

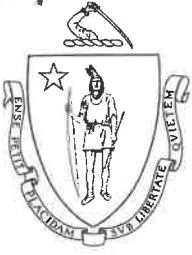
RETURN OF SERVICE
APPROVAL
OF
GENERAL AND ZONING BY-LAWS

NOVEMBER 08, 2023

CARVER, MASSACHUSETTS

In accordance with Massachusetts General Laws, Chapter 40, Section 32 as amended, I hereby post copies of the approved by-laws, one in each of the following locations:

TOWN HALL
NORTH CARVER POST OFFICE
SOUTH CARVER POST OFFICE
CENTER CARVER POST OFFICE
CARVER PUBLIC LIBRARY



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 8, 2023

Cara L. Dahill, Town Clerk
Town of Carver
108 Main Street
Carver, MA 02330

Re: Carver Annual Town Meeting of April 11, 2023 -- Case # 10941
Warrant Articles # 27, 28, 29, 30, 31, 32, 33, and 34 (Zoning)
Warrant Articles # 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 (General)

Dear Ms. Dahill:

Articles 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, and 34 - We approve Articles 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, 34, and the map amendments voted under Article 30, from the April 11, 2023 Carver Annual Town Meeting. ¹ We will return the approved map to you by mail.

Articles 27, 28, and 29 - The Attorney General's deadline for a decision on Articles 27, 28, and 29 is extended for an additional 90 days under the authority conferred by G.L. c. 40, § 32. The agreement with Town Counsel for a 90-day extension was filed with your Office on August 7, 2023. We will issue our decision on Articles 27, 28, and 29 on or before **November 11, 2023**.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law

¹ The posted and published planning board hearing notices for Articles 31, 32, 33, and 34 did not include a statement where the text (and map, if any) of the proposed amendments may be inspected. This statement is required pursuant to G.L. c. 40A, § 5. However, the notices included the exact text of the by-law amendments. Therefore, we approve the zoning by-law amendments adopted under Articles 31, 32, 33, and 34.

TOWN OF CARVER

OFFICIAL BULLETIN

Amendments to the Town of Carver **ZONING BY-LAW ARTICLES** adopted under **Articles 30,31,32,33,34** of the Warrant for the Annual Town Meeting that convened on April 11, 2023 are attached hereto with the approval of the Attorney General as outlined in her letters dated August 08, 2023.

Any person claiming that the amendments to the zoning by-laws adopted under articles 30,31,32,33,34 of the April 11, 2023 Annual Town Meeting are invalid because of a defect in the procedure by which the by-laws were adopted or amended may only be made within 90 days of this posting.

A COPY OF THE BY-LAWS/MAP MAY BE EXAMINED IN THE TOWN CLERK'S OFFICE.

A true record, attest:



Cara L. Dahill; Town Clerk

Said Amendments were posted at the following public places in Town: Town Hall, North Carver Post Office, Center Post Office, South Carver Post Office and the Carver Public Library.

DATE: August 8, 2023

FINAL VERSION OF BYLAW ARTICLE 15 COMMITTEE VACANCIES
BYLAW AS AMENDED

CHAPTER 4 APPOINTED BOARDS, COMMITTEES AND COMMISSIONS

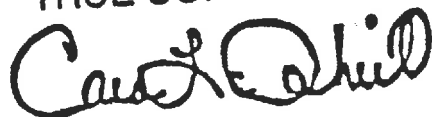
4.1. VACANCIES DUE TO ABSENCE

4.1.1 The appointing authority for any appointed Board, Committee, or Council may remove any member who is absent from three (3) consecutive duly held meetings, unless one or more absences is excused by the Chair or Vice-Chair in the case of the absences by the Chair or take any other action related thereto.

4.1.2 The Chairman of any appointed agency shall notify the Town Clerk in writing with seven (7) days of any vacancy occurring in such agency. The vacancy shall be filled within fourteen (14) days of such notification by the original appointing authority. Such appointments shall be for the unexpired term of the member being replaced.

Carver

TRUE COPY ATTEST



Town Clerk

FINAL VERSION OF BYLAW ARTICLE 16 TOWN MEETING QUORUM
BYLAW AS AMENDED

1.1 TOWN ELECTIONS AND TOWN MEETINGS

1.1.1. The Annual Town Meeting shall be held for the transaction of municipal business in the month of April, May or June on a weekday to be set by the Board of Selectmen, and the Election of Officers on the fourth Saturday in April at 8:00 o'clock A.M. The polls shall be open until 6:00 P.M.

1.1.2
Seventy-five (75) qualified voters shall be necessary to constitute a quorum at any town meeting, including special town meetings; provided, however, that one hundred fifty (150) qualified voters shall be necessary to constitute a quorum **to vote on any motion proposing the borrowing of money for any purpose**, and provided also, that a number less than a quorum may from time to time adjourn the same.

Carver

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Town Clerk

**FINAL VERSION OF BYLAW ARTICLE 17 9.2.1.2 WETLANDS BYLAW
AS AMENDED**

9.2. WETLANDS PROTECTION

9.2.1 GENERAL PROVISIONS

9.2.1.1 Introduction

These regulations are promulgated by the Carver Conservation Commission pursuant to the authority granted to the Commission under Massachusetts General Law Chapter 40, Section 8C.

