the village district, and (b) receiving areas having frontage on Route 58, which have no minimum area.

**27XX. Permitted Uses on Sending and Receiving Parcels**

- a. **Uses Permitted on Sending Parcels.** After development rights have been severed from a sending parcel and transferred to a receiving parcel or into the TDR credit bank, the following uses are the only uses permitted on the parcel:
  - i. Open space conservation.
  - ii. Passive recreation.
  - iii. Agricultural fields and support structures, with the exception of farmland workforce housing, which is not permitted.
- b. **Uses Permitted on Receiving Parcels.**
  - i. Certain residential uses, limited to:
    1. Townhouse dwellings;
    2. Condominium dwellings;

## Proposed Zoning Articles 2022 Annual Town Meeting

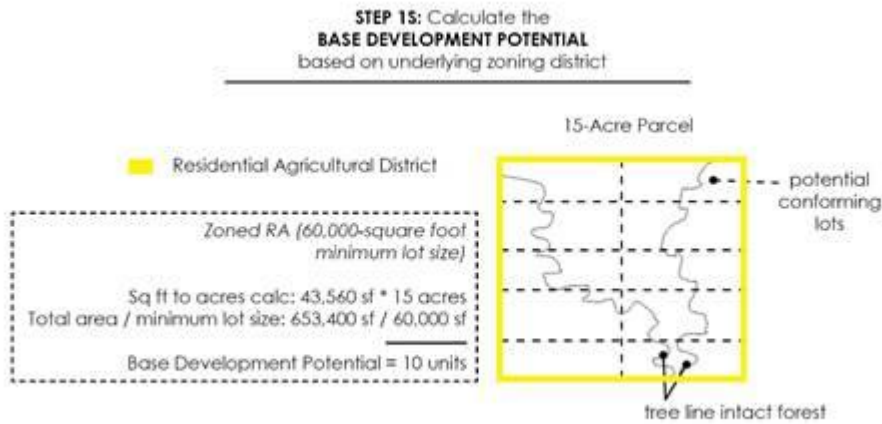
3. Multi-family dwellings containing no more than eight dwelling units per building
  - ii. Commercial uses.
  - iii. Mixed-use buildings with residential and commercial uses.
- c. Receiving parcel mixed-use commercial space requirement. In each receiving area development, a minimum of twenty-five percent (25%) and a maximum of sixty six percent (66%) of all new constructed floor area must consist of commercial space. For the purpose of the TDR by-law, commercial space includes office space. This commercial space may be located within a stand-alone building that is fully occupied by commercial uses, or may be located in the same building as residential units. In cases where commercial uses and residential uses are located in the same building, commercial units must be located on the ground floor, with residences on the stor(ies) above.

**2721. Special Permit Requirement.** 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. A TDR Special Permit shall be required for the determination of sending area development rights and for the approval of receiving area development plan. **The TDR Special Permit requires sending area development potential and receiving area plans to be part of a single application.** ~~The two Special Permits may be combined into one single concurrent Special Permit or may be filed separately.~~ The Special Permit shall ~~determination of development rights shall~~ require **an applicant to follow the steps described below, including the preparation of a preliminary** plan submittal for the sending parcel(s). The Planning Board shall be the Special Permit Granting Authority for TDR special permit(s).

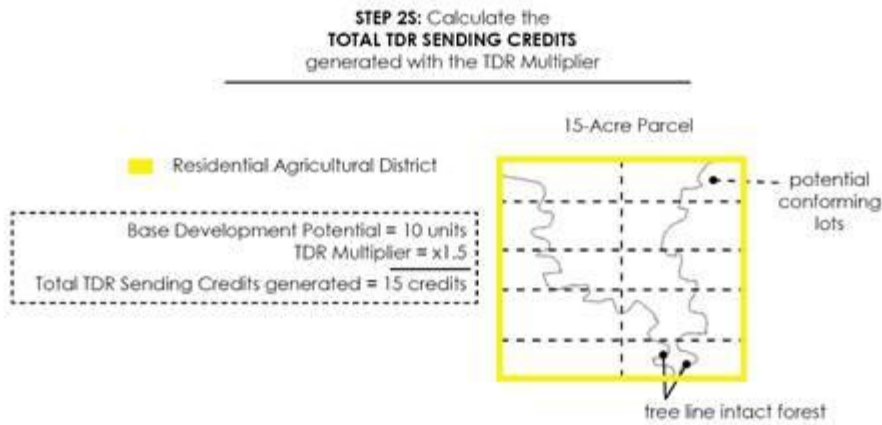
**2722. Determination of Sending Area Development Credits.** The total amount of development credits generated by a particular sending area parcel is a function of (1) the underlying zoning district density regulations; and (2) the TDR multiplier. To establish the development rights available for transfer, the sending parcel(s)'s owner shall undertake the following steps.

