



TOWN OF CARVER

Department of Planning, Environment & Permitting

108 Main Street, Carver, MA 02330

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PUBLIC HEARING NOTICE CARVER PLANNING BOARD

The Carver Planning Board hereby gives notice of a public hearing on March 3, 2020 at 6:00 p.m. at the Carver Town Hall, 108 Main Street, Carver MA 02330, relative to the following proposed zoning amendments to appear before Annual Town Meeting on April 14, 2020.

- ① **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 3730 to make changes requested by the National Flood Insurance Program State Coordinator to the Flood Insurance Rate Map (FIRM) map panel numbers and effective date of FIRM map changes; change the effective date of the Flood Insurance Study; and entirely delete Sub-Section 3732; or take any action relative thereto.
- ② **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw, Section 2270, by inserting the following language into Sub-Section 2272. Procedure: "If there are not any Transfer of Development Rights (TDR) credits or certificates available to a developer at the time a project is being proposed to the Planning Board, then the Planning Board may consider alternate measures to TDR credits such as, acquisition or donation of open space, conservation easements, etc., of equivalent value to the TDR credits as determined by a third-party consultant with expertise in such property valuations; or take any action relative thereto.
- ③ **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 2260 by deleting the Section entirely and replacing with a new Section 2260 Accessory Dwelling Unit (ADU) to include definitions of Accessory Dwelling Unit and Dwelling Unit; to allow an ADU as an accessory use to a single-family dwelling in zoning districts where single-family housing is allowed; limit the number to one ADU per single-family lot; limit the size of an ADU to 800 square feet and a maximum of two bedrooms; or take any action relative thereto.
- ④ **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 5000.2 by striking out Non-Medical Marijuana Overlay District/Cultivation and Processing (NMOD/CP) and replace with Non-Medical Marijuana Overlay District/North Carver (NMOD/NC); by striking out Non-Medical Marijuana Overlay District/Retail (NMOD/R) and replace with Non-Medical Marijuana Overlay District/South Carver (NMOD/SC); and make

said changes throughout Section 5000 of the by-law; and allow cultivation/processing and retail use in both the NMOD/NC and NMOD/SC overlay districts; or take any action relative thereto.

- ⑤ **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw to amend Section 5000.5 Subsection 2 in accordance with updated state regulations by adding to the end of the sentence "...a pre-existing public or private school providing education in kindergarten or of any of grades 1 through 12."; and striking out Subsections 2 (a), 2 (b), and 2 (c); or take any action relative thereto.
- ⑥ **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 3580 to make the reduced setback requirements for conventional large-scale ground-mounted solar photovoltaic installations ("LSGMSPI") consistent with the reduced set back requirements for Dual Use Large-Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI") and make any other changes necessary to clarify the reduced setback requirements for both types of installations; or take any action relative thereto.
- ⑦ **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 3580 by removing the Frontage requirement for conventional large-scale ground-mounted solar photovoltaic installations ("LSGMSPI") and Dual Use Large-Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI") so long as Access to the site meets the requirements of the Carver Fire Department and the Applicant owns the access or if using an easement or right of way owned by another party, then the Applicant shall provide a written agreement providing access to the solar project for the life of the project.
- ⑧ **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 3580 by eliminating the requirement that conventional large-scale ground-mounted solar photovoltaic installations ("LSGMSPI") and Dual Use Large-Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI") and shall follow the dimensional requirements established in "3580.25.1.1 Table of Dimensional Requirements for Large-Scale Ground Mounted Solar Photovoltaic Installations both Conventional and Dual Use; or take any action relative thereto."
- ⑨ **AN ARTICLE** submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 3500 Signs to review and make any changes deemed necessary; or take any action relative thereto."

Materials submitted for the proposed zoning amendments are available for review at the Town Clerk's Office and Planning Department at the Carver Town Hall, 108 Main Street, Carver MA 02330, during regular business hours. Any person interested or wishing to comment on the proposed amendments should appear at the time and place noted above, or submit written comment at least one week in advance of the hearing.

