



2021 Annual Town Meeting Warrant

April 13, 2021

GREETING:

ANNUAL TOWN MEETING WARRANT

And, you are further directed to notify and warn the Inhabitants of the Town of Carver qualified to vote in Town affairs, to meet at **60 South Meadow Road, the Carver Middle/High School Auditorium**, all three precincts in said Carver, on **Tuesday, the Thirteenth (13th) Day of April, 2021 at 7:00 P.M.**, then and there to act on the following Articles, namely:

ARTICLE 1: ANNUAL TOWN REPORT

To act upon the reports of the various Town Officers as printed in the Annual Town Report for 2020, and to hear the reports of any Committee heretofore chosen and act thereon; to abolish any special committee not submitting a report which is required to do so, unless otherwise voted; and to establish any new committee or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: This article asks the Town Meeting to accept the reports of the Town Officers that are printed in the Annual Town Report for 2020 and provides an opportunity for Boards and Committees to present a report directly to the Annual Town Meeting. Copies of the Town Report are available in the Select Board office.

PROPOSED MOTION: I move that the Town approve the 2020 Annual report.

(Majority Vote Required)

Recommendation: Select Board 4-0

ARTICLE 2: SUPPLEMENTAL APPROPRIATIONS FOR FISCAL 2021

To see if the Town will vote to transfer from available funds a sum or sums of money to be expended by the Town Administrator for various departmental budgets for the remainder of the fiscal year ending June 30, 2021, or to decrease or otherwise adjust any budget line item as appropriated by the Town at the Annual Town Meeting held on June 29, 2020, or to fund any other deficits for fiscal year 2021, or to take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: The Town Financial Policy #2 provides in part, "The Town will avoid all budgetary procedures that balance current expenditures at the expense of meeting future years' expenses, such as postponing expenditures...." This article proposes a transfer from the departmental budgets that the Finance Director has determined to have surplus funds to cover a projected deficit in the stated accounts. With respect to the EMS Operating Budget, the transferred funds will be used to purchase and equip a new EMS vehicle unless the Town receives anticipated Cares Act funding.

PROPOSED MOTION: I move that the Town make the Fiscal Year 2021 budget transfer shown below:

From:	To:	Amount
1. Ambulance Receipts Reserved from appropriation	EMS Operating Budget	\$24,550
2. Cranberry Village Retained Earnings	Cranberry Village Operating Budget	<u>\$10,000</u>
	TOTAL:	\$34,550

(Majority Vote Required)

Recommendation: Select Board 4-0, Finance Committee 0-0

ARTICLE 3: ALLOCATION OF FUNDS FROM FISCAL 2021 FREE CASH

To see if the Town will vote to transfer from free cash, in the amounts and for the purposes specified below, including all incidental and related costs:

Transfer to:	Amount (not to exceed)
A. Town / School Special Education Reserve FY22	\$100,000
B. North Carver Water District for well and infrastructure debt FY22	\$170,000
C. Plymouth County Retirement amortization FY22	\$144,567
D. North Carver Landfill FY22	\$70,500
E. Final funding for Health Insurance Mitigation Fund FY22	\$230,000
F. Emergency radio communications maintenance FY22	\$280
G. Operations & Maintenance Field Maintenance & supplies FY22	\$45,000
H. General Stabilization replenishment FY21	\$220,321
I. Compensated absences replenishment FY21	\$176,402

J. Other Post-Employment Benefits (OPEB) FY22	\$50,000
K. Executive Consultant contract FY22	\$161,482
L. Capital Maintenance repair, replacement reserve FY21	\$86,016
M. Recreation Committee Expenses, programs & activities FY22	\$21,000
TOTAL	\$1,475,568

INFORMATIONAL SUMMARY:

- A. *The School Special Education Reserve is to protect mid-year anomalies that may occur out of the reasonable control of the School District. For example, a student who moves into Carver that has special needs and that could not be accommodated within the district would need to be transported to and from an out of district special tuition based school designed to meet that students specialized needs that could result in a cost to the district of potentially \$100,000 or more per student. Without this specialized fund, the school would be forced to potentially lay off a teacher(s) midyear for each new student as the school is required to provide these specialized services.*
- B. *An amount of \$170,000 for the NCWD Enterprise Fund is intended to close an anticipated FY2022 revenue deficit to cover capital debt costs that is an obligation of the Town.*
- C. *Plymouth County Retirement assesses an amortization each town in the county is responsible for paying their share.*
- D. *For services required by the Town’s Administrative Consent Order with DEP. Those services include: Sampling of Private Wells near Plymouth Street. Reporting results as required by DEP and engineering assessment of Groundwater Flow in the Plymouth Street area.*
- E. *The Health Insurance Mitigation fund was established when the Town changed health care plans. This is the last installment the Town is responsible for and the fund and contract will end when all funds are diminished.*
- F. *Emergency communication radio equipment for the public safety departments and schools needs preventative maintenance, continued modernization and repairs.*
- G. *Town Wide – O&M Field Maintenance and Supplies to supplement the school budget and transfer this responsibility to the O&M department that will allow the school to fund the part-time art teacher by transferring funds within the school district budget.*
- H. *This will restore funds that were drawn down at the 2020 Fall Special Town Meeting*
- I. *Compensated absences funds are used to mitigate the impact of a buyout on a department budget.*
- J. *Other Post-Employment Benefits funding.*
- K. *This contract for the Executive Consultant will end this year. This funding was moved from the operating budget as it will no longer be a recurring expense.*
- L. *Town infrastructure needs to be maintained with newer buildings and larger repairs arise in the older buildings. This fund will allow much needed maintenance and repairs.*
- M. *The Recreation Committee has implemented consistent programs to the community and the rollout of a website by paying for programs and a stipend for a part-time employee to seek out, plan and offer a variety of activities for all ages, while working in tandem with the School District and Town.*

PROPOSED MOTION: I move that the Town approve Article 3 in the amounts and for the purposes as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 0-0, Finance Committee 7-0

ARTICLE 4: FISCAL YEAR 2022 OPERATING BUDGETS FOR TOWN AND ENTERPRISE FUNDS; FUNDING FOR OPEB TRUST, AND STABILIZATION FUNDS.

To see if the Town will vote to raise and appropriate or transfer from available funds or otherwise provide the following sums to fix the salaries and compensation of Elected Officers, for the payment of Personnel Services, Expenses, Capital Outlays, Debt Service, OPEB Trust Fund, Capital Stabilization, Stabilization Fund, and otherwise, of Town Departments, Water Enterprise Funds, Water Betterment Debt Stabilization Fund, the FY22 Wage and Salary Pay Scale, Wage & Salary Classification Plan for Elected and Non-union Employees, and appropriate the difference between the levy net and the levy limit to the Capital and Debt Stabilization Fund, all as specified below:

PART A

Operating Budget (Funded from Taxation and Transfers from Available Funds), see budget details in Appendix B Informational Purposes.

<u>Category</u>	<u>Amount (not to exceed)</u>
Town-Wide Shared Budget	

Shared Budget (Snow & Ice, Old Colony Vo-Tech, excluded debt, transfer etc.)	\$6,935,516
General Government Budget	
General Government Budget (salaries & expenditures)	\$2,609,019
Public Safety (salaries & expenditures)	\$3,235,144
Public Works and Facilities (salaries & expenditures)	\$1,456,262
Human Services (salaries & expenditures)	\$408,608
Culture & Recreation (salaries & expenditures)	\$439,865
Benefits and other town shared cost	<u>\$2,555,590</u>
TOWN SHARE OF BUDGET:	\$10,704,488

General Government Budget paid directly by fees

General Government Budget (salaries & expenditures funded by EMS/EMA/indirect cost)	\$969,805
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School Budget

School General Budget (salaries & expenditures)	\$24,611,532
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PART B

Enterprise Funds *(funded from receipts)*

North Carver Water District FY 22 (salary, expenses, capital, debt, etc.)	\$228,606
North Carver Water District Betterment Debt Stabilization Fund	\$59,666
Cranberry Village FY 22 (salary, expenses, capital, debt, etc.)	\$35,099

SELECT BOARD

INFORMATIONAL SUMMARY:

- *Part A presents the Town-wide shared cost, the Town's operating budget which includes funding for a full-time Building Commissioner, the general government budget and the school budget.*
- *Part B presents the annual budgets for the North Carver Water District and Cranberry Village Enterprise Funds.*

The 2014 Annual Town Meeting approved a modified "bottom-line budget", with a line-by-line breakdown by Department. Once Town Meeting establishes the budget for each identified category, the Town Administrator and Finance Director, with the approval of the Select Board, will be able to allocate the funding amongst the various line items in each such category as needed during the course of the fiscal year to most efficiently manage operational requirements. The School Committee, as detailed in the Town Audit, is also required to vote on budget transfers within its School General Budget as approved by the School Committee.

PROPOSED MOTION: I move that the Town:

raise and appropriate the sum of \$42,191,282, transfer from a Fund Balance Reserved for Reduction of Excluded Debt the sum of \$60,255, transfer from Ambulance Receipts Reserved for Appropriation the sum of \$882,146, transfer from the North Carver Water District receipts the sum of \$67,658, and transfer from Cemetery Receipts Reserved for Appropriation the sum of \$20,000, all to be allocated for the Town's Operating budget as set forth in Article 4, Part A of the Warrant;

and, that the Town appropriate the sum of \$228,606 from Estimated Water Receipts – North Carver Water District - to pay the salaries, expenses, capital, debt and other expenditures for the North Carver Water District Enterprise fund for FY22; to transfer the sum of \$35,099 from Estimated Water Receipts – Cranberry Village - to pay the salaries, expenses, capital, debt and other expenditures for the Cranberry Village Enterprise Fund: to transfer \$59,666 from the North Carver Water District Retained Earnings to the North Carver Water Betterment Debt Stabilization Fund, and to authorize the Select Board, upon recommendation of the Town's financial staff, to allocate amounts within each such enterprise fund, respectively, to maximize fiscal efficiency and operations as set forth in Article 4, Part B of the Warrant;

and further, to transfer the difference between the net levy and levy limit to the capital and debt stabilization fund and to authorize the Select Board, upon recommendation of the Town's financial staff, to allocate amounts within each such category to maximize fiscal efficiency and operations, provided, however, that any transfer between categories, other than as may be allowed under G.L. c.44, §33B(b) during the last two months of the fiscal year, shall require approval by Town Meeting;

(Majority Vote Required)

*Recommendation: Part A: Select Board 4-0 Finance Committee 7-0
School Committee: 5-0 for School Budget
Part B: Select Board 4-0, Finance Committee 7-0,*

ARTICLE 5: UNPAID BILLS

To see if the Town will vote to transfer from available funds the specified sum of money to pay the following unpaid bill under the provisions of Chapter 44, §64, or take any other action related thereto:

Invoice:

Solare America \$1,083.06
Fairfield Computer Service \$130.00

Pay From:

North Carver Water District Retained Earnings
Town Clerk Other Professional Services

INFORMATIONAL SUMMARY: Any invoice from the prior fiscal years must be approved by Town Meeting to be paid out of current fiscal year funds.

PROPOSED MOTION: I move that the Town approve Article 5 as set forth in the Warrant.

(4/5 - Four-Fifths Vote Required)

Recommendation: Select Board 4-0, Finance Committee: 7-0,

ARTICLE 6: CAPITAL IMPROVEMENTS BUDGET

To see if the Town will vote to transfer from the Capital and Debt Stabilization Fund: the sum of \$3,432,294; to transfer the sum of \$40,000 from the 4/11/2016 Annual Town Meeting Warrant Article #8 for Town Hall exterior painting; transfer the sum of \$40,000 from the 4/11/2017 Annual Town Meeting Warrant Article #7 for replacement of Town Hall siding and transfer the sum of \$40,000 from the 4/24/2018 Annual Town Meeting Warrant for replacement, purchase and installation of exterior Town Hall siding; for the following purposes and for the purchase of related equipment and supplies, for installation and other related services and all costs incidental and related thereto as specified below:

<u>Purpose (all in FY22 unless stated)</u>	<u>Amount (not to exceed)</u>
a. Energy efficiency project to reduce electric consumption	\$150,000
b. Aerial bucket truck replacement –purchase and equip	\$200,000
c. Library mechanical replacement	\$50,000
d. Town Hall exterior siding and trim replacement	\$390,000
e. Fire Station #2 & #3 Interior improvements	\$25,000
f. Police & Fire Equipment for New Hires FY21	\$15,000
g. Cruiser replacements –purchase and equip	\$105,703
h. Town-wide Technology (infrastructure/equipment)	\$319,000
i. District-wide curriculum upgrade modern education	\$130,000
j. Replace 71 passenger bus(es) –purchase and equip	\$170,000
k. Culinary classroom	\$50,000
l. Auditorium lighting	\$30,000
m. Athletic equipment	\$15,000
n. Annual reduction in debt exclusion for new elementary school (solar)	\$100,000
o. Debt Service, Lease Payments, Interest, Project Mgmt., Disclosure Statement, TW Capital Network Implementation and Oversight, Town-Wide Maintenance Contract	\$1,802,591
TOTAL	\$3,552,294

and, to authorize the Town Administrator, in consultation with the Capital Outlay Committee Chair, to expend the funds appropriated hereunder for capital improvements, capital projects and/or purchase of capital equipment in the most fiscally responsible manner and to manage all approved projects, from planning and design to procurement, including negotiation of contracts and change orders, and to authorize the Town Administrator to take such additional action as may be necessary to carry-out the votes taken hereunder.