9.2.1.2 Purpose

The purpose of this By-law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Carver by controlling activities deemed by the Carver Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following:

- a. Public or private water supply,
- b. Groundwater and groundwater quality,
- c. Surface water and surface water quality,
- d. Flood control,
- e. Erosion and sedimentation control,
- f. Prevention of water pollution,
- g. Storm drainage,
- h. Fisheries,
- i. Wildlife habitat,
- j. Recreation,
- k. Agriculture,
- l. Aesthetics,
- m. Fish/shellfish habitat,
- n. Rare plant and animal species,
- o. Riverfront areas.
- p. Prevention of invasive species (as specified in the Annotated Species List for Massachusetts prepared by the Massachusetts Invasive Plant Advisory Group, which may be amended from time to time.**

In addition, the Commission shall provide clear guidance to applicants regarding the policies that the Commission has determined are necessary to protect wetland Resource Areas based upon Carver's particular topography and hydrology, by the unique and special value these resource areas have to the Carver residential and agricultural community, and the significant past experience of the Commission with wetlands protection.

Carver

TRUE COPY ATTEST

A handwritten signature in black ink, appearing to read "Carol E. Quinn". The signature is written in a cursive style with a large initial "C".

Town Clerk

FINAL VERSION OF BYLAW ARTICLE 18 9.2.1.3 (3) WETLANDS BYLAW AS AMENDED

9.2. WETLANDS PROTECTION

9.2.1 GENERAL PROVISIONS

9.2.1.1 Introduction

These regulations are promulgated by the Carver Conservation Commission pursuant to the authority granted to the Commission under Massachusetts General Law Chapter 40, Section 8C.

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- h. Fisheries,
- i. Wildlife habitat,
- j. Recreation,
- k. Agriculture,
- l. Aesthetics,
- m. Fish/shellfish habitat,
- n. Rare plant and animal species,
- o. Riverfront areas.

In addition, the Commission shall provide clear guidance to applicants regarding the policies that the Commission has determined are necessary to protect wetland Resource Areas based upon Carver's particular topography and hydrology, by the unique and special value these resource areas have to the Carver residential and agricultural community, and the significant past experience of the Commission with wetlands protection.

9.2.1.3 Statement of Jurisdiction

- (1) Except as permitted by the Commission as provided by this By-law, no person shall remove, fill, dredge, alter or build upon or within 100 feet of: any

bank, wetland, marsh, swamp, bog, beach, or wet meadow, pond or lake; any land under said waters; any land subject to flooding or inundation by groundwater or surface water; or the 100 year flood plain.

- (2) Except as permitted by the Commission as provided by this By-law, no person shall remove, fill, dredge, alter, or build upon or within 200 feet on each side of perennial rivers and streams.
- (3) Except as permitted by the Commission through the issuance of a variance as defined in Section 9.2.5 of this By-law and the issuance of a permit/**order of conditions**, no person shall **remove, fill, dredge, alter, build upon, disturb or make any changes to the natural characteristics of the landscape, by human activity**, upon or within 65 feet of: any wetland, marsh, meadow, bog or swamp; any bank; any lands bordering on any lake, river, pond, stream or creek; or any land under said waters; or any land subject to flooding or inundation by groundwater or surface water.
- (4) Except as permitted by the Commission through the issuance of a variance as defined by Section V of this By-law and the issuance of a permit as defined by Section II of this By-law, no person shall build any residential dwelling within 100 feet of a cranberry bog.

Carver

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Town Clerk

FINAL VERSION OF BYLAW ARTICLE 19 9.2.2.1 (4) WETLANDS BYLAW AS AMENDED

9.2. WETLANDS PROTECTION

9.2.1 FILING PROCEDURES

9.2.1.1 Request for Determination of Applicability

- a. A Request for Determination of Applicability shall be submitted to the Commission by certified mail or hand delivery to the Commission office located at the Town Hall.
- b. The Request for Determination of Applicability shall be in the form shown in the Appendix marked "Form A".
- c. The Request for Determination of Applicability shall be accompanied by 4 complete copies the applicant's plan which should include sufficient information to enable the Conservation Commission to determine the applicable scope of the project. The Commission may request up to 4 more copies of plans for each project.
- d. **(4)**The Request for Determination of Applicability shall be accompanied by a check or money order made payable to the Town of Carver for **\$125.00** to cover administrative costs.
- e. The Request for Determination of Applicability shall be accompanied by a check or money order made payable to the local newspaper designated by the Commission to cover the publication costs required in accordance with the open meeting law, M.G.L. c. 39, sec.23B.
- f. The Request for Determination of Applicability shall be accompanied by a certification in the form of an affidavit of service shown in the Appendix marked "Form B" informing the Department of Environmental Protection and the owner, if the owner is not the applicant, that a determination is being requested under M.G. L. c. 131, sec. 40.