CARVER PLANNING BOARD

Proposed Public Hearing Schedule

Day	Date	Time
Tuesday	March 3, 2020	6:00 pm
Wednesday	March 4, 2020	6:00 pm
Tuesday	March 10, 2020	6:00 pm
Wednesday	March 11, 2020	6:00 pm

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 designated as Zone A or AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Carver are panel numbers 25023C0333JK, 25023C0334JK, ~~25023C0337J~~, 25023C0339JK, ~~25023C0341J~~, 25023C0342JK, 25023C0343JK, 25023C0344JK, 25023C0361JK, 25023C0363JK, 25023C0364JK, 25023C0456JK, 25023C0457JK, 25023C0458JK, 25023C0459JK, 25023C0467JK, 25023C0476JK, 25023C0477JK, 25023C0478JK, 25023C0479JK, 25023C0485JK, 25023C0486JK, and 25023C0487JK dated July ~~1722~~, ~~2012~~2020; and panels- ~~25023C0337J and 25023C0341J~~ are dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July ~~1722~~, ~~2012~~2020. The Floodplain District also includes any land subject to coastal storm flowage as documented and mapped by the Town.

3732. ~~The floodway boundaries are delineated on the Town of Carver's most recent Flood Boundary and Floodway Map (FBFM) July 19, 1982.~~ Section Deleted.

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2270 Accessory Dwelling Units above Commercial Developments.

2272. Procedure

Commercial buildings may be permitted a base density of two accessory dwelling units to be located on the second floor. Additional accessory dwelling units may be permitted in the special permit application by the transferring of development rights. If there are not any Transfer of Development Rights (TDR) credits or certificates available to a developer at the time a project is being proposed then the Planning Board may consider alternate measures such as acquisition/donation of open space, conservation easement, etc., of an equivalent value to the TDR credits. The number of accessory dwelling units that may be permitted shall be determined by using the total gross square feet of first floor commercial space multiplied by .001. The maximum number of accessory dwelling units allowed for any commercial building shall be 15.

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2260. Accessory Dwelling Unit Apartments (ADU).

2261. Purpose and Intent: ~~For the purpose of enabling elderly (as defined by 55 years of age and older) and/or handicapped persons to provide small additional dwelling units to rent or reside in without adding to the number of buildings in the Town, or substantially altering the appearance of the Town for the reason of (a) enabling elderly/handicapped owners of single family dwellings to share space and the burdens of home ownership or (b) providing an alternative housing option for elderly/handicapped persons. Accessory apartments shall not be allowed in a Townhouse Development pursuant to Section 3900.~~

A. Purpose and Intent.

The intent of permitting Accessory Dwelling Units is to:

- a. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- b. Develop housing units on single-family residential properties that are appropriate for households at a variety of stages in their life cycle;
- c. Increase the number of small dwelling units available for rent in Town, and increase the range of choice of housing accommodations;
- d. Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- e. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
- f. Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Definitions.

The following definitions shall be applicable to this section:

Accessory Dwelling Unit (ADU): An Accessory Dwelling Unit is a Dwelling Unit incorporated within a lawful principal single-family dwelling use, which the ADU shall be clearly subordinate in design to that of the principal single-family dwelling use to which it is accessory.

Dwelling Unit: One or more rooms designed, occupied or intended to for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household. This definition does not include a mobile home trailer, however mounted.

An accessory apartment is incorporated within or attached to a single family dwelling and is a subordinate part of the single-family dwelling and complies with the criteria below.

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2262. Procedural Requirements.

a. An ADU shall require the approval of a Special Permit by the Planning Board be permitted by right as an accessory use to a single-family dwelling. use subject to the following requirements:

a. The gross (floor) living area shall not be greater than or be limited to eight hundred (800) square feet.

b. The Building Commissioner shall administer and enforce the provisions of this section.

c. ADUs shall not be eligible for zoning use variances, or zoning dimensional variance relief proposing to increase the allowable number of ADUs on a lot.

a. No more than one (1) ADU may be created per single-family lot.

d. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all other provisions of applicable Town health, building, zoning and other local laws and regulations.

e. Prior to the issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to an existing building or new building and improvements on a lot associated with a proposed ADU.

D. Use and Dimensional Requirements:

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within a lawful existing or new single-family dwelling to which the ADU is accessory.

a. The ADU shall be a complete, separate housekeeping unit containing both kitchen and bathroom.

b. No more than one (1) ADU may be created per single-family lot.

c. If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling. Any new outside entrance to serve an ADU shall be located on the side or in the rear of the building.