CAPITAL OUTLAY COMMITTEE AND SELECT BOARD

INFORMATIONAL SUMMARY:

The town works within a Capital Improvement Plan, a 10-year fiscal planning process that identifies long-term improvements to the Town’s infrastructure and facilities as presented in Appendix C. This article would provide for the funding for various capital projects and equipment for Town departments to be funded from amounts previously set aside in the Capital and Debt Stabilization Fund for such purposes.

PROPOSED MOTION:

I move that the town vote to approve Article 6 in the amounts and for the purposes put forth in the Warrant; and to authorize the Town Administrator, in consultation with the Capital Outlay Committee Chair, to expend the funds appropriated hereunder for capital improvements, capital projects and/or purchase of capital equipment in the most fiscally responsible manner and to manage all approved projects, from planning and design to procurement, including negotiation of contracts and change orders, and to authorize the Town Administrator to take such additional action as may be necessary to carry-out the votes taken hereunder

(2/3 Vote Required)

Recommendation: Select Board 0-0, Finance Committee Part 0-0;

ARTICLE 7: COMMUNITY PRESERVATION COMMITTEE REPORT & RECOMMENDATIONS

To see if the Town will vote to hear and act on recommendations by the Community Preservation Committee for Fiscal Year 2022 and, appropriate and/or reserve a sum or sums of money from the Community Preservation Fund Fiscal Year 2022 estimated annual revenues for the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee and in accordance with the provisions of G.L. c.44B, §6, for open space, land for recreational use, historic resources and community housing, and debt service on prior approved projects, and further, to transfer from the Community Preservation Fund for proposed projects recommended by the Community Preservation Committee, and for all incidental and related expenses, as follows:

PART A:

Appropriations:

a) From FY22 estimated revenues for Committee Administrative Expenses \$30,427

Reserves

b) From FY22 estimated revenues for Open Space on MS/HS track & fields \$328,025

c) From FY22 estimated revenues for Community Housing Reserve \$60,853

d) From FY22 estimated revenues for Historic Reserve \$60,853

PART B: To appropriate Sixty-Thousand (\$60,000.00) dollars from the Community Preservation Historic Reserve to the Union Society of South Carver for the purpose of preserving a historical resource of the Town by repairing or replacing the six (6) corner pinnacle towers on the Union Society building in South Carver. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Union Society and the Select Board, and to authorize the Select Board to enter into a grant agreement with said society on such terms and conditions as the Board deems in the best interest of the Town, including the requirement for provision to the Town of one or more historic preservation restrictions in such property, and to authorize the Board to accept such restrictions.

PART C: To appropriate One-Hundred Ninety Thousand (\$190,000.00) dollars from the Community Preservation Undesignated Fund Balance to the Buzzards Bay Coalition for the purpose of preserving open space by acquiring four (4) parcels of land on Lakeview Street and Indian Road to be held by the Coalition to protect scenic vistas, land for wildlife or nature preserve and land for recreational use. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Buzzards Bay Coalition and the Carver Conservation Commission and the Select Board, and to authorize the Select Board to enter into a grant agreement with the Coalition on such terms and conditions as the Board deems in the best interest of the Town, including the requirement for provision to the Town of one or more conservation restrictions in such property, and to authorize the Board to accept such restrictions.

PART D: To appropriate Twenty-Five Thousand, (\$25,000.00) dollars from the Community Preservation Undesignated Fund Balance to the Carver Conservation Commission for the purpose of erecting a suspension bridge on the "Orange Trail" in the Town owned Cole Property. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Conservation Commission and the Select Board.

and further, to authorize the Town Administrator, in consultation with the Community Preservation Committee, to expend such funds in the most fiscally responsible manner and to manage the approved project, from planning and design to procurement, including negotiation of contracts and change orders, with regular updates to the Select Board, and to authorize the Town Administrator to take such additional action as may be necessary to carry out the vote to be taken hereunder; or take any other action related thereto.

COMMUNITY PRESERVATION COMMITTEE

INFORMATIONAL SUMMARY: Under the Community Preservation Act, the Community Preservation Committee is required to make these recommendations to Annual Town Meeting as to how the Community Preservation funds raised through local taxation and state matching funds are to be spent. This includes in Part A; Debt Service for year 3 of 10 for the Carver Track and Field Project located at the Middle High School. Part B; The Union Society of South Carver approached the CPC for funding to repair or replace the 6 corner pinnacle towers on the Union Society building. These are in severe disrepair. It was noted by the CPC that a historic preservation restriction currently exists on the exterior of the building and that this has no effect on the operation of the building other than to shore up the appearance of the exterior of the building. Part C; The Buzzards Bay Coalition, in conjunction with the Conservation Commission asked the CPC for funding to acquire 4 parcels of land presently owned by the Griffith family for the purpose of open space and recreation. These parcels would be publicly accessible and actively managed through the development of trails. Part D; The Conservation Commission requested funds to erect a suspension bridge on the "Orange Trail" in the Cole Property. This is envisioned as a community project on conservation land with volunteer labor which will be supervised with experienced labor. This area has been eroded and is unsafe. A modified board walk was considered but it was felt the rising water levels would be an issue.

PROPOSED MOTION: I move that the Town approve Article 7 as set forth in the Warrant.

(Majority Vote Required)

*Recommendation: Select Board 0-0, Finance Committee: 0-0,
Community Preservation Committee 8-0*

ARTICLE 8: PLYMOUTH STREET WATER LINE EXTENSION:

To see if the Town will vote transfer the sum of: \$500,000 from the Capital & Debt Stabilization Fund for the purpose of constructing an extension of the Town's public water supply from Plymouth Street including all costs associated with engineering, surveying, permitting, design, bidding, construction and installation of individual service connections, and anything incidental or related thereto; or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: The Town is under an Administrative Consent Order from the Department of Environmental Protection to install a water line to service residences along Plymouth Street impacted by contamination which is alleged to be originating from the North Carver Landfill. The order requires that an appropriation for the work be obtained by April 30, 2021.

PROPOSED MOTION: I move that the Town approve Article 8 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 0-0

ARTICLE 9: PERMITTING AUTHORITY BY-LAW:

To see if the town will vote to amend the Town's General Bylaws by adding the following new section and authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification, or take any other action related thereto:

PERMITTING AUTHORITY BYLAW

1. No person who holds a position with a permitting-authority board or commission shall be eligible for appointment to another permitting-authority board or commission, unless they resign from the first position. For purposes of this bylaw, a permitting-authority board or commission shall mean any board or commission of the town that has the authority to issue licenses, permits or approvals for any activity or use of land, including, but not limited to, the Select Board, Planning Board, Zoning Board of Appeals, Board of Health and Conservation Commission, provided, however, that nothing in this bylaw shall prevent any person from holding one or more elected positions with the town, except as set forth in Chapter 2.2 of the Town's bylaws relative to the Select Board.
2. Any person holding appointed positions with more than one permitting-authority board or commission on the effective date of this bylaw may continue to hold those positions until the expiration of the earliest ending term and they shall thereafter be subject to section 1 of this bylaw.
3. Any member appointed to a permitting-authority board or commission may continue to serve beyond the expiration of their term until the conclusion of any public hearing opened prior to the expiration of their term. In that case, the member's appointment shall be extended for purposes of that hearing only and it shall expire upon the closing of the public hearing.

PROPOSED MOTION: I move that the Town approve Article 9 as set forth in the Warrant.

(Majority Vote Required)
Recommendation: Select Board 5-0

INFORMATIONAL SUMMARY: The intent of the proposed bylaw is to remove any perceived non-financial conflicts of interest among board / commission members. The proposed bylaw still allows someone to be appointed and serve on a permitting authority board or commission and to be appointed to and serve on another town committee that is not a permitting-authority. For example, someone appointed to and serving on the Zoning Board of Appeals may also serve on the Recreation Committee and on the Community Preservation Committee since neither of the last two committees are permitting authorities, but they cannot also be appointed to the Conservation Commission because that is a permitting authority. Those who currently serve on more than one permitting authority at the adoption of this bylaw shall be allowed to serve out their terms on any permitting authority but, at the end of their terms, those serving on multiple permitting authorities will need to choose only one on which they may ask for re-appointment so they can continue to serve the town.

ARTICLE 10: SELECT BOARD BYLAW CHANGE:

To see if the Town will vote to amend Chapter 2.2 of the Town’s General Bylaws as follows (with deletions shown in ~~strikethrough~~ and additions shown in **bold**), or take any other action related thereto:

A. Amend Section 2.2.4 as follows: ~~The Town Administrator~~ **Select Board** shall appoint an Inspector of Wires.

B. Section 2.2.8 ~~7~~: A Select Board member may not hold any other elective or compensated office under government of the Town of Carver during the term, for which he/she is elected, nor any compensative town office or employment for one year thereafter. **Select Board members may not hold an appointed position to any other board or committee with authority to issue licenses or permits to residents and/or businesses for any activity or use of land. These include, but are not limited to the Zoning Board of Appeals, Conservation Commission, Earth Removal Committee and Historic District Commission.** Also, that any ~~member of the Select Board serving in such capacity at the time of adoption of this section shall not be required to resign from any other position held and shall be allowed to complete his/her term of office on the Board.~~

C. Section 2.2.9 ~~8~~: In exercising its authority in making appoints to the various offices, boards, commissions and committees within its jurisdiction, the Select Board will ~~endeavor to~~ avoid appointing anyone to a position who ran for but was not elected to that position within one year prior to the date of the appointment.

SELECT BOARD

INFORMATIONAL SUMMARY: The primary purpose of this change is to further restrict the ability of the Select Board members to serve on other boards and committees during their terms on the Select Board, to include a clause prohibiting Select Board members from serving on other boards that have the authority to issue licenses and permits. The change also changes the appointing authority for the Inspector of Wires from the Town Administrator to the Select Board and clarifies that the prohibition on appointing unsuccessful candidates for office is mandatory.

PROPOSED MOTION: I move that the Town approve Article 10 as set forth in the Warrant.

(Majority Vote Required)
Recommendation: Select Board 0-0

ARTICLE 11: FINANCE COMMITTEE BYLAW CHANGE:

To see if the Town will vote to amend Chapter 4.3, Section 4.3.7 of the Town’s General Bylaws as follows (with deletions shown in ~~strikethrough~~ and additions shown in **bold**), or take any other action related thereto:

Section 4.3.7: Any registered voter of the Town shall be eligible for appointment to the **Finance Committee** ~~or Council on Aging~~ except that no elected **member of the Select Board** ~~or appointed town officer~~ or regular town employee or person holding a position of financial responsibility for the town shall be eligible for membership in such agency. No member of a special town committee shall be authorized

to vote as a member of the Finance Committee on any matter pertaining to the duties of a special committee of which he is a member. **The Select Board exclusion shall not apply to membership on Capital Outlay as described in Capital Outlay Committee Bylaw 4.7.1.**

A person holding a position of financial responsibility shall be defined as a resident hired to perform or consult on legal, accounting, or assessing duties for the town and be paid for this service as a contractor.

FINANCE COMMITTEE

INFORMATIONAL SUMMARY: The purpose of this change is to clarify who is not eligible for a position on the Finance Committee as a result of other positions they hold in the Town.