STEP 1S: Determine the base development potential. First the parcel(s) owner 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 of the base zoning district 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 submitted preliminary plan defines the base development rights of the sending parcels by showing the number of units that could be achieved thereon in compliance with the established zoning district in which the parcel(s) are located.

Example:



STEP 2S: Apply the TDR multiplier. The base development rights (number of units) of the sending parcel(s) as established by the Planning Board from the Preliminary Plan shall be multiplied by 1.5, 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 equal 10 units,  $10 \times 1.5 = 15$  units available for a TDR application. If the base development rights equal 15 units,  $15 \times 1.5 = 22.5$ , which is rounded down to 22 units.



The Planning Board shall note the importance of the sending parcel in the Sending lot(s) Special Permit decision. The Planning Board shall note the total number of development rights generated by he sending area.

~~2724. Subsequent to the issuance of a certificate of development rights to the owner of a sending parcel(s), and prior to the approval of a transfer of the development rights to a receiving parcel(s), said certificate shall be assignable as a matter of right by a recordable document from the assignor to the assignee. The assignee shall, within fourteen (14) days of recordation of an assignment, transmit to the Planning Board a certified copy of the same, in order to enable the Planning Board to keep current its certificate ledger. The assignment of a certificate of development rights shall not be deemed to be a transfer of those development rights.~~

**2725. Sending area land preservation requirements.** Any lot or lots from the sending parcel(s) deemed to qualify for a transfer of development rights must, prior to any utilization of transferred development rights on a receiving parcel(s), be permanently and wholly 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 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) or donation language on the sending lot(s) shall be submitted to the Planning Board with the application. The Planning Board shall require the restriction or donation language 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). On property which 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. Applicants cannot claim a portion of unused development potential on a sending area as a TDR credit. To qualify as a sending area, a parcel must remain wholly in a natural state.

**2726.** 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, when identified, the receiving parcel(s). The instrument evidencing such TDR's shall specify the map and lot numbers of the sending and receiving parcel(s).

**2727.** 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 TDR's. This information shall include both the sending parcel(s) and, when identified, the receiving parcel(s) and shall be obtained from the clerk of the Plymouth County Registry of Deeds.

**2728.** The record owner of the sending parcel(s) or the receiving parcel(s) shall, within thirty days of the expiration of the appeal period from the special permit decision authorizing TDR's (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 can be located.

**2729.** 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 M.G.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 transfer of the deed of said sending parcel(s) to a nonprofit organization, the principal purpose of which is conservation of open space, or by being donated 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 can be 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.

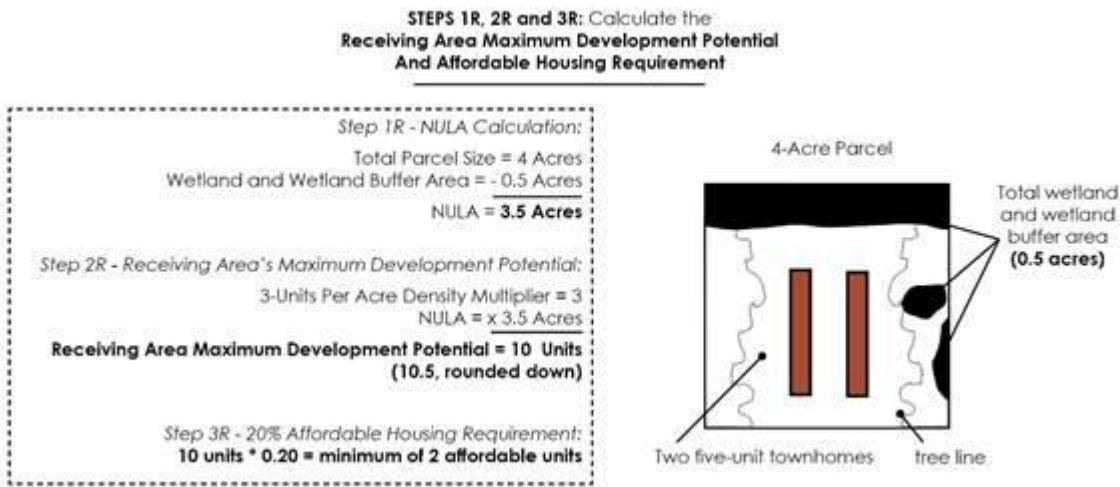
**2730. Approval of Receiving Area Development Plan.** To establish the development potential available on a receiving parcel(s), the owner shall follow the following steps to calculate the receiving area maximum development potential. After calculations are complete, the owner shall submit a development 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.