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~~Once an accessory apartment has been added to a single family residence, the accessory apartment shall never be enlarged beyond the eight hundred (800) square feet.~~

d. An ADU shall be clearly subordinate in use, size and design to the principal single-family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.

e. The ADU shall contain no more than two bedrooms and shall not exceed 800 square feet and once the ADU has been added to the single-family residence it shall never be enlarged or expanded.

f. At least one (1) off street parking space in addition to that required for the principal single-family dwelling is required for ~~an~~ the ADU.

g. The Board of Health must ~~provide~~ have documentation to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title V and local Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and ADU shall meet all wastewater requirements for the combined number of bedrooms and wastewater flow on the lot.

h. An ADU is not intended for sale. The principal dwelling, ADU and the lot on which they are located shall remain in common or single ownership, and shall not be severed in ownership, including that the lot or buildings thereon shall not be placed in a condominium form of ownership.

i. An ADU shall not be used for boarding and lodging, or other commercial use. An ADU and principal dwelling to which it is accessory may be rented for periods not shorter than one month at a time, and are prohibited from any use as rental units on a weekly or daily basis.

j. An ADU and principal dwelling shall share common septic/wastewater and water service facilities.

b. ~~Once an accessory apartment has been added to a single family residence, the accessory apartment shall never be enlarged beyond the eight hundred (800) square feet.~~

c. The owner(s) of the residence in which the accessory unit is created must continue to occupy the single-family house as their primary residence. The Permit shall automatically lapse if the owner no longer resides at the home.

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d. ~~This section shall specify that the owner must reside at the home. The owner shall provide to the Building Commissioner a notarized letter stating that the owner does live at this home and that this is their primary residence.~~

e. ~~Any new outside entrance to serve an accessory apartment shall be located on the side or in the rear of the building.~~

f. ~~Only one (1) accessory apartment may be created within a single family house or house lot.~~

g. ~~An accessory apartment may not be occupied by more than three (3) people.~~

h. ~~All parking to the single family home and the accessory apartment shall be provided off street.~~

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~~2263. Conditions of Issuance of Permit. Permit for an accessory apartment is only good for three (3) years. Subsequent permits issued for an existing accessory apartment shall be granted after certification by affidavit is made by the applicant to the Building Commissioner that the accessory apartment has not been extended, enlarged or altered to increase its original dimensions, as defined in the initial permit application, and that the unit still meets the requirements of 2262.~~

4

2020 Proposed Amendment to the Marijuana By-Law

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/CPNorth 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:

NMOD/CPNorth Carver:

NMOD/CPNorth 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/RSouth Carver:

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

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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 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.

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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.
2. Non-Medical Marijuana Establishments may not be located within 500 feet of ~~the following a pre-existing uses: public or private school providing education in kindergarten or of any of grades 1 through 12.~~
 - ~~(a) Public or private school providing education in pre-school, kindergarten and/or grades 1 through 12;~~
 - ~~(b) State licensed Child Care Center, as defined in M.G.L. Chapter 15D; or~~
 - ~~(c) Library, playground, public park, public beach, religious facility, youth center; or similar facility in which minors commonly congregate for a particular purposes in a structured and scheduled manner.~~

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The distance under this section shall be measured in a straight line from the nearest point of the property line ~~of the protected uses identified above in question~~ to the nearest point of the property line of the proposed Non-Medical Marijuana Establishment.

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Section 5000.4 - Number of Licenses

Only 2 Marijuana Retailers will be allowed to operate in either the NMOD/North Carver or NMOD/South Carver at one time.

3. Cultivation and processing facilities located within the NMOD/North Carver or NMOD/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.

6

3580.00. LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

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. **1e) Amend Section 3580.25.2 to provide that w**When one project is proposed on multiple contiguous parcels, **only the Applicant may submit only one single application, is required.**

3580.25. Dimension and Density Requirements.

3580.25.1.1

The Applicant shall follow the dimensional requirements in Table ~~A~~ below.

3580.25.1. Setbacks.

Add the following as the new second paragraph for this section.

The Planning Board may allow reduced setbacks for large-scale ground mounted solar photovoltaic installations ("LSGMSPI") for both conventional and dual use solar arrays as specified below:

- A. To allow setbacks of a minimum of 25 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 RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.
- B. To allow setbacks to be reduced to a minimum of 12.5 feet:
 - a. By right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines;
 - b. If arrays are abutting a bog or other agricultural use as defined in M.G.L. c. 128, ss 1A, provided standard setbacks and screening requirements are waived in writing by all direct abutters in a RA zoning district.