PROPOSED MOTION: I move that the Town approve Article 11 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 0-0 Finance Committee 0-0

ARTICLE 12: CAPITAL OUTLAY COMMITTEE BYLAW CHANGE:

To see if the Town will vote to amend Chapter 4.7 of the Town's General Bylaws as follows (with deletions shown in ~~strike through~~ and additions shown in **bold**), or take any other action related thereto:

A. Section 4.7.1: There shall be a Capital Outlay Committee consisting of ~~7~~ **5** members.

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

One member shall be selected by the School Committee as its representative; such person shall ~~may~~ **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.

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.

~~There shall be five members appointed by the Town Administrator. The term of office shall be 3 years. Unless otherwise provided, no member may also be a member of any other committee, board or commission.~~

B. Section 4.7.2: The Capital Outlay Committee shall review all requests for capital expenditures of \$10,000 or more. **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.**

C. Section 4.7.3: ~~The Committee will review all requests at a duly noticed public meeting in accordance with the Open Meeting Law, and will vote on a recommendation including as to the method of financing.~~ **The Committee will review all requests at a duly noticed public meeting in accordance with the Open Meeting Law, and will vote on a recommendation, including as to the method of financing, which shall be provided to the Select Board and Finance Committee and printed in the town meeting warrant if the recommendation is made before the time of publication.**

FINANCE COMMITTEE

INFORMATIONAL SUMMARY: This proposed change will reduce the number of members of the Capital Outlay Committee from seven to five, and designate their methods of appointment. The changes also clarify the role of the Capital Outlay Committee with respect to reviewing requests for capital expenditures.

PROPOSED MOTION: I move that the Town approve Article 12 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 0-0 Finance Committee 0-0

ARTICLE 13 WETLAND BYLAW CHANGES:

To see if the Town will vote to amend Section 9.2 of the Town's General Bylaws relative to Wetlands Protection as shown in Appendix D, with additions in bold and deletions in strikethrough, or take any other action relative thereto:

INFORMATIONAL SUMMARY: This proposal will change the Carver Wetlands Protection By-Laws to:

- *Add invasive species to the list of items under which the Conservation Commission's has jurisdiction within wetland areas, and include a link to the mass.gov site listing invasive species.*
- *Change the language of disallowed activities within the 65' variance zone to include the same language that's in the Commonwealth's 100' permission zone.*
- *Allow building a residential dwelling within 100' of a cranberry bog as long as they are both under single ownership and must remain that way in perpetuity.*
- *Add maintenance and improvements of agricultural land to the list of exemptions from the application and permitting process.*
- *Update the fee for a Request for Determination of Applicability to reflect administrative costs*
- *Include Massachusetts DEP - BRP WPA Form 3 which indicates updated filing fees for a Notice of Intent.*
- *Update the process for placing public notices in the newspaper per Commonwealth of Massachusetts guidance.*
- *Indicate color coding to be used for wetlands delineation lines as required on site plans submitted by the applicants.*
- *Amend the definition of "Alter" to add "permanent" in regard to structures in water, and include a wider variety of flora.*
- *Amend the definition of "Variance" to better explain when a variance can or will be issued.*
- *Add the Commonwealth definition of "Vista Pruning" so residents can find it within the Carver By-laws.*

Note: These revised by-laws are for new construction only, and will only affect projects brought to the Conservation Commission after the effective date of these by-laws.

CONSERVATION COMMISSION

PROPOSED MOTION: I move that the Town vote to amend Section 9.2 of the Town of Carver Wetlands Bylaw as set forth in Article 13, Appendix D of the Warrant.

(Majority Vote Required)

Recommendation: Select Board 4-1, Conservation Commission 5-0

ARTICLE 14: PROTECTION OF RECREATIONAL AREA IN PERPETUITY:

To see if the Town will vote pursuant to G.L. c. 40, §15A to transfer the care, custody, management and control of all or a portion of the following described parcel of land, together with the access easement appurtenant thereto, said land being a portion of the Town-owned land known as the "King Property" described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 3889, Page 96, from the Select Board to the Recreation Committee for recreational purposes, said land to be held for recreation purposes in perpetuity to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, or take any other action relative thereto.

RECREATION COMMITTEE

INFORMATIONAL SUMMARY: This places the new playground & recreational area located behind the Town Hall complex into the care, custody and control of the Recreation Committee and requires that the

land be held for recreational purposes in perpetuity. With this dedication, the property will be subject to the protections of Article 97 to the amendments of the Massachusetts Constitution which requires approval by State agencies and a two-thirds vote of both houses of the state Legislature before such land can be used for any other purpose.

PROPOSED MOTION: I move that the Town approve Article 14 as set forth in the Warrant.
(2/3 Vote Required)

Recommendation: Select Board 5-0 Recreation Committee 4-0

ARTICLE 15: LANDFILLS, DUMPS, FLY ASH & FACILITIES PROHIBITION:

To see if the Town will vote to amend the Town's General Bylaws by adding the following new section and authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification, or take any other action related thereto:

LANDFILLS, DUMPS, FLY ASH & FACILITIES PROHIBITED

For the protection of public health and the environment, no person shall build, construct, maintain or operate a solid waste disposal facility, as defined in Massachusetts General Laws, Chapter 111, Section 150A, as may be amended from time-to-time, including but not limited to landfills, junk yards, trash dumps, and fly ash facilities, on any property not approved by the Board of Health prior to the effective date of this bylaw.

SELECT BOARD & CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: The town currently has three (3) landfills, one of which is on town-owned property and two of which are on private property. This article will prevent any more landfills and prohibit the building and / or permitting of any new such facility and / or fly-ash facility, to protect the residents and our natural resources including our water resources.

PROPOSED MOTION: I move that the Town approve Article 15 as set forth in the Warrant.
(Majority Vote Required)

Recommendation: Select Board 5-0 Conservation Commission 4-0

ARTICLE 16: TRANSFER OF PROPERTY FROM SELECT BOARD TO CONSERVATION COMMISSION:

To see if the Town will vote to transfer from the care, custody, management and control of the Select Board the following parcels:

- Map 62, Lot 46-0-E, Lot 37-0-E, and Lot 27-0-E (Assessors Property Record Card 0 Crystal Lake Drive, 69 Crystal Lake Drive and 51 Crystal Lake Drive), also known as "first, second, and third beaches" in the Crystal Lake neighborhood;
- Map 85, Lot 10-0-E (Assessors Property Record Card shows parcel as 20 Bates Pond Road, 15,246 square feet also known as "Beaches at Bates Pond"), also known as the Bates Pond Neighborhood Beach);
- Map 85, Lot 81 (Assessors Property Record Card shows parcel as 31,798 square feet with land and "detached" assessed items which is the Bates Pond Neighborhood Playground equipment: the lot is otherwise shown as "unoccupied"), also known as the Bates Pond Neighborhood Playground;
- Map 126, Lot 20-A-E (Assessors Property Record Card shows parcel as 42 Wareham Street and half of Clear Pond plus upland), 6.998 acres, originally sold to the Carver Conservation Commission as the Clear Pond Conservation Area but still remaining in the care, custody, management and control of the Select Board;
- Map 29, Lot 1-W-E (Assessors Property Record Card shows lot as 0 Pleasant Street and as the 97.2-acre "Conservation Parcel" of the Cole Property Conservation Land); and Lot 1-E-E (Assessors Property Record Card shows lot as 80 Pleasant Street and as the 123.740-acre "Drinking Water Protection Parcel" of the Cole Property Conservation Land), both parcels having been purchased with state grant funds for conservation, passive recreation, and drinking water supply protection purposes, thus rendering them Article 97 land;

- Map 59, Lot A-0-E (Assessors Property Record Card shows lot as 0 Woodhaven Street, 12.617 acres, "Recreation Area," Access between Lots 61 and 62 - #45 & 47 Woodhaven St), said lot being known as the Woodhaven Street Conservation Land;
- Map 89, Lot 5-0-E (Assessors Property Record Card shows lot as 0 Savery Avenue, 8.7 acres, Savery District, Wet/-50); and Lot 1-A-E (Assessors Property Record Card shows lot as 0 Main Street, 6.0 acres, Excess land, Wet/-45), said lots being a portion of the Savery Avenue Conservation Land;

to the care, custody, management and control of the Conservation Commission. These parcels are to be retained in their natural, scenic, and open condition for surface water and groundwater protection, wildlife conservation, watershed protection, native habitat protection, management for biodiversity protection, associated public outdoor recreation, and other conservation and passive outdoor recreation uses in perpetuity, consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of said parcel that will significantly impair or interfere with the conservation values thereof, and to allow public access for the enjoyment of the wildlife, open space, and water resources of the parcels as specifically provided for herein; or take any other action related thereto.

SELECT BOARD & CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article will ensure that these parcels of land in the Crystal Lake Neighborhood, the Bates Pond Neighborhood, the Clear Pond Conservation Area, the Cole Property Conservation Land, the Woodhaven Street Conservation Land, and the Savery Avenue Conservation Land, are protected for the benefit of wildlife, native habitat, open space, recreation, and surface and groundwater resources, and that they will be preserved and protected in perpetuity by the Conservation Commission for the sole purpose of the permanent enjoyment and use of the public subject to Article 97 of the Massachusetts Constitution.

PROPOSED MOTION: I move that the Town approve Article 16 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board 5-0 Conservation Commission 5-0

ARTICLE 17: SURPLUS PROPERTY TO BE SOLD TO MA DEPT. OF FISH AND GAME:

To see if the Town will vote to transfer the care, custody, management, and control of a parcel of land located at 0 Meadow Street, and located on Assessors Map 88, Lot 3, and recorded at the Plymouth County Registry of Deeds in Book 36043, Page 338, containing approximately 33.40 acres of land more or less, from the board or officer currently having custody and control and for the purposes for which it is currently held to the Select Board for the purpose of conveyance, and further, to authorize the Select Board to convey all, or a portion of said parcel to the Massachusetts Department of Fish and Game for such consideration, which may be nominal consideration, as the Select Board deems to be in the best interests of the Town, but not to exceed the sum of \$20,000; said conveyance to be subject to a restriction that the property be retained in perpetuity in its natural, scenic, and open condition for wildlife conservation, native habitat protection, management for biodiversity protection, associated public outdoor recreation, and other conservation uses consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and to authorize the Select Board to execute all documents and take all actions that may be necessary to effectuate the purposes of this article; or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: Passing this article will ensure that this parcel of land and its wildlife, native habitat, open space, outdoor recreation, and surface and groundwater resources will be preserved and protected in perpetuity by Mass Fish and Game for the sole purpose of the permanent enjoyment and use of the public.

PROPOSED MOTION: I move that the Town approve Article 17 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board 5-0

ARTICLE 18: PICNIC ISLE LAND ACQUISITION:

To see if the Town will vote to authorize the Select Board to acquire by gift or eminent domain, under such terms and conditions deemed to be in the best interests of the Town by the Select Board, the fee,

easement and/or other property interests in, on, over, across, under and along all or any portion of the property known as "Picnic Isle" owned by McGuire Development Company, or the current owner thereof, shown on Assessors Map 42 (and on Assessors Property Card Map 42A), Lot 74, and is shown on Plan Book 14, Page 359 at the Plymouth County Registry of Deeds, containing 14,374 square feet more or less, and further authorize the Select Board to convey a Conservation Restriction to be held by Massachusetts Department of Fish and Game for such consideration, which may be nominal consideration, as the Select Board deems to be in the best interests of the Town, and to authorize the Select Board to execute all documents and tall all actions that may be necessary to effectuate the purposes of this article; said property to be retained in perpetuity in its natural, scenic, and open condition for fish and wildlife conservation, native habitat protection, management for biodiversity protection, associated public outdoor recreation including boating, fishing, and other conservation uses consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of the premises that will significantly impair or interfere with the conservation values thereof, and to allow public access for the enjoyment of the wildlife and open space and water resources of the premises as specifically provided for herein in perpetuity; or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: Picnic Isle, located in Wenham Pond in the Wenham Shores subdivision, is currently still owned by the company that built the subdivision in the 1960s, which company the town is unable to locate. Passing this article will allow the Town to acquire the property and record a restriction that will ensure Picnic Isle and its wildlife, native habitat, open space, outdoor recreation, and water resources will be preserved and protected in perpetuity, subject to the requirements of Article 97. This article also furthers the intent of the vote taken under Article 6 at the October 15, 2020 Special Town Meeting.