The Conservation Commission shall hold a public hearing within 21 days of its determination that the applicant's filing is complete. Prior to making such determination, the Conservation Commission may request additional information pertinent to the application

TRUE COPY ATTEST



Town Clerk
Carver

FINAL VERSION OF BYLAW ARTICLE 20 9.2.2.5 (5) WETLANDS BYLAW AS AMENDED

9.2. WETLANDS PROTECTION

9.2.1.1 Notice of Intent

- a. A Notice of Intent shall be submitted to the Commission by certified mail or by hand delivery to the Commission office located at the Town Hall.
- b. A Notice of Intent shall be in the form shown in the Appendix as "Form C".
- c. The Notice of Intent shall be accompanied by 8 complete copies of the applicant's plan, which should include sufficient information to enable the Commission to determine the applicable scope of the project.
- d. The Commission at all times reserves the right to require that applicant's Notice of Intent be submitted by a professional person such as a land surveyor or civil engineer.
- e. **(5)**The Notice of Intent shall be accompanied by a filing fee the amount of which shall be determined by 801 CMR 4.02(310) (Executive Office for Administration and Finance)**based on the MA DEP fees as listed on their website, as may be amended from time- to- time**, plus an additional cost of **\$125.00** to cover administrative expenses. Payment shall be in the form of a check or money order.
- f. The Notice of Intent shall be accompanied by a check or money order made payable to the local newspaper designated by the Commission to cover the publication costs required in accordance with the open meeting law, M.G.L. c. 39, sec. 23B.
- g. The Commission shall have the authority to deny any project in which it determines that the application is incomplete or requires additional information not provided by the applicant.
- h. Any person filing a Notice of Intent with the Commission shall provide the Commission with an affidavit confirming that all appropriate town officials, committees, or boards having joint jurisdiction over the proposed project have been provided with a copy thereof by certified mail or hand delivery.
- i. The Commission shall not take final action pursuant to a Notice of Intent until all officials and boards having joint jurisdiction over the proposed project have had at least 14 days from receipt of notice to file written comments and recommendations with the Commission.
- j. The Commission shall have the authority to continue the hearing to a date

certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant and deemed necessary by the Commission in its discretion or by other town boards and officials, as appropriate.

Carver

TRUE COPY ATTEST

A handwritten signature in black ink, appearing to read "Cassie L. Quinn". The signature is written in a cursive style with a large initial "C" and a distinct "L" and "Q".

Town Clerk

FINAL VERSION OF BYLAW ARTICLE 21 9.2.2.2 (6) WETLANDS BYLAW AS AMENDED

9.2. WETLANDS PROTECTION

9.2.1 FILING PROCEDURES

9.2.1.1 Request for Determination of Applicability

- a. A Request for Determination of Applicability shall be submitted to the Commission by certified mail or hand delivery to the Commission office located at the Town Hall.
- b. The Request for Determination of Applicability shall be in the form shown in the Appendix marked "Form A".
- c. The Request for Determination of Applicability shall be accompanied by 4 complete copies the applicant's plan which should include sufficient information to enable the Conservation Commission to determine the applicable scope of the project. The Commission may request up to 4 more copies of plans for each project.
- d. The Request for Determination of Applicability shall be accompanied by a check or money order made payable to the Town of Carver for \$35.00 to cover administrative costs.
- e. The Request for Determination of Applicability shall be accompanied by a check or money order made payable to the local newspaper designated by the Commission to cover the publication costs required in accordance with the open meeting law, M.G.L. c. 39, sec.23B.
- f. The Request for Determination of Applicability shall be accompanied by a certification in the form of an affidavit of service shown in the Appendix marked "Form B" informing the Department of Environmental Protection and the owner, if the owner is not the applicant, that a determination is being requested under M.G. L. c. 131, sec. 40.
- g. The Conservation Commission shall hold a public hearing within 21 days of its determination that the applicant's filing is complete. Prior to making such determination, the Conservation Commission may request additional information pertinent to the application.

9.2.1.2 Notice of Intent

- a. A Notice of Intent shall be submitted to the Commission by certified mail or by hand delivery to the Commission office located at the Town Hall.

- b. A Notice of Intent shall be in the form shown in the Appendix as "Form C".
- c. The Notice of Intent shall be accompanied by 8 complete copies of the applicant's plan, which should include sufficient information to enable the Commission to determine the applicable scope of the project.
- d. The Commission at all times reserves the right to require that applicant's Notice of Intent be submitted by a professional person such as a land surveyor or civil engineer.
- e. The Notice of Intent shall be accompanied by a filing fee the amount of which shall be determined by 801 CMR 4.02(310) (Executive Office for Administration and Finance) plus an additional cost of \$70.00 to cover administrative expenses. Payment shall be in the form of a check or money order.
- f. **(6)The Notice of Intent shall be accompanied by an authorization form to authorize the newspaper to bill the publication costs required in accordance with the Wetland Protections Act, M.G.L.c.131,s40.The applicant will be billed directly by the newspaper**
- g. The Commission shall have the authority to deny any project in which it determines that the application is incomplete or requires additional information not provided by the applicant.
- h. Any person filing a Notice of Intent with the Commission shall provide the Commission with an affidavit confirming that all appropriate town officials, committees, or boards having joint jurisdiction over the proposed project have been provided with a copy thereof by certified mail or hand delivery.
- i. The Commission shall not take final action pursuant to a Notice of Intent until all officials and boards having joint jurisdiction over the proposed project have had at least 14 days from receipt of notice to file written comments and recommendations with the Commission.
- j. The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant and deemed necessary by the Commission in its discretion or by other town boards and officials, as appropriate.

Carver

TRUE COPY ATTEST



Town Clerk

FINAL VERSION OF BYLAW ARTICLE 22 9.2.5 WETLANDS BYLAW AS AMENDED

9.2. WETLANDS PROTECTION

9.2.4 DEFINITIONS

The definitions applicable to the Carver Wetlands By-law shall be the same as set forth in 310 CMR 10.00 except for the following modifications to those definitions and additional definitions.