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~~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.~~

Add after third paragraph.

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. Topographical situations may require flexibility in either setback or screening decisions.

Add here: 3580.25.1.1 Table of Dimensional Requirements for Large-Scale Ground Mounted Solar Photovoltaic Installations both Conventional and Dual Use.

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.

1e) Amend Section 3580.25.2 to provide that when one project is proposed on multiple contiguous parcels, only one single application is required. Moved to 3580.21 Site Plan Review.

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.

~~3580.70. Dual Use Large Scale Ground Mounted Solar Photovoltaic Installations
(“LSGMSPI”)~~

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

~~DELETE TABLE~~

	SMART/Dual Use Array			
	Array Height	Setback	% Screening in Setback	Abutters Notification
Residential - Agricultural	8'+	200*	100**	300'
<p>* Planning Board may reduce setbacks, but in no instance shall setbacks be less than 25' when abutting a Residential/Agricultural district.</p> <p>** 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.</p>				

~~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.~~

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3580.25.1.1 Table of Dimensional Requirements for Large-Scale Ground Mounted Solar Photovoltaic Installations both Conventional and Dual Use.

REQUIREMENT	RA	GBP	IA	IB	IC	AP
Min. Lot Size (X 1000 square feet)	60	60	60	60	60	40
ACCESS ¹	Must meet Carver Fire Department Requirements and have Access Agreement					
FRONT, SIDE AND REAR SETBACKS (feet)	200	50	50	50	50	50
SETBACKS WHEN NON-RA LOT ABUTS RA LOT (feet)	-	200	200	200	200	200
MINIMUM SETBACKS WITH RA WAIVERS ²	25	25	25	25	25	25
MINIMUM SETBACKS WHEN SOLAR PROJECT ABUTS A BOG OR OTHER AGRICULTURAL USE WITH RA WAIVERS ^{3 4} (feet)	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%
Greater than 20 acres	66%	66%	66%	66%	66%	66%

7

1. Frontage as defined by the Zoning By-law is not required so long as the site is accessible as per the Carver Fire Department standards. If using an easement or right away owned by another party, the Applicant must 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, but in no instance shall be less than 25 feet when abutting a Residential-Agricultural district, provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district.
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 Massachusetts General Laws Chapter 128, subsection 1A provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural zoning district.
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. Topographical situations may require flexibility in either setback or screening decisions.

3500. SIGNS

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

35603515. Administration

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35613516. Sign Permits

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a. No sign shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for such action has been issued by the Planning Board **except for those signs that the Building Commissioner is authorized to approve.** Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises, and shall be on forms prescribed by the Planning Board. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems, and location on land or buildings with all relevant measurements. Permits shall be issued only if the Planning Board determines that the sign complies or will comply with all applicable provisions of this Sign By-Law.

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b. The Planning Board shall act within 30 days of receipt of such application together with the required fee. The Planning Board's action or failure to act may be appealed to Superior Court within sixty (60) days after the expiration of said 30 day period.

c. After the Planning Board has issued a sign permit, a copy of the permit shall be transmitted to the Building Inspector, who shall assign a registration number to the sign, issue a building permit if required, and monitor compliance with the terms of the permit.

35623517. Fees. A schedule of fees of such permits may be established and amended from time to time by the Planning Board.

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35633518. Duration of Permits. The Planning Board may limit the duration of any sign permit and may condition said permit upon continued ownership or operation of the business advertised upon the sign.

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35643519. Enforcement. The Zoning Enforcement Officer is hereby designated as the Sign Officer, and is hereby authorized to enforce this bylaw. The Sign Officer is

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authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair or which is erected or maintained contrary to this bylaw.