PROPOSED MOTION: I move that the Town approve Article 18 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0

ARTICLE 19: CEDAR SWAMP LAND DONATION:

To see if the Town will vote to accept a donation of six parcels of the Great South Meadow Cedar Swamp from Roger W. Shores, or the current owner thereof, said parcels located on Assessors Map, Lots 34-0-R (6 acres), 35-0-R (6 acres), 36-0-R (8 acres), 37-0-R (12 acres), 38-0-R (6 acres), and 39-0-R (1 acre) and recorded in Book 10572, Page 346 in the Plymouth County Registry of Deeds, said parcels to be conveyed to the care, custody, management and control of the Conservation Commission, said parcels to be retained in perpetuity in their natural, scenic, and open condition for wildlife conservation, watershed protection, native habitat protection, management for biodiversity protection, associated public outdoor recreation, and other conservation uses consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of the premises that will significantly impair or interfere with the conservation values thereof, and to allow public access for the enjoyment of the wildlife, open space, and water resources of the premises as specifically provided for herein; or take any other action related thereto.

CONSERVATION COMMISSION & SELECT BOARD

INFORMATIONAL SUMMARY: Passing this article will ensure that these parcels of land in the Great South Meadow Cedar Swamp and their wildlife, native habitat, open space, outdoor recreation, and surface and groundwater resources will be preserved and protected in perpetuity by the Conservation Commission for the sole purpose of the permanent enjoyment of the public.

PROPOSED MOTION: I move that the Town approve Article 19 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0 Conservation Commission 5-0

ARTICLE 20: AMEND SECTION 3580 LARGE SCALE GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS:

To see if the Town will vote to amend Section 3580.00 of the Carver Zoning Bylaw titled "LARGE-SCALE GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS," as shown below, with deletions are shown in strikethrough and additions are shown in **bold**, 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) **including conventional and dual use**, 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 (**less than 250kW and/or covering less than one (1) acre of land**) are considered an accessory use to an existing residential or non-residential use and do not need to comply with this section. Smaller-scale ground or building-mounted solar electric installations must comply with the other provisions of Carver's Zoning Bylaws as applicable, and with health and safety conditions required by the Building Commissioner and Fire Chief and/or his/her designee.

3580.20. General Requirements for all Large-Scale Solar Power Generation Installations. The following requirements are common to all LSGMSPI to be sited in designated locations:

3580.21. Site Plan Review. All LSGMSPI shall undergo site plan review prior to construction or modification by the Planning Board, prior to issuance of a building permit to ensure conformity with all applicable bylaws. **When one project is proposed on multiple contiguous parcels, the Applicant may submit only one application.**

3580.21.1. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer and Professional Land Surveyor licensed to practice in Massachusetts.

3580.21.2. Required Documents. Pursuant to the site plan review process, the project proponent shall provide a site plan showing:

- A) Property lines and physical features, including roads, for the project site;
- B) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- C) Blueprints or drawings of the solar photovoltaic installation, and one or three line electrical diagrams detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system
- D) Documentation of the major system components to be used, including makes and models of the PV panels, transformer, inverter, mounting system, and chemicals for cleaning and maintenance of equipment;
- E) Name, address, and contact information for proposed system installer, the project proponent (s), and property owners if different;
- F) The name, contact information, signature of any agents representing the project proponent; and
 - i) Documentation of actual or prospective access and control of the project site (see also Section 3580.22);
 - ii) An operation and maintenance plan (see also Section 3580.23);
 - iii) District designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - iv) Proof of liability insurance; and
 - v) Description of financial surety that satisfies Section 3580.53.

The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the site plan review process.

3580.22. Site Control. The project proponent shall submit documentation of prospective access and control of the project site sufficient to allow for construction and operation of the proposed LSGMSPI.

3580.23. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the LSGMSPI, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. A ground fuels maintenance plan shall be submitted during the site plan review process and be approved by the Fire Chief. The approved plan shall become a condition of the general site maintenance requirements outlined in section 3580.40.

3580.24. Utility Notification. No proposed LSGMSPI shall be submitted for review until evidence has been given to the Planning Board that the utility company that operates the electrical grid to which the installation is to be connected has been informed of the LSGMSPI owner or operator's intent to install an interconnected customer-owned generator, and that the electrical grid can safely transmit the proposed power output of the installation.

3580.25. Dimension and Density Requirements.

LSGMSPI shall follow the dimensional and density requirements of Section 3580.25 and as delineated in 3580.25.1.1 Table of Dimensional Requirements for Large-Ground Mounted Solar Photovoltaic Installations both Conventional and Dual Use.

3580.25.1. Setbacks. For LSGMSPI, front, side, and rear setbacks shall be at least 50 feet on the applicant's property; provided, however, that where the lot is located in a Residential-Agricultural district, the setbacks shall not be less than 200 feet on the applicant's property. LSGMSPI shall be provided with 200 foot setbacks on all lot lines abutting the Residential-Agricultural district, regardless of the zoning designated for the proposed site. Vegetated screening shall be provided for a minimum of 50% of the specified setback. **The Planning Board may allow reduced setbacks for LSGMSPI for both Conventional and Dual Use solar arrays as specified below:**

a) The Planning Board may reduce setbacks or screening, but in no instance shall setbacks be less than ~~25~~ 50 feet when abutting the Residential-Agricultural Zoning District (RA), Amend Section 3580.25.1 to allow reduced setbacks for large-scale ground-mounted solar photovoltaic installations ("LSGMSPI") to a minimum of 50 feet, provided standard setbacks and/or screening requirements are waived in writing by ~~all~~ any direct abutters. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by ~~all~~ owners of record of direct abutters must be on file with the Planning Board and referenced in the Special Permit Decision.

b) ~~Amend Section 3580.25.1 to allow s~~ Setbacks may be to be reduced to a minimum of 12.5 feet by right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines;

c) Setbacks may be reduced to 12.5 feet when abutting a bog or other agricultural use as defined in M.G.L. Chapter 128, Section 1A, provided that standard requirements are waived in writing by ~~all~~ any direct abutters in an RA zoning district. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by owners of record of ~~all~~ any direct abutters within the RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.

Every abutting property shall be visually and acoustically screened from the installation through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life, and replaced as necessary. As an alternate to providing the required screening through vegetation, it is acceptable to increase the setback to 600 feet on the applicant's property while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the project.

The provided screening shall obscure from view on all sides at least 50% in GBP, IA, IB, IC and AP zoning districts or 100% if the project is located in the Residential-Agricultural zoning district. **For projects located in or abutting a RA zoning district, 100% screening**

shall be attained from the greater of the abutting street grade or yard grade. of the project from adjacent properties, including upper levels of existing structures at the time of construction, within three years of the start of construction or earthwork activities. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid. Access roads and transmission lines shall be placed in such a manner as to not create an unobstructed view of the project from adjacent property lines.

~~1a) Amend Section 3580.25.1 to allow reduced setbacks for large-scale ground-mounted solar photovoltaic installations (“LSGMSPI”) to a minimum of 50 feet, provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district. An affidavit signed by all owners of record of all direct abutters within a Residential-Agricultural (RA) zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.~~

~~1b) Amend Section 3580.25.1 to allow setbacks to be reduced to a minimum of 12.5 feet by right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines.~~

3580.25.1.1	TABLE OF DIMENSIONAL REQUIREMENTS FOR LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS-CONVENTIONAL AND DUAL USE					
Requirement	RA	GBP	IA	IB	IC	AP
Min. Lot Size (x 1,000 sq. ft.)	60	60	60	60	60	40
ACCESS (1)	Must Meet Carver Fire Department Access Requirements and have Access Agreement					
FRONT, SIDE AND REAR SETBACKS (feet)	200	50	50	50	50	50
MINIMUM SETBACKS WHEN NON-RA LOT ABUTS RA LOT (feet)	---	200	200	200	200	200
MINIMUM SETBACKS WITH RA WAIVERS (feet) (2)	50	25	25	25	25	25
MINIMUM SETBACKS WHEN SOLAR PROJECT ABUTS A BOG OR OTHER AGRICULTURAL USE WITH RA WAIVERS (feet) (3) (4)	12.5	12.5	12.5	12.5	12.5	12.5
SCREENING IN SETBACK-MINIMUM % ON ALL SIDES (5)	100%	50%	50%	50%	50%	50%
DENSITY-10-20 ACRES	50%	50%	50%	50%	50%	50%
DENSITY-GREATER THAN 20 ACRES	66%	66%	66%	66%	66%	66%

TABLE 3580.25.1.1 Footnotes:

1. The Planning Board may waive all or part of the required street frontage of the underlying zoning district for sites that are well-suited for solar development due to the ability to maximize screening from residential uses and other factors. Proponents of sites seeking screening waivers must meet accessibility requirements of the Carver Fire Department. If the proponent is seeking to use an easement or right of way owned by another party, the proponent shall provide a written agreement showing that there is access to the solar project for the life of the project.

2. The Planning Board may reduce setbacks or screening, but in no instance shall setbacks be less than ~~25~~ 50 feet when abutting a Residential-Agricultural (RA) zoning district, provided that standard setbacks and/or screening requirements are waived in writing by any direct abutters in a RA zoning district. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by all owners of record of any direct abutters within a RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.
3. The Planning Board may allow setbacks of a minimum of 12.5 feet if arrays are abutting a bog or other agricultural use as defined in General Laws Chapter 128, Section 1A provided that standard setbacks requirements are waived in writing by any direct abutters in a Residential-Agricultural zoning district. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by all owners of record of any direct abutters within a RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.
4. The Planning Board may allow setbacks to be reduced to a minimum of 12.5 feet by right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines.
5. For projects located in or abutting a Residential-Agricultural district, 100% screening shall be attained from the greater of the abutting street grade or yard grade.

3580.25.2. Maximum Site Density. For projects with 10-20 acres within the security fence or the inner limits of screening if no security fence, no more than 50% of the receiving lot may be developed. For projects greater than 20 acres, up to 66% of the receiving lot may be developed. The developed area shall include the area of the project within the security fence of inner limits of screening if no security fence, plus all other existing and proposed structures throughout the site.

~~1c) Amend Section 3580.25.2 to provide that when one project is proposed on multiple contiguous parcels, only one single application is required.~~

3580.25.3. Appurtenant Structures. All appurtenant structures to LSGMSPI shall be subject to regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements contained elsewhere within the zoning bylaws. All such appurtenant structures shall be architecturally compatible with each other and be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. The project shall be designed so that the transformer (s) and inverter (s) are sited in the most remote location practical.

3580.26. Design Standards

3580.26.1. Lighting. Lighting of LSGMSPI shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, shall be shielded to eliminate glare from abutting properties, shall be directed downward, and shall incorporate cut-off fixtures to reduce light pollution.

3580.26.2. Signage. Signs on LSGMSPI shall comply with the Town of Carver's sign bylaw, Section 3500. Signage at all site entrances shall be required to identify the owner and provide a 24-hour emergency contact phone number. LSGMSPI shall not be used for the display of any advertising.

3580.26.3. Utility Connections. All utility connections from the LSGMSPI shall be placed underground, unless soil conditions, shape, or topography of the site and any requirements of the utility provider dictate above ground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

3580.26.4. Hazardous Materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000, and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that

is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the LSGMSPI, including the photovoltaic panels or transformer (s), then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

3580.30. Safety and Environmental Standards.

3580.31. Emergency Services. The LSGMSPI owner or operator shall provide a copy of the project summary, electrical schematic, as built plans, and site plan to the Fire Chief and Emergency Management Director. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the LSGMSPI shall be clearly marked, and training required to allow emergency response personnel to safely shut down the LSGMSPI in event of an emergency provided at no cost to the Town as requested by the Town. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation, all changes shall immediately be brought to the attention of the Town. Site access to LSGMSPI shall be conducive to emergency vehicle travel to allow for unimpeded access around the site at all times. Access requirements, not limited to gating, road widths and surfaces, etc. will be reviewed during the site plan review process, with approval being at the discretion of the Fire Chief.

3580.32. Land Clearing, Soil Erosion and Habitat Impacts. Prior to any site disturbance and construction, the limits of the approved buffer zones and any other approved site disturbances, shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify to the Planning Board, in writing, that the limit of work, as shown on the approved site plans, has been established on site. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LSGMSPI or otherwise prescribed by applicable laws, regulations, and bylaws.

3580.33. Control of Vegetation. Mowing or the use of pervious pavers or geo-textile materials underneath the LSGMSPI is the preferred method of vegetation control. Herbicides may only be used where it can be demonstrated that no danger is posed to groundwater supplies, or to local agricultural activities. The Agricultural Commission and Board of Health are to approve all proposed herbicides.