STEP 1R: Establish the Net Usable Land Area. The receiving area’s maximum development potential shall be established through a Net Usable Land Area (NULA) Plan for the entire receiving area(s), which shall be submitted to the Planning Board. The NULA is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area around these regulated lands. The remaining upland area is the NULA.

STEP 2R: Establish the receiving area’s maximum development potential. The receiving area’s maximum development potential is equal to three (3) times the NULA. The resultant figure is the number of units that can be developed on the receiving parcel(s). Fractions of a unit shall be rounded down. The total number of units allowed on the receiving parcel is equal to the receiving area maximum development potential calculation, with the exception of bonuses for any Exceptional Housing Need Overage as described below.

STEP 3R: Calculate the Affordable Housing Requirement. **For any receiving area development of five or more units, a minimum of 20% of the housing units constructed in a receiving area that generated from the application of TDR credits onto the receiving area shall qualify as affordable housing for low- and moderate-income households as qualified and required per Massachusetts Chapter 40B regulations. Unit calculations are rounded down to the nearest whole number.**

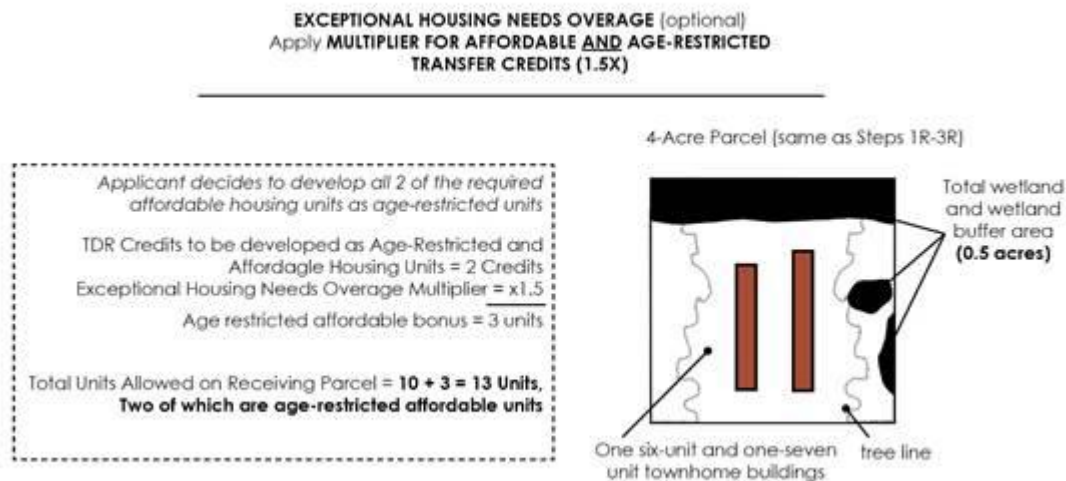
Example:



**27AB. Exceptional Housing Needs Overages.** In one instance, it is possible for the total number of units on a receiving area parcel(s) to exceed the receiving area maximum development potential figure. Developments that add to Caver’s supply of housing for seniors generate additional development potential overages on a receiving area parcel.

Each transferred TDR credit that is to be used in the receiving area for either affordable housing that meets the requirements of Massachusetts Chapter 40B regulations that is also age-restricted housing may be multiplied by 1.5, allowing for additional TDR credit units to be applied and increasing the overall maximum permitted on the receiving parcel(s). Fractions of a unit shall be rounded down. Units constructed as a result of this allowed overage consume TDR sending credits, and cannot be constructed in absence of enough sending credits to cover the additional units.