Aesthetics -

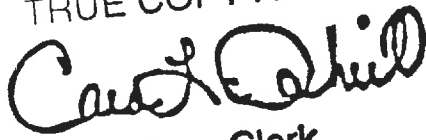
The relevant qualities to be protected under the Carver Wetlands By-law are those natural and natively scenic impressions of our ponds, lakes, streams, rivers, and the lands bordering them. The aesthetic trust of the Commission shall be the preservation of a perception of the land, which is most conducive to a continued wildlife habitat, a natural aquatic system, and a protective buffer between our wetland resources and human development activities.

Alter-

Alter means to change the condition of any area subject to protection by this By law. Examples of alterations include, but are not limited to, the following:

- Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- Drainage or other disturbance of water level or water table;
- Placing of fill, or removal of materials, which would alter elevations;
- Driving of piles, erection or repair of buildings, **walls**, or structures of any kind;
- Placing of obstructions or **permanent** objects or **structures** in water;
- Destruction of plant life, including the cutting of trees, **shrubs, flowers or wild grasses**;
- **Introduction of non-native grasses, shrubs, trees or other plantings**;
- Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- Use of chemicals for plant or pest control.

TRUE COPY ATTEST



Town Clerk

Carver

**FINAL VERSION OF BYLAW ARTICLE 23 9.2.5 DEFINITIONS WETLANDS
BYLAW AS AMENDED**

9.2. WETLANDS PROTECTION

9.2.4 DEFINITIONS

The definitions applicable to the Carver Wetlands By-law shall be the same as set forth in 310 CMR 10.00 except for the following modifications to those definitions and additional definitions.

Aesthetics -

The relevant qualities to be protected under the Carver Wetlands By-law are those natural and natively scenic impressions of our ponds, lakes, streams, rivers, and the lands bordering them. The aesthetic trust of the Commission shall be the preservation of a perception of the land, which is most conducive to a continued wildlife habitat, a natural aquatic system, and a protective buffer between our wetland resources and human development activities.

Alter-

Alter means to change the condition of any area subject to protection by this Bylaw. Examples of alterations include, but are not limited to, the following:

- Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- Drainage or other disturbance of water level or water table;
- Placing of fill, or removal of materials, which would alter elevations;
- Driving of piles, erection or repair of buildings, or structures of any kind;
- Placing of obstructions or objects in water;
- Destruction of plant life, including the cutting of trees;
- Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- Use of chemicals for plant or pest control.

Applicant-

Any person who files a permit application or request for determination or applicability, or on whose behalf such an application or request is filed, is an applicant.

Conservation Commission Agent-

The Agent shall be the duly authorized representative of the Commission, with the authority to carry out certain of the Commission's functions. These shall include, but not be limited to, executing the administrative duties of the Commission, site visits, determination of filing requirement for applicants, determination of filing

requirements of all property under the jurisdiction of this By-law, determination of application completeness and filing requirements.

Issuing Authority-

In the Town of Carver, both under the state wetland regulations and under the local By-laws, the issuing authority is the Conservation Commission.

Recreation-

Recreation under the Carver Wetlands By-law is defined as the use and enjoyment of our natural surroundings in a manner consistent with their preservation. Activities shall not hinder access to wetlands and related water resources, **adversely affect wildlife habitat, and/or introduce invasive species.**

Variance-

The Commission shall have the power, after the filing of a Notice of Intent and the conduct of a public hearing, to issue a variance to an applicant requesting to perform activities as described in Section I (C)(3) or Section I(C)(4) of this By- law. Such variance shall be set forth by the issuance of an Order of Conditions by the Commission. In order for the Commission to issue a variance with respect

to a particular project, it must specifically find, based on clear and convincing evidence set forth by the applicant, that owing to circumstances relating to the soil conditions, hydrological conditions, topography of such land and especially affecting such land but not generally affecting wetlands within the Town, a literal enforcement of the provisions of this By-law would involve substantial hardship, financial or otherwise, to the applicant, and that desirable relief may be granted without material detriment to the values protected by this By-law and without substantially derogating from the extent or purpose of this By-law. The Commission may impose conditions, safeguards and limitations in a variance to protect or further the interests protected by this By-law. Variances are intended to be granted only in rare and unusual cases.

Person-

Person shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

9.2.5 SEVERABILITY

The invalidity of any section or provision of this By-law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination that previously has been issued.

TRUE COPY ATTEST



Town Clerk

Carver

**FINAL VERSION OF BYLAW ARTICLE 24 CAPITAL OUTLAY BYLAW
AS AMENDED**

4.7 CAPITAL OUTLAY COMMITTEE

Section 4.7.1: The Capital Outlay Committee shall review all requests and annually make a recommendation to the **Select Board** and Finance Committee **for proposed capital expenditures and methods for financing the same. Capital budgeting requires significant advanced planning and review to ensure that projects/purchases are:**

- **Properly evaluated and scheduled**
- **Appropriately funded**

Prioritized in a way that is consistent with the Town Of Carver Financial Policies

There shall be a Capital Outlay Committee consisting of 5 members.

One member shall be selected by the Select Board as its representative; such person may be from its own membership.

One member shall be selected by the School Committee as its representative; such person may be from its own membership.

One member shall be selected from the Finance Committee as its representative; such person shall be from its own membership; provided, however, that the chair of the Finance Committee shall not be eligible for appointment to the Capital Outlay Committee.