3580.34. Panel Maintenance. Any and all materials used for maintenance of the LSGMSPI or other structures shall be properly disposed of and no harmful chemicals shall be used.

3580.40. Monitoring and Maintenance.

3580.41. Large-Scale Solar Photovoltaic Installation Conditions. The LSGMSPI owner or operator shall maintain the facility in good condition, including but not be limited to, snow removal, painting, structural repairs, maintenance of landscaping and required screening, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for all maintenance.

3580.42. Modifications. All material modifications to a LSGMSPI made after issuance of the required building permit shall require site plan review and approval by the Planning Board for continued compliance of all applicable bylaws.

3580.43. Annual Reporting. The owner or operator of the LSGMSPI shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan and the requirements of this bylaw and their approved site plan including control of vegetation, maintenance of screening, adequacy of road access, information on the maintenance completed during the course of the year, and the amount of electricity generated by the facility. 6 copies of the report shall be submitted to the Board of Selectmen no later than 45 days after the end of the calendar year.

3580.44. Sale or Transfer of Solar Project. When a solar project is being sold or transferred, the buyer/acquiring entity shall meet with the Planning Board administratively to review the decision, plans and conditions of approval to ensure the project will be constructed and maintained according to the approved site plan and special permit decision.

3580.50. Abandonment or Decommissioning

3580.51. Removal Requirements. Any LSGMSPI which has reached the end of its useful life, or has been abandoned consistent with Section 3580.52 of this bylaw, shall be removed no more than 120 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

3580.51.1. Physical removal of all LSGMSPI, structures, equipment, security barriers, and transmission lines from the site.

3580.51.2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3580.51.3. Stabilization or re-vegetation of the site as necessary to minimize erosion and runoff.

3580.52. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LSGMSPI shall be considered abandoned when it fails to operate for more than sixty days without the written consent of the Board of Selectmen. As a condition of approval, if the owner or operator of the LSGMSPI fails to remove the installation in accordance with the requirements of this section within 120 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation. The costs for the removal may be charged to the property owner.

3580.53. Financial Surety. Proponents of LSGMSPI shall provide a form of surety through an escrow account to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Planning Board and form determined to be reasonable by the Treasurer, but in no event to be less than 75 percent nor to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified expert, which shall include a mechanism for calculating increased removal costs due to inflation.

The financial surety may also be used to replace and maintain all required landscaping and vegetative screening when in the opinion of the Planning Board the owner/operator has failed to do so. All costs incurred by the Town for maintenance activities shall be paid by the property owner within 90 days, or the maintenance costs may be charged to the property owner.

3580.60. Special Permit for LSGMPI. In the event that a Special Permit is required for a LSGMPI, the planning board may grant a Special Permit if the following conditions are met:

1. Such use will not nullify or substantially derogate from the intent or purpose of this bylaw;
2. Such use will not constitute a nuisance;
3. Such use will not adversely affect the neighborhood in which it is sited;
4. Such use complies with the standards for site plan review as spelled out in this bylaw;
5. The Planning Board may also provide for other conditions that it deems necessary.

~~3580.70. Dual Use Large Scale Ground Mounted Solar Photovoltaic Installations
("LSGMPI")~~

~~2a) To add a new Section addressing required setbacks and screening for SMART/Dual Use Arrays as described below:~~

~~Delete SMART/Dual Use Array Table~~

	SMART/Dual Use Array			
	Array Height	Setback	% Screening in Setback	Abutters Notification
Residential - Agricultural	8'+	200*	100**	300'
* Planning Board may reduce setbacks, but in no instance shall setbacks be less than 25' when abutting a Residential/Agricultural district.				
** 100% screening shall be attained from the greater of abutting street grade or yard grade. Topographical situations may require flexibility in either setback or screening decisions.				

~~2b) — To allow setbacks of a minimum of 12.5 feet if arrays are abutting a bog or other agricultural use as defined in G.L. c. 128, § 1A provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential Agricultural (RA) zoning district.~~

~~2c) — To allow setbacks of a minimum 25 feet provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential Agricultural (RA) zoning district.~~

INFORMATIONAL SUMMARY: At the 2019 Annual Town Meeting, the bylaw was amended to allow for dual use solar projects. There were differences in the setback requirements for conventional and dual use solar projects which caused confusion among applicants, residents and board members as to which regulations applied. The purpose of this amendment is to make several changes to clarify the Solar bylaw by making the following changes:

1. Amend Section 3580.10 Purpose, by inserting after the phrase, “The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations (LSGMSPI), **including conventional and dual use**, ...;
2. Amend Section 3580.10 by clarifying language regarding small-scale solar projects;
3. Amend Section 3580.25 Dimension and Density Requirements by changing the following:
 - a. Adding a new dimensional table and deleting SMART/Dual Use Array table;
 - b. Clarifying language regarding setback and/or screening waivers in the Residential/Agricultural zoning district;
 - c. To make the setback requirements for conventional and dual use solar installations the same;
4. To allow the Planning Board to waive all or some of the frontage requirements for sites that are well-screened from abutting properties so long as the proposed access meets Carver Fire Department Standards. The Planning Department and Planning Board has encountered some proposals for solar projects that may be well suited for the location being proposed except that the property lacks the proper frontage on a public way. As solar projects are generally co-located with agricultural operations that use bog roads for access. The applicant must ensure that either existing or proposed access roads meet Carver Fire Department Standards. If the applicant is using an easement or right-of-way owned by another party then the applicant must provide a copy of an access agreement which shows the applicant has access to the project for the life of the project;
5. Clarify language regarding abutter affidavits from all direct abutters to any direct abutters;
6. Add a new Section 3580.44 to the bylaw to address the sale or transfer of solar projects and requires a meeting with the Planning Board to review the site plans and conditions of approval with the new owner/transferee.

PROPOSED MOTION: I move that the Town approve Article 20 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board: No Action Taken Planning Board 5-0

ARTICLE 21: SOLAR CANOPIES:

To see if the Town will vote to amend the Carver Zoning Bylaw by adding a new section (3590) titled “Solar Canopies” as set forth below, or take any other action related thereto:

Section 3590. SOLAR CANOPIES

3590.10 Purpose. The purpose of this bylaw is to promote the creation of solar canopies over municipal parking lots owned by the Town.

3590.20 Locations. Solar canopies are a permitted principal use in all zoning districts where municipal facilities are a permitted use, subject to site plan review (Section 3100) and special permit (Section 5300) by the Planning Board as the special permit granting authority. Proposed locations shall be approved at Town Meeting. In addition, the Board/Commission or Department controlling a town-owned property shall approve of any proposal for solar canopies on property under its jurisdiction.

3590.30 Procedure. Any town-owned property that is being considered for solar canopies must undergo a procurement process for lease of land and/or air rights. The procurement process will consider location, design, height, screening and other factors, in addition to financial factors to select a company to develop a solar canopy project for the site.

After a solar developer is selected, then the Planning Board, as the special permit granting authority, will follow the procedures for site plan review and special permit and after notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and/or departments, the SPGA may grant such a permit.

PLANNING BOARD

INFORMATIONAL SUMMARY: The 2019 Annual Town Meeting approved Article 17 Lease of Air Rights Over Town-Owned Land for Solar Canopies. The vote approved the transfer of the care and custody of municipal parking lots of specified Town-Owned properties to the Select Board for the lease of air rights, easements, etc. to private solar developers that would allow for the development of solar canopies over municipal parking lots. This proposed amendment would amend the zoning bylaw to allow the solar canopies as a second principal use so that any electrical power generated may be sold to the electrical grid if the power generated could not be used locally due to existing power agreements.

PROPOSED MOTION: I move that the Town approve Article 21 as set forth in the Warrant.
(2/3 Vote Required)

Recommendation: Select Board 0-0 Planning Board 5-0

ARTICLE 22: FLOODPLAIN DISTRICT:

To see if the Town will vote to repeal Section 3700 of the Carver Zoning Bylaw in its entirety and replace it as set forth below or take any other action related thereto:

3700. FLOODPLAIN DISTRICT

3710. Scope of Authority.

The Floodplain District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations in the Carver Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Floodplain District imposes additional regulations, the more stringent regulations shall prevail.

3720. Purpose. The purpose of the Floodplain District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;

5) Eliminate costs associated with the response and cleanup of flooding conditions;

6) Reduce damage to public and private property resulting from flooding waters.

3730. Floodplain District Delineation.

3731. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Carver on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Commissioner, Planning Board, and Conservation Commission.

3740. Administration, Abrogation, Liability, Severability

3741. Administration and Enforcement. The Town designates the position of Building Commissioner to be the official floodplain administrator for the Town of Carver. The Building Commissioner shall administer and enforce this by-law section in accordance with Section 5100 of the Carver Zoning By-laws.

3742. Abrogation. The Floodplain management regulations found in this Floodplain District section shall take precedence over any less restrictive conflicting bylaws or regulations.

3743. Liability Disclaimer. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

3744. Severability. If any section, provision or portion of this bylaw is deemed unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

3740. New Technical Data Submission Requirements

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these change(s) by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th Floor
Boston, MA 02110

And a copy of notification to:

Massachusetts NFIP State Coordinator
Massachusetts Department of Conservation & Recreation
251 Causeway Street
Boston, MA 02114

3750. Variances/Permits in the Floodplain

3751. Building Code Floodplain Variance. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering the property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain district.

3752. Local Zoning Variances. A variance from these floodplain bylaws must meet the requirements set out by State law, and may be only granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

3753. Floodplain Permits. The Town of Carver requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

3754. Permitting Review Process. Carver's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

3755. Subdivision and Other Development Proposals. All subdivision and development proposal in the floodplain district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage;
- (b) Public utilities and facilities are located and constructed so as to minimize flood damage; and
- (c) Adequate drainage is provided.

3760. Use Regulations.

3761. Permitted Uses. Except as otherwise provided, in the Floodplain District, no new building shall be constructed, and no existing structure shall be enlarged within its existing footprint, moved to a more vulnerable location, or altered except to upgrade for compliance with documented existing health and safety codes; no dumping, filling, or earth transfer or relocation shall be permitted; nor shall any land, building or structure be used for any purposes, except:

- a. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.
- b. Wildlife management or conservation areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of floodwaters or of any water course.
- c. Agricultural uses or forestry uses.
- d. Uses lawfully existing prior to the enactment of this bylaw.

3765. Use Limitations.

3766. No development or redevelopment shall be permitted within FEMA identified Special Flood Hazard Areas, except where fire, storm, or similar disaster caused damage to or loss of greater than 50% of the market value of buildings in this high hazard zone.

3767. No new public infrastructure or expansion of existing infrastructure shall be made in FEMA A flood zones unless there is a documented and accepted overriding public benefit provided, and provided that the infrastructure will not promote new growth or development in these areas. New or replacement water and/or sewer systems shall be designed to avoid impairment to them or contamination from them during flooding.

3768. Development and redevelopment shall be subject to the requirements of the FEMA identified Special Flood Hazard Areas and related policies and regulations;

3769. Public infrastructure and private wastewater treatment facilities may be constructed in FEMA Mapped A-zones provided that: 1) the facilities are consistent with the Flood Hazard Mitigation Plan and 2) the infrastructure is flood resistant.

3770. All new buildings or substantial improvements to existing structures in the FEMA A-zone shall comply with FEMA and State Building Code regulations for elevation and flood proofing.

3771. In Zone AE, along watercourses within the Town of Carver that have a regulatory floodway designated on the Plymouth County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.”

3772. All subdivision proposals must be designed to assure that:

- a) Such proposals minimize flood damage;
- b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) Adequate drainage is provided to reduce exposure to flood hazards.

3773. No activity shall increase the elevation or velocity of flood waters or flows in the floodplain district.

3775. Base Flood Elevation, Floodway Data and Flood Zones.

3776. Base Flood Plain Elevation Data. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine, base flood elevations for each developable parcel shown on the design plans.

3776. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, and for prohibiting encroachments in floodways.