~~3565~~3519.1. Removal of Signs. The Building Commissioner or any other person designated by the Town Administor has authority to remove any unauthorized sign. Any sign which has been ordered removed by the Sign Officer, or which or any sign which is abandoned or discontinued. The Building Commissioner shall provide written notification to the property owner and/or sign owner and if the sign is not removed within ten (10) days of written notice to remove then the Building Commissioner may remove the sign or cause it to be removed. Temporary or moveable signs do not require written notification to remove. The property owner and/or sign owner shall bear the cost for removal and disposal of any sign ordered removed by the Building Commissioner. shall be removed by the person, firm, or corporation responsible for the sign within thirty (30) days of written notice to remove. Any sign not removed within the time limit shall be deemed a public nuisance, and shall be removed by the Town of Carver. The cost of said removal shall be borne by the sign and/or property owner and may be recovered by the Town, if necessary, in an action in the appropriate court. A sign or structure removed by the Town shall be held for not less than thirty (30) days by the Town during which period it may be recovered by the owner upon payment to the Town of the cost of removal and storage, and upon payment of any fine which may have been imposed. If not recovered within said thirty (30) day period, the sign or structure shall be deemed abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.

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~~3566~~3519.2. Penalties. Violation of any provision of this bylaw or any lawful order of the Sign Officer shall be subject to a fine of not more than \$300.00 per offense. Each day that such violation continues shall constitute a separate offense.

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~~2350~~3519.3. Sight Obstruction – Section 3532 addresss Placement Standards.

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

3520. General Regulations

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

VILLAGE AND AGRICULTURAL/ RESIDENTIAL DISTRICTS#

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

Signs for home occupations are subject to the provisions of Sections 2241 and 2242

1. Building Commissioner is authorized to issue permit for this type of sign.

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GENERAL BUSINESS AND SPRING STREET INNOVATION DISTRICT (SSID)

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

HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICTS

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

- * Shall not count in the total number or area of signs allowed per business.
- 2 wall signs may be permitted per business where the business has frontage on two streets.
- ♣ Free standing signs over six feet in height may have no more than two sides; those less than six feet in height may have three or four sides.

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

3522. Prohibited Signs

- a. Billboards, streamers, pennants, ribbons, spinners, signs tacked, posted, painted or otherwise attached to utility poles, posts, trees, sidewalks, buildings or curbs, or to motor vehicles and trailers regularly located for fixed display or other similar devices shall not be constructed, posted or erected in any zone; provided, however, that streamers, pennants, ribbons, spinners, or other similar devices may be permitted in conjunction with the grand opening of a business and for twenty (20) days thereafter. Flags and bunting exhibited to commemorate national patriotic holidays, and temporary banner announcing charitable or civic events are exempted from this prohibition.
- b. Flashing signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this By-law.
- c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.
- d. Off-premises signs are not permitted in any district, with the exception of directional signs on public property.
- e. Roof signs which project above the highest point of the roof are not permitted in any district.
- f. When visible from a public way, no advertising shall be permitted on storage tanks, vehicles or similar types of containers. This restriction applies to both permanently located and mobile units, and trailers and trucks regularly located for fixed display. This prohibition shall not apply to properly registered vans, panel trucks, or any other business vehicles used on a regular basis on public ways for normal business.
- g. Signs on trees, etc., except for approved subdivision entrance signs or signs warning of danger or prohibiting trespass or the like; no sign shall be painted on or affixed to any tree, fence, utility pole, painted or posted on any wall.
- h. Signs shall be illuminated from the exterior only by a stationary, shielded light directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. Signs of the exposed neon or other gas-filled tube type are prohibited. No sign shall be internally illuminated, except those utilizing the "soft-glo" method.

- i. Illuminated features other than approved signs, on the exterior of a building that call attention to the building, product or services available within the building are prohibited.
- j. Individual freestanding signs are not permitted for multiple-occupancy commercial buildings. All information relating to establishments within the building or complex must be contained within one directory sign permitted for the entire premises.

3530. Standards.

3531. Illumination Standards.

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

3532. Placement Standards.

- a. No person may erect a sign which is affixed to a utility pole, tree, or shrub.
- b. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in the zoning district in which it is located.
- c. Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices, and transom windows.
- d. Signs for businesses withing the same structure shall be coordinated as to placement, porportion, and format.

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

3534. Materials Standards.

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

3535. Color Standards.

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

3536. Measurement of Sign Area.

- a. Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
- b. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building.
- c. For a sign consisting of individual letters or symbols attached to, painted, or carved or engraved on a surface, building wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

- d. The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- e. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

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

3538. Maintenance. A sign shall be maintained in a secure and safe condition. If the Sign Officer is of the opinion that a sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Sign Officer, the Sign Officer may revoke the sign permit and take possession of the sign until the owner pays the cost of removal, thus placing the sign owner in violation of the sign bylaw and liable for a fine as specified in Section 3567.