Two members shall be selected by the Town Administrator, who shall be registered voters of the Town.

The term of office shall be 3 years; provided, however, that term of the Select Board, School Committee and Finance Committee representatives shall automatically terminate when they are no longer members of the board or committee that appointed them. In that case, the appointing board or committee may fill the remaining term of the vacated seat with another of its members.

The Capital Outlay Committee shall designate a chair annually at a public meeting held after July 1.

Carver

The Capital Outlay Committee shall provide a report of all matters presented to it for recommendation at least once per calendar year and whenever requested by the Chair of the Finance Committee or when requested by either committee.

Section 4.7.2

Purpose:

To provide guidelines for the approval, review and prioritization of capital expenditures within the Town of Carver's 10-year Budget Plan and ensure that all capital expenditures are properly planned, funded, monitored and accounted for.

Scope:

The Capital Outlay Committee shall review all requests for capital expenditures of \$20,000 or more and **has a useful life greater than 1 year . For all the smaller projects or equipment, requests should be included in the department's operating budget. This includes projects that are fully or partially funded by outside funding sources, such as a grant.** This shall not apply to reserve fund transfer requests made to the Finance Committee that falls within their available reserve fund account or emergency expenditures. All requests shall be submitted in a format approved by the Capital Outlay Committee prior to insertion of the request on a town meeting warrant, or if the request is made by citizen petition, before the town meeting is convened.

It is further understood that the Capital Outlay Committee is an advisory committee to the Select Board and does not have the authority to override any decision made by the Select Board should said board disagree with the recommendations of the Capital Outlay Committee.

C. Section 4.7.3 All officers, boards, committees and departments requesting capital improvements for the following fiscal year shall transmit in writing to the Select Board their request at least seventy-five (75) days prior to the date of the Annual Town Meeting. At least sixty (60) days prior to the date of the Annual Town Meeting, the Select Board shall assemble these requests and submit them to the Capital Outlay Committee. At least thirty (30) days prior to the date of the Annual Town Meeting, the Select Board, Finance Committee and Capital Planning Committee shall vote on their capital budget recommendations for the following fiscal year. Said votes shall be final and shall not be subject to change except by vote at the Annual Town Meeting.

Capital Examples:

Carver

- **New constructions (new building or major addition)**
- **Building improvements, renovations remodeling or demolition**
- **Equipment Purchases**
- **Architectural or interior design work**
- **HVAC projects or energy consumption**
- **Land Improvements**
- **Real estate acquisition or leasing**
- **Vehicle leasing and purchasing**
- **Information technology and telecom (software and hardware)**
- **New or replacement of furniture & fixtures**

CAPITAL OUTLAY

Carver

TRUE COPY ATTEST

A handwritten signature in black ink, appearing to read "Carol Quinn". The signature is written in a cursive style with a large, prominent "C" at the beginning.

Town Clerk

FINAL VERSION OF ARTICLE 31 AMEND CARVER ZONING BYLAW
SECTION 2320 "TABLE OF DIMENSIONAL REQUIREMENTS"

2300. DIMENSIONAL REQUIREMENTS

By-Law or by statute (see G.L. c. 40A, s.6).

2320. Table of Dimensional Requirements.

REQUIREMENT	RA	HC	GB	VB _a	V (Com.)	V (Res.)	GBP _b	IA ^d	IB	IC ^c	AP	SSID _e
Min. Lot Size ^{4, 5, 10} (X 1000 square feet)	60	60	40	30	30	30	60	60	60	60	40	60
FRONTAGE (feet)	150	250	200	100	100	100	175	175	175	250	150	175
FRONT SETBACK (feet) ⁶	50	40	40	15	15	40	50	50 ₇	50 ₇	40	40	50
REAR YARD (feet)	50	40	25	15	15	40	40	30	30	40	30	40
SIDE YARD (feet)	30	40	25	15	15	25	40	30	30	40	30	40
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 ¹¹	40	40	40	40	40
MINIMUM LOT WIDTH at building line (% of frontage in district)	80	80	80	80	80	80	80	80	80	80	80	80
MAXIMUM % OF LOT COVERED BY BUILDINGS	30	60	50	70	70	70	70	50	50	60	50	25

^a Same as V (Comm.); ^b mix of HC and IA, IB; ^c IC same as HC since that is what the existing structures were under at the time of development; ^d Registered Marijuana Dispensaries, see Section 4950; ^e based on GBP

⁴ At least 70% of the minimum lot size shall be dry land; i.e., not taken up in streams, bogs, wetland and/or flood plain.

⁵ Portions of the lot less than 40 feet in width shall not be counted as any part of the minimum lot size.

⁶ Front setbacks shall be measured from the street layout line.

⁷ Provided, however, that this requirement shall be 60 feet where the subject property has frontage on a state numbered highway.

⁸ Provided, however, that chimneys, spires, silos, and unoccupied towers erected on the roof of a principal structure may be erected to a height of 70 feet from the base of the principal structure on which it is erected where no detrimental effects on the surrounding area are caused.

⁹ In order to prevent the erection of structures which, due to height, would create hazardous obstacles to air navigation in the vicinity of the Plymouth Municipal Airport, the applicable requirements of Chapter Ninety of the General Laws of Massachusetts and the standards of the Federal Aviation Regulations shall be met. No structure shall be erected which exceeds the height limitations of the above regulations unless appropriate authority shall have been issued by the Plymouth Airport Commission or the Federal Aviation Agency.