3777. Floodway Encroachment. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town’s FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3778. AO and AH Zones. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

3779. Recreational Vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone’s regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

3780. Notification of Watercourse Alteration

In a riverine situation The Town of Carver shall notify the following of any alteration or relocation of a watercourse:

Abutting Communities:

NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th Floor

Boston, MA 02114

NFIP Program Specialist:

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

3790. Definitions.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONES, FLOOD –

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (*for new and revised maps*) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

PLANNING BOARD

INFORMATIONAL SUMMARY: *The Federal Emergency Management Agency (FEMA) has updated the Plymouth County Flood Insurance Study report and Plymouth County Flood Insurance Rate Maps. The Commonwealth of Massachusetts National Flood Insurance Program Office has requested that the Town amend Section 3700 Floodplain District bylaw to reflect the updated Flood Insurance Study and Flood Insurance Rate Maps.*

PROPOSED MOTION: I move that the Town approve Article 22 as set forth in the Warrant.
(2/3 Vote Required)

Recommendation: Select Board 0-0 Planning Board 5-0

ARTICLE 23: NON-MEDICAL MARIJUANA OVERLAY DISTRICT:

To see if the Town will vote to amend Carver Zoning Bylaw Section 5000 Non-Medical Marijuana and the Town of Carver Zoning Map to change the boundaries of the Overlay District and by allowing cultivation, processing and retail uses to occur in both Non-Medical Marijuana Overlay Districts, as shown below, with deletions shown in strikethrough and additions shown in bold, or take any other action related thereto.

Section 5000.2 – Establishment

There shall be two Non-Medical Marijuana Overlay Districts (“NMOD”); Non-Medical Marijuana Overlay District/~~Cultivation and Processing~~ **North Carver** (“NMOD/**CP North Carver**”) and Non-Medical Marijuana Overlay District/~~Retail~~ **South Carver** (“NMOD/**R South Carver**”). The boundaries of both NMOD/**CP North Carver** and NMOD/**R South Carver** are shown on the Zoning Map on file with the Town Clerk and shall comprise the following parcels, as set forth on the maps of the Town Board of Assessors:

The following Assessors parcels (map, lot) are to be deleted from the Cultivation/ Processing and Retail Overlay Districts: Map 25 Lots 4, 4A, 4B, 4C, 5 and Map 95 Lot 6A.

NMOD/~~CP~~ North Carver:

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext
20	1		21	2	A	22	10		24	1		25	1	
	12						10	1		2			1	A
	13						11			3			2	N
	14						3			3	1		4	
	2						3	1		3	2		4	A
	2	1					3	A					4	B
	3						3	B					4	C

				22	4						25	5		
					5	A								
					5	B								
					5	C								
					5	D								
					5	E								
					7	A								

NMOD/R South Carver:

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Map	Lot	Ext	Map	Lot	Ext	Map	Lot
94	6		95	4	A	98	6	126	21		127	A	3	128	1
	6	A		3			6-A		24			A	2		6
	5			3	A		4		25			A	1		7
	3			3	1		5		35			6			8
	2			7			3		36	1		8			
	1			1			1					10	1		
	11			6	A		8					10			
	13											11			
	9											12			
	8											21			
												22A	2		
												22A	1		

Within the NMOD/CP **North Carver** and NMOD/R **South Carver**, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the NMOD/CP **North Carver** and NMOD/R **South Carver** may be used for any state-licensed Non-Medical Adult Use Marijuana Establishment, in which case the requirements set forth in this section shall apply. Land in either the NMOD/CP **North Carver** and/or NMOD/R **South Carver** may be used for a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the NMOD/CP **North Carver** and/or NMOD/R **South Carver** are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the NMOD/CP **North Carver** and/or NMOD/R **South Carver** conflict with the requirements of the underlying district, the requirements of the NMOD/CP **North Carver** and/or NMOD/R **South Carver** shall control.

Section 5000.5 – Location and Dimensional Controls

1. Non-Medical Marijuana Establishments may be permitted in the NMOD/CP **North Carver** and/or NMOD/R **South Carver** pursuant to a Special Permit and Site Plan Approval.

Section 5000.4 - Number of Licenses

Only two (2) Marijuana Retailers will be allowed to operate **in the Town of Carver**. **Prospective retailers could propose to operate in either the NMOD/CP North Carver or NMOD/R South Carver at one time.**

3. Cultivation and processing facilities located within the NMOD/CP **North Carver** or NMOD/R **South Carver** shall be separated from adjacent uses by a 50-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.

INFORMATIONAL SUMMARY: The Planning Department has received numerous inquiries from prospective marijuana facility developers that were seeking to develop retail marijuana facilities either alone or combined with cultivation/processing facilities in either overlay district. The proposed changes to the Non-Medical Marijuana Bylaw would allow Marijuana retail use and/or Marijuana cultivation/processing in either Non-Medical Marijuana overlay district. The proposed changes would not increase the cap on retail marijuana facilities (currently at two) nor would it change the 500 foot buffer zone around uses identified in the bylaw.

PROPOSED MOTION: I move that the Town approve Article 23 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board: No Action Taken; Planning Board: 5-0

ARTICLE 24 DEFINITIONS - TOWNHOUSE To see if the Town will vote to amend Article VI of the Carver Zoning Bylaw, definition of "Townhouse" as shown below, with additions shown in bold and deletions in strikethrough, or take any other action related thereto:

Townhouse shall mean a single building or group of buildings on a single lot containing **at least more** ~~than two~~ (2) but not more than five (5) dwelling units per building, **except single-family dwelling units may be allowed for 55 and older housing by special permit**, created in accordance with the provisions of Section 3900, herein.

INFORMATIONAL SUMMARY: The purpose of the proposed change is to correct a discrepancy between the Townhouse Development bylaw (Section 3900) and the current definition of Townhouse found in Article VI of the Carver Zoning Bylaws. Section 3945 of the Townhouse Development bylaw states that "duplexes and/or two family dwellings shall be allowed in a Townhouse Development..." The current Townhouse definition defines a Townhouse as more than "two" units per building but not more than five dwelling units per building.

PROPOSED MOTION: I move that the Town approve Article 24 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board 0-0 Planning Board 5-0

And you are directed to serve this warrant by posting attested copies thereof at the several places designated by vote of the Town seven (7) days at least before the time of holding said meeting.

Hereof fail not and make due return of this warrant **by your doing** thereon to **the Town Clerk at or before the time of the meeting aforesaid.**

Given under our hands this 5th Day of April in the Year Two Thousand and Twenty One.

CARVER SELECT BOARD

Mark E. Taylor *James Phelan*
Sarah B. Hawkins

Pursuant to the above warrant, I have notified and warned the inhabitants of Carver qualified to vote in Town affairs to meet at the time and place and for the purpose therein expressed by posting attested copies thereof in the Town Hall and in each of the Fire Stations and Post Offices in Carver as required by law seven days at least before the time of said meeting.

A True Copy Attest:

April 5, 2021
Date

Print: Cara L. Dehill Town Clerk
Name and Title

Sign: *Cara L. Dehill*

APPENDIX A

Elected Officials Salary	Annually
Board of Assessors, Members	\$750
Board of Health, Chair	\$1,000
Board of Health, Members	\$700
Library Trustee, Chair	\$300
Library Trustee, Members	\$150
North Carver Water District, Chair	\$300
North Carver Water District, Members	\$150
Planning Board, Chair	\$1,000
Planning Board, Members	\$800
Redevelopment Authority, Chair	\$300
Redevelopment Authority, Members	\$150
Select Board, Chair	\$3,000
Select Board, Members	\$2,000
Town Clerk	\$76,660
Town Moderator	\$250

APPENDIX B

TOWN OF CARVER PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR ENDING 6/30/22

DESCRIPTION	2020 ACTUAL	2021 ORIGINAL BUDGET	2022 DEPT REQUESTED	2022 TOWN	
				ADMINISTRATOR RECOMMENDED	2022 SELECTMEN RECOMMENDED
GENERAL GOVERNMENT					
MODERATOR				250.00	250.00
REGULAR SALARIES	250.00	250.00	250.00	250.00	250.00
MODERATOR SALARY AND OPERATING	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00
SELECTMEN/TOWN ADMINISTRATOR					
SELECTMEN/TA SALARIES	360,068.75	436,589.28	463,373.00	422,612.00	422,612.00
SELECTMEN OPERATING EXPENSES	307,774.33	345,225.00	382,656.00	363,400.00	363,400.00
TOTAL SELECTMEN/TOWN ADMIN	\$667,843.08	\$781,814.28	\$846,029.00	\$786,012.00	\$786,012.00
MISCELLANEOUS TOWN-WIDE					
TELEPHONE	17,725.51	30,000.00	30,000.00	24,000.00	24,000.00
GASOLINE	106,224.58	115,000.00	115,000.00	115,000.00	115,000.00
ELECTRIC - STREETLIGHTS	184,970.06	150,000.00	186,000.00	170,000.00	170,000.00
NATURAL GAS	42,926.91	50,000.00	50,000.00	45,000.00	45,000.00
OIL	11,976.52	15,000.00	15,000.00	15,000.00	15,000.00
TOTAL TOWN-WIDE MISC	\$363,823.58	\$360,000.00	\$396,000.00	\$369,000.00	\$369,000.00
FINANCE COMMITTEE					
TOTAL FINANCE COMMITTEE SALARIES AND OPER	\$1,943.19	\$4,875.00	\$4,875.00	4,875.00	4,875.00
	\$1,943.19	\$4,875.00	\$4,875.00	\$4,875.00	\$4,875.00
FINANCE DEPT					
FINANCE DEPT SALARIES	460,100.98	504,239.00	521,769.00	521,769.00	521,769.00
FINANCE DEPT OPERATING	212,038.14	218,277.00	230,407.00	214,462.00	214,462.00
TOTAL FINANCE DEPT	\$672,139.12	\$722,516.00	\$752,176.00	\$736,231.00	\$736,231.00

TOWN OF CARVER PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR ENDING 6/30/22

DESCRIPTION	2020 ACTUAL	2021 ORIGINAL BUDGET	2022 DEPT REQUESTED	2022 TOWN	
				ADMINISTRATOR RECOMMENDED	2022 SELECTMEN RECOMMENDED
POLICE SALARIES	1,836,056.55	1,892,898.30	1,982,335.72	1,996,335.72	1,996,335.72
POLICE DISPATCHERS SALARIES	264,561.32	313,396.60	333,040.00	333,040.00	333,040.00
ANIMAL CONTROL SALARIES	30,492.69	38,674.00	37,974.00	37,974.00	37,974.00
POLICE OPERATING	139,056.49	125,533.00	126,500.00	124,750.00	124,750.00
TOTAL POLICE DEPT	\$2,270,167.05	\$2,370,501.90	\$2,479,849.72	\$2,492,099.72	\$2,492,099.72
FIRE DEPT					
FIRE SALARIES	558,396.41	611,180.12	646,463.96	646,463.96	646,463.96
FIRE OPERATING	94,048.78	94,580.00	96,580.00	96,580.00	96,580.00
TOTAL FIRE DEPT	\$652,445.19	\$705,760.12	\$743,043.96	\$743,043.96	\$743,043.96
AMBULANCE SERVICE					
EMS SALARIES	623,000.54	710,949.73	732,278.00	732,278.00	732,278.00
EMS OPERATING EXPENSES	108,101.76	133,527.26	135,868.35	135,868.35	135,868.35
TOTAL AMBULANCE SERVICE	\$731,102.30	\$844,476.99	\$868,146.35	\$868,146.35	\$868,146.35
TOTAL PUBLIC SAFETY	\$3,653,714.54	\$3,920,739.01	\$4,091,040.03	\$4,103,290.03	\$4,103,290.03
PUBLIC WORKS					
DEPARTMENT OF PUBLIC WORKS					
DPW SALARIES	807,434.27	829,125.00	1,098,912.00	1,098,912.00	1,098,912.00
DPW OPERATING	272,583.09	282,865.00	305,380.00	297,350.00	297,350.00
CEMETERY PERPETUAL CARE	19,342.39	20,000.00	20,000.00	20,000.00	20,000.00
LANDFILL OPERATING	42,851.60	30,000.00	130,500.00	60,000.00	60,000.00
TOTAL DEPARTMENT OF PUBLIC WORKS	\$1,142,211.35	\$1,161,990.00	\$1,554,792.00	\$1,476,262.00	\$1,476,262.00
TOTAL PUBLIC WORKS	\$1,142,211.35	\$1,161,990.00	\$1,554,792.00	\$1,476,262.00	\$1,476,262.00
Ambulance - self supporting					
Revised Public Safety					
3,235,143.68					
(\$868,146.35)					

TOWN OF CARVER PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR ENDING 6/30/22