Example:

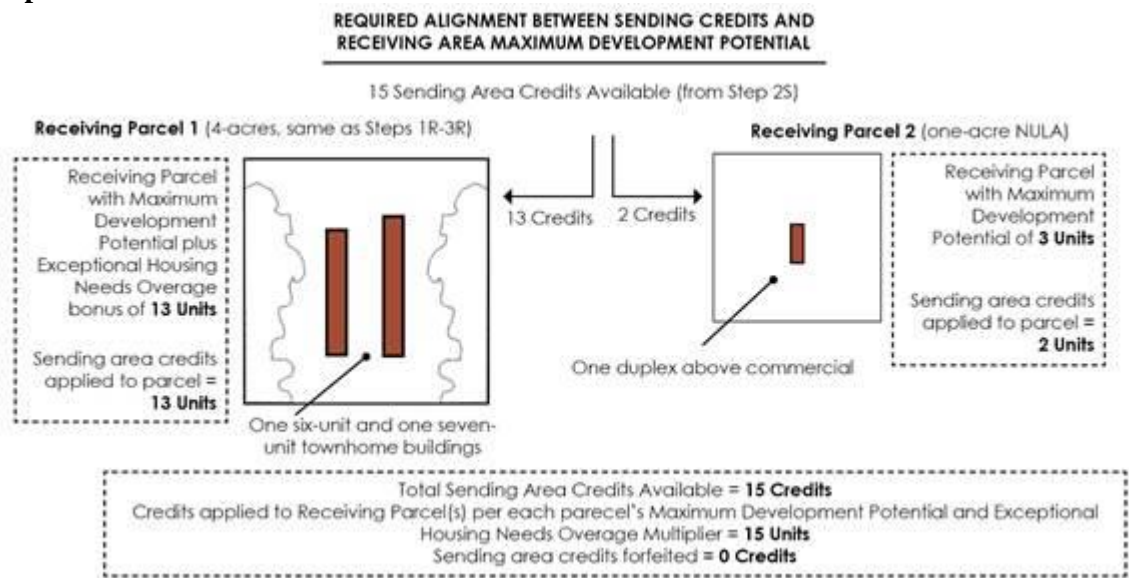


27BB: Development Credits Equalization

The calculation of total sending area credits is a separate process from the determination of the maximum number of units that can be placed on a receiving parcel, the process for which is outlined below.

If the number of credits generated by a sending parcel(s) is less than or equal to the maximum number of units that can be placed on a receiving parcel in the current TDR project under review, the sending area credits can be transferred to the receiving parcel in question. If, however, the number of credits generated by a sending parcel exceeds the maximum number of units that can be placed on a receiving parcel in a current TDR project under review, the exceeding number of credits will be forfeited. Multiple receiving parcels can be proposed to accommodate sending area credits, but the maximum development potential calculated must be respected and not exceeded for each receiving parcel that is part of an individual TDR project special permit process.

Example:



27XX: Dimensional Standards and Parking Requirements

The following Dimensional Standards shall apply:

- Frontage: 40'
  - Front Setback: 30' from street layout line or edge of pavement, whichever is less
  - Rear Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.
  - Side Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.
  - Route 58 Setback: 40' (notwithstanding the foregoing)
  - Building to Building Setback: One-half (1/2) of the sum of the heights of the buildings, provided that the Fire Chief certifies that there is adequate fire access to all sides of each building.
  - Height: 35' or 3.5 stories (subject, however, to Footnote 8 in Section 2320)
- The Planning Board shall have the authority to negotiate with the applicant to modify the dimensional standards the least amount required in order to ensure that the proposed development can fit on the receiving area parcel so that the receiving area maximum development potential and all allowed unit overages can be accommodated on the receiving parcel.
- The Planning Board shall have the authority to modify the number of parking spaces otherwise required by Section 3300 if one or more of the units are age-restricted.
- 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

## Proposed Zoning Articles 2022 Annual Town Meeting

shall be provided as part of the TDR special permit development approval. Packaged treatment plans can meet this requirement.

**2750. TDR Special Permit Criteria.** A TDR special permit may be granted by the Planning Board for the receiving parcel(s) upon its written determination 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 establish the positive finding for each of the following criteria:

- a. The development complies with the Carver Master Plan and Open Space and Recreation Plan;
- b. The development preserves or provides one or more of the following: water source protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard Area or 500-year flood hazard area; adjacency to other preserved lands; significant wetland areas; significant agricultural soils and practices; or scenic vistas;
- c. The development provides adequate water and sanitary facilities;
- d. The development design is appropriate to the natural topography, soils and other characteristics of the site and to the visual character of its surroundings;
- e. 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 a traffic study and/or mitigation improvements may be required to address capacity, safety and access management issues;
- f. 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 M.G.L. 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.

**INFORMATIONAL SUMMARY:**

**(2/3 Vote Required)**