¹⁰ Lot shape shall mean lots that are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with the dimensional requirements established herein, shall, not be allowed. The minimum width of a lot from the front setback line to the rear house line shall be not less than 75 feet. The 75 ft. minimum shall not apply to rear lots, village districts or TDR overlay areas. Any lot to be created having frontage on an existing or proposed roadway, must meet the minimum lot size requirement for the zoning district *wherein* it is located, minus any easements and/or rights of way, except those for a governmental agency or public utility.

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, bulkheads, 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 exceed 175 feet in height within the GBP District provided they meet all public safety standards.

2330. Multiple Principal Structures. Except in the Residential District, more than one principal non-residential structure maybe erected on a lot, pursuant to a special permit issued by the Planning Board in accordance with Section 5300 herein and the following conditions:

2331. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;

2332. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;

2333. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

2340. Rear Lots. Rear lots shall be allowed only in the RA District. Individual lots in the RA District need not have the required amount of street frontage, provided that all of the following conditions can be met for each individual lot lacking such frontage:

2341. The area of said lot is at least three (3) acres.

2342. A building line is designated on the plan, and the width of the lot at that line equals or exceeds the number of feet normally required for street frontage in the district.

2343. Lot width is at no point less than 40 feet, and lot frontage is not less than 40 feet. Frontage shall meet all of the requirements contained in the definition for "frontage" in Article VI, herein.

2344. Not more than one (1) rear lot shall be created from a property, or a set of contiguous properties held in common ownership as of May 4, 1998. In order to be eligible for a rear lot, such property or set of contiguous properties held in common ownership as of May 4, 1998 shall not have been divided after such date. No further division of said property or properties shall be permitted after the creation of a rear lot. Documentation to this effect shall be submitted to the Building Inspector. The Building Inspector shall not issue a building permit for any rear lot without first establishing that compliance with this provision has been determined by the Planning Board.

2345. The front, rear, and side yards shall equal or exceed those required in the district.

2350. Sight Obstruction

2351. At corners, no sign (except signs erected by a public agency), fence, wall, hedge, or other obstruction shall be allowed to block vision between 2 1/2 and 8 feet above the street grade within an area formed by the intersecting street lines and a straight line joining the points of said street lines 20 feet back from their point of intersection.

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**FINAL VERSION OF ARTICLE 32 AMEND CARVER ZONING BYLAW
SECTION 3170 INCREASE FROM ONE YEAR TO TWO YEARS LAPSE OF
SITE PLAN APPROVAL TO BE CONSISTENT WITH TIME ALLOWED FOR
SPECIAL PERMITS**

3100. SITE PLAN REVIEW

3110. Applicability. The following types of activities and uses require site plan review by the Planning Board:

3111. Construction, exterior alteration or exterior expansion or change of use of a municipal, institutional, commercial, industrial, or multi-family structure;

3112. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure;

3113. Grading, clearing, or other land development activity except for the following: work in an Agricultural-Residential District, landscaping on a lot with an existing dwelling, clearing necessary for percolation and other site tests, work incidental to agricultural activity, or work in conjunction with a approved subdivision plan or earth removal permit.

3114. At the request of the applicant, the Planning Board may waive any or all requirements of site plan review for exterior enlargements of less than 25% of the existing floor area, and for building or site alterations where the Board determines that the standards set forth in this bylaw are not relevant to the alterations.

3115. Upon written request of the applicant, the Planning Board may waive any of the submittal requirements set forth in Section 3100 deemed by the Planning Board to be not necessary for its review of the application. In addition, the Planning Board may waive other such requirements of this Section 3100, including the requirement for a public hearing, where the Planning Board determines that the project constitutes a minor site plan. In order to constitute a minor site plan, the proposed work must be limited to (a) construction that does not exceed a total gross floor area of two thousand (2,000) square feet, (b) construction that will not generate the need for more than ten (10) total number of parking spaces, and/or (c) modifications to the site which, in the Planning Board's determination, do not materially or adversely affect conditions governed by the site plan review standards set forth in Section 3160 below.

3120. Procedures

3121. Applicants are encouraged to meet with the Planning Board prior to making a formal submission of plans to discuss site plan requirements and possible waivers. The board may provide a set of guidelines to assist applicants in meeting site plan, architectural, and landscaping objectives.

3122. An application for a building permit to perform work as set forth in Section 3111 shall be accompanied by an approved site plan. Prior to the commencement of any activity set forth in Section 3112 or 3113, the project proponent shall obtain site plan approval from the Planning Board. Applicants for site plan approval shall submit ten (10) copies of the site plan to the Planning Board at a regularly scheduled meeting, and within three (3) days thereafter shall submit a copy to the Town Clerk for filing. The Planning Board shall, within seven (7) days of receipt, transmit copies to the Building Inspector, the Police Chief, the Fire Chief, the Emergency Medical Service, the Town Treasurer, the Conservation Commission, and the Board of Selectmen for their advisory review and comments. Said boards shall have fourteen (14) days from the receipt of the site plan to make a written recommendation to the Planning Board. The Planning Board shall hold a public hearing to consider the plan in accordance with the requirements of M.G.L. 40A, s.11.

3123. For site plan review of a use or structure available by right, the Planning Board shall review and act upon the plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing.