DESCRIPTION	2020 ACTUAL	2021 ORIGINAL BUDGET	2022 DEPT REQUESTED	2022 TOWN	
				ADMINISTRATOR RECOMMENDED	2022 SELECTMEN RECOMMENDED
HEALTH & HUMAN SERVICES					
COUNCIL ON AGING					
COUNCIL ON AGING SALARIES	76,111.13	86,272.00	109,264.00	109,264.00	109,264.00
COUNCIL ON AGING OPERATING	12,755.55	16,970.00	20,150.00	16,650.00	16,650.00
TOTAL COUNCIL ON AGING	\$88,866.68	\$103,242.00	\$129,414.00	\$125,914.00	\$125,914.00
			Cemetery Receipts Reserved		(20,000.00)
			Revised Public Works		1,456,262.00
VETERAN'S AGENT					
VETERANS SALARIES	35,092.15	36,191.00	41,844.00	41,844.00	41,844.00
VETERANS OPERATING	5,411.69	7,600.00	7,350.00	5,850.00	5,850.00
VETERANS BENEFITS	226,726.81	240,000.00	240,000.00	235,000.00	235,000.00
TOTAL VETERAN'S AGENT	\$267,230.65	\$283,791.00	\$289,194.00	\$282,694.00	\$282,694.00
TOTAL HEALTH & HUMAN SERVICES	\$356,097.33	\$387,033.00	\$418,608.00	\$408,608.00	\$408,608.00
CULTURE & RECREATION					
LIBRARY					
LIBRARY SALARIES	280,410.41	344,053.00	322,419.00	322,419.00	322,419.00
LIBRARY OPERATING	82,483.29	96,500.00	98,846.00	94,946.00	94,946.00
TOTAL LIBRARY	\$362,893.70	\$440,553.00	\$421,265.00	\$417,365.00	\$417,365.00
RECREATION					
RECREATION SALARIES	3,857.02	4,500.00	21,000.00	22,500.00	22,500.00
TOTAL RECREATION	\$3,857.02	\$4,500.00	\$21,000.00	\$22,500.00	\$22,500.00
TOTAL CULTURE & RECREATION	\$366,750.72	\$445,053.00	\$442,265.00	\$439,865.00	\$439,865.00

TOWN OF CARVER PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR ENDING 6/30/22

DESCRIPTION	2020 ACTUAL	2021 ORIGINAL BUDGET	2022 DEPT REQUESTED	2022 TOWN ADMINISTRATOR	
				RECOMMENDED	2022 SELECTMEN RECOMMENDED
EMPLOYEE BENEFITS					
CALL FIREFIGHTERS LOSAP	115,272.98	120,000.00	135,000.00	135,000.00	135,000.00
PLYMOUTH COUNTY ASSESSMENT	1,142,434.00	1,165,898.00	1,347,573.36	1,266,616.00	1,266,616.00
UNEMPLOYMENT PAYMENTS	0.00	0.00	0.00	0.00	0.00
HEALTH INSURANCE PREMIUMS	1,077,708.81	1,255,316.70	1,155,316.70	1,121,132.00	1,121,132.00
LIFE INSURANCE PREMIUMS	4,436.96	5,500.00	5,200.00	5,000.00	5,000.00
SOCIAL SEC/MEDICARE PAYMENTS	94,834.49	93,000.00	96,000.00	95,500.00	95,500.00
TOTAL EMPLOYEE BENEFITS	\$2,434,687.24	\$2,639,714.70	\$2,739,090.06	\$2,623,248.00	\$2,623,248.00
			Enterprise Indirect Costs		(\$67,658.00)
			Revised Employee Benefits		\$2,555,590.00
TOTAL FY22 TOWN BUDGET	\$10,399,655.19	\$11,110,017.99	\$11,999,167.09	\$11,674,292.03	\$11,674,292.03
			LESS: CEMETERY PERP CARE (FROM SPECIAL REV FUND)		(\$20,000.00)
			EMS (SELF SUPPORTED)		(\$868,146.35)
			ADJUSTED FY22 TOWN BUDGET		\$10,786,145.68
			TOWN SHARE OF BUDGET (PER REVENUE FORECAST)		\$10,705,211.00
			AMBULANCE SHARE OF FUEL AND UTILITIES		\$14,000.00
			ENTERPRISE INDIRECT COSTS		\$67,658.00
			SURPLUS/(DEFICIT)		\$723.32

APPENDIX C
Capital Plan FY22-31

Department	Carver 10 year Capital Plan DRAFT	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
O&M	Energy Efficiency Project to reduce electric consumption	\$ 150,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000					
O&M	Aerial bucket truck replacement	\$ 200,000									
O&M	Library Mechanical Replacement	\$ 50,000	\$ 500,000								
O&M	Town Hall Exterior Siding & Trim Replacement (\$120k)	\$ 270,000									
O&M	Repaint Tennis/Basketball Courts at MHS	\$	\$ 60,000							\$ 70,000	
O&M	Scag mower			\$ 10,000		\$ 11,000		\$ 12,000			
O&M	Sealcoating at the Library and Town Hall			\$ 50,000							
O&M	One Ton Dump Truck w/Plow - replace 697				\$ 80,000				\$ 90,000		
O&M	Dump Truck 6 wheel w/sander/plow - replace 694				\$ 200,000						
O&M	Replace roof - library				\$ 120,000						
O&M	Town Hall - Replace HVAC and Roof				\$ 245,000						
O&M	Replace 2006 Elgin Pleican Street Sweeper					\$ 200,000					
O&M	Town Hall vinyl floor replacement					\$ 50,000					
O&M	Town Hall - replace generator (look at combining)					\$ 45,000					
O&M	Replace one-ton dump truck with plow - #696				\$ 80,000						
O&M	Bobcat with trailer					\$ 100,000					
O&M	Repaint Ambulance exterior painting					\$ 50,000					
O&M	Repaint library interior						\$ 140,000				
O&M	Dump truck 6-wheel w/sander/plow - replace 609						\$ 180,000				
O&M	Repaint town hall interior						\$ 60,000				
O&M	Repave parking lots MHS							\$ 100,000	\$ 600,000		
O&M	Replace interior light fixtures					\$ 30,000					
O&M	Replace 1992 E-Z Beaver Wood Chipper						\$ 40,000				

APPENDIX C
Capital Plan FY22-31

Department	Carver 10 year Capital Plan DRAFT	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
O&M	Replace library generator							\$ 45,000			
O&M	Repave #3 So Carver Fire Station							\$ 40,000			
O&M	Replace truck #699 bucket truck							\$ 200,000			
O&M	Replace 6 wheel dump truck with plow - #610								\$ 200,000		
O&M	Cold storage building 60'X100'									\$ 100,000	
NCWD	NCWD Debt Service for well & infrastructure	\$190k	\$180k	\$170k	\$160k	\$150k	\$140k	\$130k	\$120k		
EMS	Replace 2011 Amb & equip w/power stretcher		\$285k					\$300k			
EMS	EKG replacement			\$81k							
FIRE	Rehab Brush Breaker 29		\$ 175,000								
FIRE	Replace jaw of life tools/airbag on Rescue 1	\$	\$ 115,000								
FIRE	Fire Station 2&3 interior improvements	\$ 25,000									
FIRE	Purchase of used tower truck (\$1.1mil new)		\$ 500,000								
FIRE	Replace Dive/Rehab Rescue 2		\$ 20,000								
FIRE	Replace command car 3		\$ 80,000								
FIRE	Rehab brush breaker 28			\$ 175,000							
FIRE	Replace command car 1			\$ 85,000							
FIRE	Replace existing SCBA Air Tanks			\$ 110,000							
FIRE	Replace Air Cascade Unit										
FIRE	Replace portable light tower (lum1)				\$ 25,000						
FIRE	Rehab of CFD training facility burn rooms				\$ 75,000						
FIRE	Replace existing heavy rescue 1					\$ 700,000					
FIRE	Replace existing tanker 1						\$ 495,000				
FIRE	Replace water rescue boat							\$ 70,000			
FIRE	Replace forestry 25 (Polaris 6X6 UTV)							\$ 40,000			

APPENDIX C
Capital Plan FY22-31

Department	Carver 10 year Capital Plan DRAFT	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
FIRE	Replacement of existing CFD PPE							\$ 450,000			
FIRE	Replace squad 1 - type 4 response vehicle								\$ 150,000		
FIRE	Replace generator at station 2								\$ 40,000		
FIRE	Replace generator at station 3									\$ 40,000	
FIRE	Replace ice rescue hovercraft									\$ 70,000	
FIRE	Equipment for new hires	\$ 15,000	\$ 15,000	\$ 15,000	\$ 30,000	\$ 30,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
POLICE	Cruiser replacements	\$ 105,703	\$ 59,000	\$ 114,000	\$ 64,000	\$ 124,000	\$ 69,000	\$ 134,000	\$ 139,000	\$ 75,000	
POLICE	Body cams (pending legislation)		\$ 20,000								
POLICE	Tasers		\$ 18,200								
TOWNWIDE	Replace Town-wide radio system/infrastructure		\$575k			\$ 300,000					
TOWNWIDE	Town wide Technology (infrastructure/equip)	\$ 319,000	\$ 369,000	\$ 776,000	\$ 683,000	\$ 314,000	\$ 371,000	\$ 373,000	\$ 815,000	\$ 817,000	\$ 354,000
SCHOOL-WIDE	District-wide curriculum upgrade modern education	\$ 130,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
SCHOOL -BUS	Replace 71 passenger bus(es)	\$ 170,000	\$ 87,000	\$ 175,000	\$ 90,000	\$ 92,500	\$ 180,000	\$ 95,000	\$ 97,500	\$ 185,000	\$ 100,000
SCHOOL -BUS	Replace mini bus					\$ 90,000					
SCHOOL -BUS	W/C bus		\$ 95,000		\$ 55,000			\$ 105,000	\$ 60,000		
SCHOOL -BUS	Replace minivan			\$ 30,000	\$ 60,000		\$ 32,000		\$ 65,000		\$ 60,000
SCHOOL	W/C van										
SCHOOL	Culinary classroom	\$ 50,000									
SCHOOL	Cafeteria /lobby renovation		\$ 175,000								
SCHOOL	Auditorium lighting	\$ 30,000									
SCHOOL	Athletics equipment	\$ 15,000		\$ 17,500		\$ 20,000		\$ 22,500		\$ 25,000	
SCHOOL	Library arch study then upgrade/reno		\$ 50,000	\$ 50,000	\$ 50,000						
SCHOOL	Replace upgrade/locker room reno		\$ 100,000	\$ 225,000	\$ 225,000		\$ 150,000	\$ 200,000			

APPENDIX C
Capital Plan FY22-31

Department	Carver 10 year Capital Plan DRAFT	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
SCHOOL	Replace student desks			\$ 25,000	\$ 25,000		\$ 25,000	\$ 25,000			
SCHOOL	Café equipment upgrades		\$ 20,000				\$ 30,000				\$ 40,000
SCHOOL	Restroom fixtures				\$ 75,000						
SCHOOL	Auditorium reno/seating					\$ 750,000					
SCHOOL	Fire alarm field devices						\$ 150,000	\$ 150,000			
SCHOOL	Cafeteria divider								\$ 75,000		
SCHOOL	Replace student lockers								\$ 250,000	\$ 250,000	
SCHOOL	Replace cafeteria tables chairs										
SCHOOL	Concession stand										\$ 200,000
SCHOOL	Replace key system for MS/HS										\$ 450,000
	ANNUAL TOTAL REQUEST	\$ 1,529,703	\$ 2,658,200	\$ 2,057,500	\$ 2,382,000	\$ 3,106,500	\$ 2,037,000	\$ 2,176,500	\$ 2,696,500	\$ 1,677,000	\$ 1,389,000
	<i>Annual Target Funds Available</i>	\$ 1,701,545	\$ 1,824,734	\$ 1,940,983	\$ 2,060,605	\$ 2,186,697	\$ 2,490,266	\$ 2,594,090	\$ 2,706,913	\$ 2,820,560	\$ 2,946,378
	DELTA	\$ 171,842	\$ (833,466)	\$ (116,517)	\$ (321,395)	\$ (919,803)	\$ 453,266	\$ 417,590	\$ 10,413	\$ 1,143,560	\$ 1,557,378
	Available Capital Stabilization Revenue (see Revenue Forecast)	\$ 3,604,136	\$ 3,694,239	\$ 3,786,595	\$ 3,881,260	\$ 3,978,292	\$ 4,077,749	\$ 4,179,693	\$ 4,284,185	\$ 4,391,290	\$ 4,501,072
	<i>Capital Town-wide Network Implementation and Oversight</i>	\$ 27,595	\$ 28,285	\$ 28,992	\$ 29,717	\$ 30,460	\$ 31,221	\$ 32,002	\$ 32,802	\$ 33,622	\$ 34,462
	<i>Capital Town-wide Building and Field Maintenance Contract</i>	\$ 80,767	\$ 82,786	\$ 84,856	\$ 86,977	\$ 89,152	\$ 91,380	\$ 93,665	\$ 96,007	\$ 98,407	\$ 100,867
	<i>Short-term interest/Disclosure statement/Project Management</i>	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000	\$ 85,000
	<i>25 year reduction of debt exclusion for elementary school</i>	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
	<i>Existing Debt for Police, Fire, 3 engines, MS/HS</i>	\$ 1,609,229	\$ 1,573,434	\$ 1,546,764	\$ 1,518,961	\$ 1,486,984	\$ 1,279,881	\$ 1,274,936	\$ 1,263,464	\$ 1,253,701	\$ 1,234,365
	Fixed Capital Stabilization Expenses	\$ 1,902,591	\$ 1,869,505	\$ 1,845,612	\$ 1,820,655	\$ 1,791,595	\$ 1,587,483	\$ 1,585,603	\$ 1,577,272	\$ 1,570,730	\$ 1,554,694

APPENDIX D ARTICLE # 14 – Wetlands Bylaw

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. Invasive species (refer to <https://www.mass.gov/doc/invasive-plant-list>, as 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.

