



# TOWN OF CARVER

## Permitting Departments

108 Main Street, Carver, MA 02330  
508-866-3450

### Public Hearing Notice

The Planning Board will hold a Public Hearing in the Carver Town Hall, Meeting Room #1, 108 Main Street, Carver, Massachusetts on **Tuesday, March 14, 2017 at 7:00 PM** to see if the Town will vote to amend its Zoning Bylaw and Map as follows:

#### **ARTICLE 12: ZONING ARTICLE SPONSORED BY BOARD OF SELECTMEN**

**Part A: Adoption of Prohibition On The Use Of Land For Non-Medical/Recreational Marijuana**  
To see if the Town will vote to amend the Town of Carver Zoning Bylaw to add to Article IV, Special Regulations, the following new section entitled Non-Medical/Recreational Marijuana Establishment as follow:

#### **4960. NON-MEDICAL/RECREATIONAL MARIJUANA**

4960.1 Consistent with General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments as defined in General Laws Chapter 94G, Section 1(j), including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses for non-medical or recreational purposes, shall be prohibited within the Town of Carver.

4960.2 This bylaw shall only take effect in accordance with G.L. c. 40A, §5 and upon approval of a related ballot question at a Town Election.

#### **Part B: Adoption Article Temporary Moratorium On Non-Medical Or Recreational Marijuana Establishments**

To see if the Town will vote to amend the Town of Carver Zoning Bylaw to add to Article IV, Special Regulations, the following new section entitled “Temporary Moratorium on Non-Medical Or Recreational Marijuana Establishments”, as follows:

#### **4970. TEMPORARY MORATORIUM ON NON-MEDICAL OR RECREATIONAL MARIJUANA ESTABLISHMENTS**

##### **4970.1 Purpose.**

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and as amended on December 30, 2016 via Chapter 351 of the Acts of 2016, requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for

licenses on April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. Currently, a Non-Medical or Recreational Marijuana Establishment (hereafter, a “Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Town’s Zoning Bylaw. The regulation of Recreational Marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Establishments and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Establishments and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

**4970.2 Temporary Moratorium.**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Establishments as defined in G.L. c. 94G, §1. The moratorium shall be in effect through June 30, 2018, or twelve months from the date that final regulations are issued by the Cannabis Control Commission, whichever occurs later. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Marijuana Establishments and related uses, determine whether the town shall restrict the use of land for any, or all, licenses Marijuana Establishments, determine whether the town will prohibit on-site consumption at Marijuana Establishments and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Marijuana Establishments and related uses.

**4970.3 Severability.**

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.”

**Part C: Amend Zoning Map Sportsman Club**

To see if the town will vote to amend the Town of Carver Zoning Map, to include in the Village Business District, one partial parcel of land consisting of approximately 170,000 square feet +/-, which land is shown as the Town of Carver’s Assessors Parcels XXX that includes frontage of 322.41 by a depth of 525 feet that is parallel to frontage on Main street.

**Part D: Pending Earth Removal**

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Or take any other action related thereto.

**ARTICLE 13: ZONING ARTICLE SPONSORED BY PLANNING BOARD**

**Part A: Amend Zoning Map**

To see if the town will vote to amend the Town of Carver Zoning Map, to include in the Residential/Agricultural Zoning District, two parcels of land consisting of approximately 94,098 square feet +/-, which land is shown as the Town of Carver’s Assessors Parcels 23-3-1, 23-3-3 and 23-3-B,

**Part B: Amend Water Resource Protection District Zoning Bylaw**

To see if the town will vote to amend the Town of Carver Zoning Bylaw, by adding a new subsection to Section 4300 Water Resource Protection District, by adding the following “prohibited use”:

4335. Residential use with a sewage design flow in excess of 110 gallons per day, per 10,000 square feet of lot area. The term “design flow SEPTIC SYSTEMS ARE DESIGNED TO ACCOMMODATE SEWAGE FLOW BASED ON THE SIZE OF THE FACILITY SERVED BY THE SYSTEM, RATHER THAN ON ACTUAL FLOW. FOR RESIDENTIAL USES, DESIGN FLOW IS BASED ON 110 GALLONS PER DAY FOR EACH BEDROOM.” shall be as defined in Title 5 of the State Environmental Code, 310 CMR 15.000, et seq.

**Part C: Amend Zoning Use Regulation Schedule To Add Medical Office**

To see if the town will vote to amend the Town of Carver Zoning Bylaw, to amend Section 2230 Use Regulation Schedule to add the words “including medical office (NEED TO DEFINE MEDICAL OFFICE IN BYLAW)” so as to read:

<b>B. Commercial</b>	<b>RA</b>	<b>HC</b>	<b>GB</b>	<b>VB</b>	<b>V</b>	<b>GBP</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>AP</b>	<b>SSID</b>
Office, including medical office	N	Y	Y	Y	SP*	Y	Y	N	Y	SP*	Y

**Part D: Amend Zoning Bylaw Definition of Kennel, Hobby**

To see if the town will vote to amend the Town of Carver Zoning Bylaw, to change the definition of “Kennel, Hobby,” in Article VI. Definitions to add the words “except for a collection of six (6) to ten (10) dogs owned by a single individual, and permanently maintained on the premises as pets, all of which are spayed or neutered, shall not be considered a hobby kennel” so as to read:

Kennel, Hobby shall mean a single premises with a collection of six (6) to ten (10) dogs, three months or older, that are maintained for any purpose, and where fewer than four (4) litters per year are raised. Except for a collection of six (6) to ten (10) dogs owned by a single individual, and permanently maintained on the premises as pets, all of which are spayed or neutered, shall not be considered a hobby kennel.

PLEASE BE ADVISED THAT THE DEFINITIONS OF “KENNEL”, “KENNEL, HOBBY” AND “KENNEL, COMMERCIAL” IN THE ZONING BYLAWS ARE NOT CONSISTENT WITH DEFINITIONS OF THESE TERMS WHEN USED IN THE LICENSING CONTEXT PURSUANT TO G.L. C. 140, §136A-174E. PURSUANT TO G.L. C. 140, §136A AND 137A, A KENNEL LICENSE IS REQUIRED FOR ANY A PACK OR COLLECTION OF MORE THAN 4 DOGS, 3 MONTHS OLD OR OLDER, OWNED OR KEPT UNDER SINGLE OWNERSHIP.

**Part E: Amend Zoning Bylaw Relating To Freestanding Signs**

To see if the town will vote to amend the Town of Carver Zoning Bylaw, to amend **Section 3522.**

**Prohibited Signs** to add the following:

- 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.

Or take any other action related thereto.

Text, map, and other information may be inspected at the Planning Board Office.

Any person interested and desiring to be heard on this request should appear at the time and place designated.

Carver Planning Board  
Bruce Maki, Chair

Carver Reporter Publish Dates: February 24 and March 3, 2017