3124. For site plan review of a use or structure available by special permit where the Planning Board serves as the special permit granting authority, the board shall consolidate the site plan review into the special permit procedures and the timetable for decision shall conform thereto.

For site plan review of a use or structure available by special permit in a Chapter 43D Priority Development Site where the Planning Board serves as the special permit granting authority, the board shall consolidate the site plan review into the special permit procedures and timetable. Final action shall be taken within 180 calendar days after the certified notice of completeness is sent, or the 20-day-completeness review period has expired and the application is deemed to be complete.

3125. Failure of the board to take final action upon the plan within the allotted time shall be construed as approval unless an extension has been agreed upon by the applicant and the board.

3130. Submittals

3131. Plans subject to this section shall show:

- a. All boundary line information pertaining to the land sufficient to permit location of same on ground with existing and proposed topography at 2 foot contour intervals and the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding and unique natural features;
- b. Existing and proposed buildings and structures, including fences, loading areas, accessory buildings, signs, rubbish disposal areas, and storage areas, with proposed building elevations or renderings; utilities and snow disposal methods.
- c. Water provision, including fire protection measures;
- d. Sanitary sewerage;

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- e. Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's Subdivision Rules and Regulations;
- f. Parking, walkways, driveways, and other access and egress provisions;
- g. Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening;
- h. Existing and proposed exterior lighting;
- i. Compliance with all applicable provisions of this Zoning By-Law;
- j. Certified list of abutters;
- k. Sign permit application, where new signage is proposed;
- l. Application fees and inspection fees, as set forth in the Site Plan Rules and Regulations of the Planning Board.

3132. The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts.

3133. Failure by the applicant to submit any of the required materials may constitute grounds for denial of the site plan application.

3140. Preparation of Plan. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"= 40'.

3150. Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 3130 or 3140 where the project involves relatively simple development plans.

3160. Performance Standards. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the requirements found in Section 4200: Utilities. New building construction or other site alteration shall be designed so as to:

3161. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

3162. Maximize pedestrian and vehicular safety both on the site and egressing from it;

3163. Minimize obstruction of scenic views from publicly accessible locations;

3164. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

3165. Minimize glare from headlights through plantings or other screening;

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.

3167. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways. The front building facade facing a street shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Not more than 50 feet of a building front shall be in the same vertical plane. A main business entrance to each ground floor business, identified by the larger doors, signs, canopy or similar means of highlighting, shall be located in the front of the building. Building fronts shall contain windows covering at least 15% of the facade's surface. Windows shall be highlighted with frames, lintels and sills or equivalent frame features. Windows and doors shall be arranged to give the facade a sense of balance and symmetry.

3168. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; in accordance with Section 4300, Water Resource Protection.

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

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

3180. Compliance. No final occupancy permit shall be issued until the Planning Board notifies the Building Inspector in writing that the project has been completed in compliance with the site plan and its conditions. Where final landscaping cannot be completed because of weather conditions, the Building Inspector may issue a temporary occupancy permit, or the Planning Board may require a surety until the work is complete.

3190. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of the Site Plan guidelines

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FINAL VERSION OF ARTICLE 33: INCREASE THE PERCENTAGE OF AFFORDABLE UNITS FOR TOWN HOUSE DEVELOPMENTSTO 15%

3900. TOWNHOUSE DEVELOPMENT

3910. Purpose. The purpose of this section is to encourage the preservation of open land for its scenic beauty particularly frontage along public ways, ponds, rivers, wetlands and to enhance open space, forestry, and recreational use; to preserve existing agricultural, historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Carver's traditional New England landscape; to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and to promote the development of varied housing opportunities, including housing affordable to low and moderate income families and provide accompanying conveniences, recreational areas and community center facilities.

3920. Applicability. A Townhouse Development may be permitted by special permit on a single tract of land, in single or consolidated ownership at the time of application, with an area of at least twenty acres (20) or five (5) acres for over 55 housing entirely in the RA District or in the HC District, or with an area of at least three (3) acres entirely in the GB District or in the V District.

3930. Procedures. An applicant for a Townhouse Development shall submit to the Planning Board an application for a special permit and ten (10) copies of a Development Plan in such form as may be required in the Planning Board's Rules and Regulations Governing Townhouse Development Special Permits, together with a Net Usable Land Area plan as described in Section 3940 and an application for Site Plan Approval under Section 3100. Special permits for Townhouse Developments shall be acted upon in accordance with Section 5300 of this by-law, and shall conform to the standards in Section 2230 and to the following requirements.

3940. Number of Dwelling Units.

The number of dwelling units shall be established by having a Net Usable Land Area (NULA) plan for the overall property submitted to the Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area to these regulated lands. The remaining upland area is the NULA for the purposes of establishing the number of dwelling units allowed in a town house development. In the RA and HC districts, the total number of proposed dwelling units within the development shall not exceed one point two-five (1.25) units per NULA acre or two (2) units per NULA acre for over 55 housing.

In the GB and V districts, the total number of proposed dwelling units within the development shall not exceed two (2) units per NULA acre.

3941. **Fifteen percent (15%)** of the total number of dwelling units shall meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through, and homebuyers or renters selected by, a housing organization approved by the Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to

the homebuyer or renter prior to the purchase / occupancy of unit. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development.

3942. Dwelling units shall be varied as to the number of bedrooms. The maximum number of bedrooms allow in a dwelling unit shall be three (3). No more than fifteen percent (15%) of the total number of dwelling units shall have three (3) bedrooms.