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** ~~as defined by Section II of this By-law~~, no person shall ~~build or enlarge any~~ structure, parking lot or impervious surface **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 ~~9.2.5~~ of this By-law and the issuance of a permit/**order of conditions** ~~as defined by Section II of this By-law~~, no person shall build any residential dwelling within 100 feet of a cranberry bog **unless the residence and the bog are under singular ownership, and will remain as such in perpetuity via the recording of a deed restriction on the property.**

9.2.1.4 Exceptions: Public Utilities and Emergency Repairs

(1) The permit and application required under this By-law shall not be required for maintaining, repairing or replacing an existing and lawfully place structure or facility used in the service of the public to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, telephone, telegraph, or other telecommunication services, provided that the structure or facility is not substantially changed or enlarged.

(2) Written notice must be given to the Commission at least 14 days prior to the commencement of such work and written permission must be granted by the Commission before any work begins.

(3) The permit application process required by these by-laws shall not be required for emergency work necessary for the protection of the health or safety of the public provided that the work is performed or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof.

(4) The Commission shall be notified prior to the commencement of emergency work or within 24 hours after commencement in order to certify the work as an emergency project and that the work is performed only for the time and place certified by the Commission for the limited purpose to abate the emergency.

(5) This By-law shall not apply to the normal maintenance or improvement of land in agricultural use as set forth in M.G.L. c. 131, §40 and 310 CMR 10.04, et seq., as may be amended from time-to-time.

9.2.2 FILING PROCEDURES

9.2.2.1 Request for Determination of Applicability

(1) 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.

(2) The Request for Determination of Applicability shall be in the form shown in the Appendix marked "Form A".

(3) 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.

(4) 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~~ **\$75.00** to cover administrative costs.

(5) The Request for Determination of Applicability shall be accompanied by a **an authorization form to authorize the newspaper to bill the applicant for** ~~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.~~ **M.G.L. c. 131, sec. 40.**

(6) 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.

(7) 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.

9.2.2.2 Notice of Intent

(1) 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.

(2) A Notice of Intent shall be in the form shown in the Appendix as "Form C".

(3) 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.

(4) 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.

(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** (https://www.mass.gov/files/documents/2016/08/xr/wpatform3.pdf?_ga=2.128542540.1969475830.1615297794-1937411121.1562676159) **as may be amended from time-to-time**, plus an additional cost of

~~\$70.00~~ **\$75.00** to cover administrative expenses **of the Commission.**

Payment shall be in the form of a check or money order.

(6) The Notice of Intent shall be accompanied by ~~a check or money order made payable to the local newspaper designated by the Commission~~ **an authorization form to authorize the newspaper to bill the applicant for** ~~to cover~~ the publication costs required in accordance with the ~~open meeting law, M.G.L. c. 39, sec. 23B.~~ **Wetlands Protection Act, M.G.L. c. 131, §40.**

Act, M.G.L. c. 131, §40.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

9.2.2.3 Notice To Abutters and Property Owners

(1) Any person filing a permit application with the Commission shall also give written notice thereof, by certified mail or hand delivery, to all abutters using the most recent applicable tax list of the assessors.

(2) Abutters shall include owners of land directly opposite on any public or private street or way, and the abutters to abutters within 100' of the property line of the applicant, including in any other municipality.

(3) The notice to abutters shall include a complete copy of the applicant's plan if the Commission so requests or shall state where copies may be examined or obtained by the abutters.

(4) The applicant shall submit a complete copy of both the permit application and the determination by the Commission regarding the application to the property owner and any other persons determined by the Commission as eligible to receive such information.

(5) The applicant shall inform all persons designated by the Commission as land owners other than the applicant, abutters, or persons determined by the Commission to be eligible to receive such information of the time and location of the public hearing scheduled by the Commission. Notice shall be given by certified mail or hand delivery at least 14 days prior to the public hearing.

(6) The applicant shall provide the Commission with an affidavit confirming that all appropriate person or persons have been provided with the appropriate notice and plans as determined by the Commission.

9.2.2.4 Consultant Fee

(1) Upon receipt of a permit application or request for determination of applicability, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the "Consultant Fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydro geologic, and drainage analysis; and researching environmental or land use law.

(2) The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. If a fund for consultant expenses and fees is authorized by the town meeting, or by any general or special law, the applicant's fee shall be put into such fund, and the

Commission may draw upon that fund for specific consultant services approved by the Commission at one of its public meetings. Any unused portion of the consultant fee shall be returned to the applicant unless the Commission decides at a public meeting that additional services will be required.

(3) The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

(4) The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or request for determination filed by a government agency.

(5) The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

Project Cost Maximum Fee	
Up to \$100,000	\$500
\$100,001 - \$500,000	\$2,500
\$500,001 - \$1,000,000	\$5,000
\$1,000,001 - \$1,500,000	\$7,500
\$1,500,001 - \$2,000,000	\$10,000

Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged an additional \$2,500 maximum fee per increment.

(6) The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project cost applicable to those activities within resource areas protected by this by-law. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee."

9.2.2.5 Rules and Regulations

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this section. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effects of this section.

9.2.3 PLANS

9.2.3.1 General

The applicant shall provide the following information upon submission of the application:

1. All drawings shall be drawn with the title designating the name of the project, location and names of the person or persons preparing the drawings, and the date prepared, including the last revision date

2. Drawings shall be stamped and signed by a duly qualified Registered Land Surveyor of the Commonwealth of Massachusetts. Plans depicting proposed drainage or septic systems must be stamped by a Registered Professional Engineer.
3. An 8 ½" x 11" photocopy of the U.S.G.S. quad sheet, showing location of the proposed activity and the outline of the area in which the activity is located.
4. An 8 ½" x 11" section of the Town of Carver property map on which the site of the proposed activity is outlined in red.

9.2.3.2 Technical Data

The technical data shall be in narrative form with calculations submitted as necessary to substantiate the designs proposed and shall include:

1. A description of any alterations to the 100 year flood storage capacity of the site. If a change of flood storage capacity is proposed, demonstrate compensatory storage at every elevation in the flood plain.
2. Maximum groundwater elevations must be given. The calendar dates of measurement, samplings and percolation tests shall be included.
3. Soil characterizations in representative portions of the site, including depth of peat, muck and organic matter in wetland areas.
4. A storm water management plan and calculations of runoff characteristics based on the following criteria:
 - a. on-site drainage systems - 10 year
 - b. roadway cross-culverts - 25 year
 - c. retention/detention - 2 year & 100 year
5. Runoff characteristics should be calculated for pre- and post development conditions using the standard methods described in the U.S. Soil Conservation Service National Engineering Handbook.
6. Hydrographs that illustrate runoff characteristics before and after the proposed activity.
7. An erosion control plan shall be submitted describing all methods to control erosion and siltation on site, temporarily and permanently.

9.2.3.3 Site Plan

The applicant shall submit a site plan, at a scale of 1" = not more than 50', showing the following items:

1. Existing and proposed contours (in contrasting symbols) shall be expressed in feet above sea level with intervals no greater than 3 feet. Date of ground survey shall be given
2. The delineation of all wetlands, lands subject to flooding, water bodies, waterways, ditches, creeks, rivers, streams, ponds, whether natural or manmade, continuously or intermittently flowing. The upland boundary of all bordering vegetative wetlands shall be shown. The 100-year flood elevation shall be shown.

Resource boundaries shall be color-coded as follows:

- **Wetland line shall be colored BLUE**
- **65-foot wetland buffer zone shall be colored RED**
- **100-foot buffer zone shall be colored GREEN**

- **200-foot riverfront area should be colored YELLOW**
- **100-year flood plain (Bordering Land Subject to Flooding) shall be colored PURPLE**
- **10-year flood plain line shall be colored ORANGE; for Wildlife Habitat evaluations only**

3. A delineation of all alterations proposed in or having an impact on wetlands.
4. Existing stone walls; buildings, rock ridges and outcroppings shall be shown.
5. Location, extent, and area of all existing and proposed structures, roadways, paved areas, septic systems, wells, tanks, and utility easements.
6. Proposed lowest elevations of cellars or floors.
7. Existing and proposed location, rim elevation and invert elevation of all catch basins, drains, culverts, and other drainage structures immediately upstream and downstream of the site, as well as those on site.
8. Details and locations for all temporary erosion controls proposed.
9. Proposed permanent pollution control devices on site, such as: hooded catch basins flow dissipaters, or vegetative buffers.
10. Cross-sections showing existing and proposed slope, elevations, bank and bottom conditions of each water course to be altered. Locations of cross-sections shall be specified.
11. Proposed location of any fill material, which will be stored on site.
12. State on plan the location and elevation of benchmark used for survey and datum.
13. The "limit of work" line shall be shown.

9.2.3.4 Rules and Regulations

After due notice and public hearing, the Commission may promulgate rules and regulations to fulfill the purposes of this section. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effects of this section"; or take any other action relative thereto.

9.2.4 ENFORCEMENT AND SECURITY

9.2.4.1 Enforcement

- (1) No person shall remove, fill, dredge, build upon, degrade or otherwise alter resource areas protected by this By-law, or cause, suffer or allow such activity to continue or allow such fill or other alteration to be left in place without the required authorization pursuant to this by-law.
- (2) Enforcement Orders shall be issued by Commission members or the Conservation Agent in order to secure prompt and continued compliance with the Carver Wetlands By-law or work performed under Superseding or Final Orders issued by the Department of Environmental Protection.
- (3) The Enforcement Order shall be in the form shown in the Appendix marked "Form D".
- (4) The Commission or its agent or other duly authorized employee shall have authority to enter upon privately owned land for the purpose of performing their duties under this By-law and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

- (5) The Commission shall have the authority to enforce this By-law, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.
- (6) Any person who violates provisions of this By-law may be ordered to restore the property to its original condition and take any other action that the Commission deems necessary to remedy such violations.
- (7) Upon the request of the Commission, the Select Board and Town Counsel shall take legal action for enforcement under civil law.
- (8) Upon the request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
- (9) Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- (10) Any person who violates any provision of this By-law, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of \$50 (fifty dollars)
- (11) Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the By-law, regulations, permits or administrative orders violated shall constitute a separate offense.
- (12) Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the By-law, regulations, permits or administrative orders violated shall constitute a separate offense.

9.2.4.2 Security

As part of a permit issued by this By-law, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be wholly or in part by one (1) or more of the methods described below:

1. By a proper bond with sureties satisfactory to the Commission payable to the town or deposit of money or negotiable securities to be held by the Town Treasurer or other undertaking of financial responsibility sufficient in the opinion of the Commission to secure compliance with the Order of Conditions. Such bond or deposit shall be released upon issuance of a Certificate of Compliance.
2. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Carver whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.
3. A Certificate of Compliance may extinguish only those bonds, securities, covenants, restrictions, or easements listed in Section IV (B) (1) and (2), but shall not extinguish any other conservation restriction(s) that might run with the land.

9.2.5 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 -