



TOWN OF CARVER

Planning Board

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Public Hearing Notice

TOWN CLERK, CARVER, MA
2022 MAR 1 AM 10:45

In accordance with the provisions of the Town of Carver Zoning Bylaw, the Carver Planning Board will hold a public hearing on **March 30, 2022 and March 31, 2022 at 7:00 PM, at the Carver Middle High School Auditorium, Carver, MA.**

(PLEASE NOTE: CHANGE IN VENUE – MEETING IS NOW BEING HELD AT THE CARVER MIDDLE HIGH SCHOOL CAFETERIA, CARVER, MA)

AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

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,

REQUIREMENT	RA	HC	GB	VB ^a	V	V (Res.)	GBP ^b	IA ^d	IB	IC ^c	AP	SSID ^e
MAX. BUILDING HEIGHT (feet) ^{8, 9, 11}	35	40	40	30	30	30	40 65 ¹¹	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**

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be considered Municipal Facilities, and shall not be subject to such height limitation within the GBP District provided they meet all public safety standards.

AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

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.

AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

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.

AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

ARTICLE 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.

AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

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

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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.

AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

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.

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AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

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.

AN ARTICLE submitted by the Carver Redevelopment Authority (RDA)

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.**

AN ARTICLE submitted by the Carver Select Board

ARTICLE : 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.

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AN ARTICLE submitted by the Carver Building Commissioner

ARTICLE : 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: 3530. Standards; 3550. Additional Regulations For Specific Types Of Signs; 3560. Administration; 3570. Special Permit to Exceed Dimensional and Lighting Requirements for Signs as amended:

3530. Standards.

3531. Illumination Standards.

- 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.

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**
~~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.~~

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 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.

~~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~~

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~~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.

Full text of the proposed Sign Bylaw are on file with Town Clerk Office’s and Permitting Department and on the Carver Planning Board webpage <https://www.carverma.gov/planning-board/pages/articles-town-meeting>

AN ARTICLE submitted by the Planning Board

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 2700 “Transfer of Development Right: as shown in an eight page document entitled: **“ARTICLE TDR: ZONING BY-LAW SECTION 2700 TRANSFER OF DEVELOPMENT RIGHTS BY-LAW AMENDMENT”**

Full text of the proposed Transfer of Development (TDR) bylaw are on file in the Town Clerk’s Office and Permitting Department and on the Carver Planning Board webpage <https://www.carverma.gov/planning-board/pages/articles-town-meeting>

AN ARTICLE petitioned to amend the Carver Zoning Map

ARTICLE X: Respectfully requesting the Town of Carver to amend Article 21. Purposing a change to non-medical marijuana overlay districts (NMOD) North Overlay to accept and approve Map 21 Lot 4-4 for use as a marijuana cultivation and processing facility.

AN ARTICLE petitioned to amend the Carver Zoning Bylaw

To see if the Town will vote to amend the Carver Zoning Bylaw **ARTICLE X:** The Town hereby adopts a temporary 11 ½ month moratorium to March 26, 2023, on the new use of land for Battery Storage effective immediately upon Town vote. During the moratorium period, the Town shall adopt new zoning bylaws for battery storage and undertake a planning process that addresses the current and future impacts of battery storage facilities on Carver’s residents, consider the long-term objectives for additional battery storage facilities in the town and their impact on health, safety and welfare of the town.

AN ARTICLE petitioned to amend the Carver Zoning Bylaw

ARTICLE X: Notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary, 12 month moratorium to April 11, 2023, on the new use of land for Large-Scale Ground Mounted Solar Photovoltaic Installations effective immediately upon Town vote, provided that such moratorium shall not apply to previously approved specially permitted projects provided that any such amendment shall not increase the footprint. During the moratorium period, the Town 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

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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 photovoltaic installation, and finally, to amend Carver Zoning Bylaw 3580 accordingly, or to take any other action relative thereto.

AN ARTICLE petitioned to amend the Carver Zoning Bylaw

ARTICLE X: The Town hereby adopts a temporary 11 ½ month moratorium to March 26, 2023, on the new use of land for Large Scale Ground-Mounted Solar Voltaic Installations (LSGMSI) effective immediately upon Town vote, provided that such moratorium shall not apply to a LSGMSI previously issued a special permit by the Planning Board and approved by the Conservation Commission, provided that any amendment to a special permit shall not increase the footprint. During the moratorium period, the Town shall conduct a review of its zoning bylaws for solar electric installations and undertake a planning process that addresses the current and future impacts of LSGMSI on Carver's residents, consider the long-term objectives for additional solar-electric installations in the town and their impact on health, safety and welfare of the town.

Carver Reporter Publish Dates: March 11, 2022 and March 18, 2022