3943. Maximum building height shall not exceed thirty-five (35) feet.

3944. The number of townhouse units in a proposed Town House Development, when combined with the number of all existing and previously permitted townhouse units in Carver, shall not exceed twenty-five percent (25%) of the total number of existing dwelling units in the Town as of the date of the Townhouse Development special permit application.

3945. Duplexes and/or two family dwellings shall be allowed in a Townhouse Development and shall adhere to all requirements as set forth in this by law. At no time shall more than 25% of the total number of units proposed in a Townhouse development be comprised of duplexes or two family structures.

3950. Open Space Requirements. One or more open space areas shall be shown on the development plan. Such areas shall include the following:

- a. all undeveloped wetlands on the parcel;
- b. the 65 ft. buffers to those wetlands; and
- c. a minimum of fifty percent (50%) of the NULA or thirty percent (30%) for over 55 housing of the parcel if it is in the RA or HC district, or a minimum of thirty percent (30%) of the NULA of the parcel in the GB or V district.

Such open space shall exclude required building envelopes, and buffers to adjoining properties (except where buffer areas are contiguous to said open space areas). Such open space may be divided by roads constructed within the Townhouse Development.

3951. The required open space shall be used for conservation, historic preservation and education, outdoor passive education, park purposes, or for a combination of these uses, and shall be served by suitable access for such purposes.

3952. The required open space shall remain unbuilt upon, provided that five percent (5%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, such as a community center, pedestrian walks, bike paths, pools, tennis courts, and existing agriculture.

3953. The required open space shall be of a shape, size, character, and location suitable, in the opinion of the Planning Board, for its intended purposes. At least half of the required upland open space shall be in a consolidated and unfragmented mass, as reasonably interpreted by the Planning Board. To the extent possible, the open space shall include land of the greatest scenic, environmental, or recreational importance to the Town.

3954. The required open space shall be conveyed in conformance to the requirements provided in the Rules and Regulations Governing Townhouse Development Special Permits.

3955. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for the uses listed in Section 3951, and that it shall be maintained in a manner that will ensure its suitability for its intended purposes.

3960. Design Standards. The following design standards are required:

3961. *Buffer Areas:* All dwellings and structures shall be located a minimum of sixty (60) Feet or may be reduced to a minimum of forty Feet (40) for over 55 housing at the Planning Boards discretion from adjacent properties, and one hundred (100) feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, where the sixty (60) foot buffer or forty Feet (40) for over 55 housing of natural vegetation is not adequate (in the Planning Board's opinion) to screen the development from adjacent properties the Board may require additional plantings, earth berms and/or fencing.

3962. *Building Envelope:* All site plans shall locate a building envelope radius of forty (40) feet or thirty Feet (30) for over 55 housing from the outside edge of a townhouse building or group of buildings. Open space, ways, lanes and collectors may not be located within the building envelope. Parking, driveways, sidewalks, individual unit gardens/lawns etc. may be developed within the building envelope. For the minimum setback between buildings see the following Section 3963.

3963. *Architectural style:* Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town, through the use of appropriate building materials, screening, breaks in roof and wall lines, setbacks and other architectural techniques. Variation in detail, style, form and location shall be used (for both the residential units and accessory garages if employed) to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings. Adequate separation shall mean a minimum distance of 1.2 times the height of the proposed buildings.

3964. *Roadways:* Roadway length and construction details are provided in the Townhouse Development Special Permit Rules and Regulations. The Board may require that existing problems on/ or adjacent to the site be mitigated as a condition of approval of the special permit under this section.

3965. *Parking:* The development shall provide two (2) spaces per each unit, plus one (1) visitor parking space for every five (5) units, plus one (1) space for every two hundred (200) square feet of non-residential building area. In cases where the units are provided with a garage and two spaces for each unit on a driveway, the visitor spaces shall not be required. Parking areas shall be screened from public ways and adjacent or abutting properties by building location, fencing and/or dense plantings. Parking areas, including maneuvering space for parking and loading areas shall not be located within the required buffer areas. No parking shall be allowed on interior roadways.


3966. *Services:* Exposed storage areas, machinery, service areas, truck loading areas, adequate solid waste disposal facilities, utility buildings and structures and other unsightly uses shall be set

back and/or screened to protect neighbors and future residents from said features. Electric, telephone, cable TV, and other such utilities shall be underground. An adequate water source for fire protection shall be provided.

3967. *Lighting*: No building/structure shall be floodlit. Drives, walkways, entryways, and parking areas shall not be illuminated by lights higher than fifteen (15) feet, which shall be shielded to have a total cutoff of all light at less than ninety (90) degrees and a beam cutoff less than seventy-five (75) degrees..

3970. Decision. The Planning Board may approve, approve with conditions, or deny an application for a Townhouse Development, after considering the criterion set out in Section 5300, and also assessing whether the Townhouse Development better promotes the objectives of Section 3910, herein, than would conventional development.

3980. Relation to Other Requirements. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.

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FINAL VERSION OF ARTICLE 34 DELETE FROM CARVER ZONING BYLAW EXPIRED MORATORIUM SECTION 4970

ENTIRE TEXT BELOW TO BE DELETED

~~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, 2019 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. 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."~~

TRUE COPY ATTEST

A handwritten signature in black ink, appearing to read "Carol Quinn". The signature is written in a cursive style with a large initial "C".

Town Clerk

Carver