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

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

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

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

3542. Nothing in this Sign By-Law shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting and replacement of broken or

deteriorated parts of the sign itself. Supporting structures for nonconforming signs may be replaced, providing that such replacement makes structure conforming as to height, setback, and other requirements.

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

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

3550. Additional Regulations For Specific Types Of Signs

3551. Directional Signs on Public Property

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

3552. Moveable or Temporary Signs (and/or moveable). Such signs are prohibited except as follows. **The Building Commissioner is the permitting authority for the following signs.:**

Type	Duration	Max. Size	Permit Required
Charitable or Civic Events	Week prior to event	80 square feet	no
Commercial	30 days; twice yearly	32 square feet	yes
Construction	6 months	12 square feet	no
For Sale/Rent/Lease	Till 30 days after sale or lease	6 square feet	no
Grand Opening Banner	21 days	32 square feet	no

Holiday displays: Banners & Bunting	4 separate 30 consecutive day periods in each calendar year	as appropriate (shall consist of cloth, canvas, vinyl or the like)	no
Political - unlighted	30 days prior; 7 days after election *	6 square feet	no
Yard Sale	5 days prior	2 square feet	no

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

3553. Projecting Signs

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

3554. Public Service Signs

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

3560.—Administration

3561. Sign Permits

- a. ~~No sign shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for such action has been issued by the Planning Board. Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises, and shall be on forms prescribed by the Planning Board. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems, and location on land or buildings with all relevant measurements. Permits shall be issued only if the Planning Board determines that the sign complies or will comply with all applicable provisions of this Sign By Law.~~
- b. ~~The Planning Board shall act within 30 days of receipt of such application together with the required fee. The Planning Board's action or failure to act may be appealed to Superior Court within sixty (60) days after the expiration of said 30-day period.~~
- e. ~~After the Planning Board has issued a sign permit, a copy of the permit shall be transmitted to the Building Inspector, who shall assign a registration number to the sign, issue a building permit if required, and monitor compliance with the terms of the permit.~~

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

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

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

3565. Removal of Signs. ~~Any sign which has been ordered removed by the Sign Officer, or which is abandoned or discontinued, shall be removed by the person, firm, or corporation responsible for the sign within thirty (30) days of written notice to remove.~~

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

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

3570. Special Permit to Exceed Dimensional and Lighting Requirements for Signs. The Carver Planning Board, acting as the Special Permit Granting Authority, may issue a Special Permit to exceed the number and size of signs and to allow "internally lit" signs within the HC, BG, V, GBP, IC, IA, IB and AP zoning districts. The Board's decision shall be based upon the following criteria:

3571. Signs are compatible with surrounding Neighborhood.

3572. Signs are not considered visual pollution.

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

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

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

TOWN MEETING AND ATTORNEY GENERAL APPROVALS

Adopted: July 26, 1963

Revised: April 27, 1998

Revised: June 16, 2003

ATM May 19, 2009 (Art. 44-49, 51-54, 56 & Map) – Approved October 14, 2009

ATM May 17, 2010 – No changes approved by AG

STM November 8, 2010 (Art. 11-14, 16-18 and Map) – Approved March 7, 2011

ATM June 14, 2011 (Art. 41, 43, 45, 51 & Map) – Approved October 7, 2011.

ATM/STM June 4, 2012 (Art. 31 & 7) – Approved September 11, 2012

STM December 6, 2012 (Art. 10) – Approved March 13, 2013

ATM June 3, 2013 (Art. 35 & 40) – Approved September 25, 2013

ATM June 16, 2014 (Art. 23, 24, 25 & Map) – Approved October 20, 2014

ATM April 13, 2015 (Art. 14 & Map) – Approved August 10, 2015

ATM April 11, 2016 (Art. 13 & 14-Map) – Approved August 11, 2016

ATM April 11, 2017 (Art. 12 & 13-Map) – Approved August 3, 2017 & July 21, 2017

ATM April 24, 2018 (Art. 8, 9 & 12) – Approved September 7, 2018 & December 3, 2018

ATM April 23, 2019 (Art. 20,21,22,23,24,25,27) – Approved August 15, 2019