

ANNUAL TOWN MEETING MINUTES

APRIL 11, 2023

The 231st Annual Town Meeting of the Inhabitants of the Town of Carver was held on April 11th 2023 at the Carver Middle High School Auditorium at 6:00 P.M., pursuant to a Warrant of the Select Board dated April 4th 2023. The Meeting was called to order at 6:11 P.M. by the Moderator Sean Clancey, there being a quorum of 150 present. The Moderator led the voters in the pledge of allegiance to the Flag and a moment of silence.

Members of the School Committee, Select Board and Finance Committee were all introduced in addition to Town Council Greg Corbo, Town Administrator Robert Fennessy, Town Clerk Cara Dahill and Finance Director Sue Moquin and Laura Pettine Town Accountant.

The appropriate tellers were sworn to their faithful performance of their duties by Town Clerk Cara L. Dahill. The Tellers for the evening were David Olson, Mary Ross, Amy McCain, Jeanne Taylor, Bella Martins, Sandra Tucker, Nancy Ryan and Maureen Townsend.

Instruction was given by the Moderator to the attendees and the meeting was opened with a test question to test the electronic hand held voting system.

ARTICLE 1: ANNUAL TOWN REPORT

To act upon the reports of the various Town Officers as printed in the Annual Town Report for 2022, 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 2022 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: By Mark Townsend and Seconded that the Town approve the 2022 Annual report.

(Majority Vote Required)

Recommendation: Select Board 5-0

ARTICLE 1 FINAL VOTE: 293 YES /NO 25 MOTION PASSES

ARTICLE 2: ALLOCATION OF FUNDS FROM FISCAL YEAR 2023 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:

<u>Transfer to:</u>	<u>Amount (not to exceed)</u>
A. Replenish Stabilization Fund	\$138,000

B. Fund Compensated Absences	\$25,000
C. <u>Fund OPEB (Other Post-Employment Benefits)</u>	<u>\$225,000</u>
TOTAL	\$388,000

SELECT
BOARD

INFORMATIONAL SUMMARY:

This Article allocates available free cash for spending for the listed purposes as explained below.

- A. *This will restore funds that were drawn down at the previous Town Meeting.*
- B. *Compensated absences funds are used to mitigate the impact of a buyout on a department budget.*
- C. *Other Post-Employment Benefits funding - Plymouth County Retirement assesses an amortization and each town in the county is responsible for paying their share.*

PROPOSED MOTION: By Sarah Hewins and Seconded to move that the Town approve Article 2 in the amounts and for the purposes as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 3-0, Finance Committee 7-0

ARTICLE 2 FINAL VOTE: 275 YES /NO 34 MOTION PASSES

ARTICLE 3: FISCAL YEAR 2024 OPERATING BUDGETS FOR TOWN AND ENTERPRISE 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, and otherwise, of Town Departments, Water Enterprise Funds, Water Betterment Debt Stabilization Fund, the FY24 Wage and Salary Classification Plan for Non-union Employees (*Appendix A*), and appropriate the difference between the levy net and the levy limit to the Capital and Debt Stabilization Fund, and to establish spending limits for the Town’s revolving funds, all as specified below:

PART A

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

<u>Category</u>	<u>Amount (not to exceed)</u>
Town-Wide Shared Budget	
Snow & Ice	\$313,496

Old Colony Voc.-Tech	\$1,355,023
Non-Excluded Debt	\$1,531,400
Excluded Debt	\$1,190,800
Reserve Fund	\$175,000
Health Insurance	\$5,115,116
Plymouth County Retirement	\$2,938,961
Copier Lease contracts	\$81,000
Middle High School Construction Reserve (1/3 of Solar Pilot)	\$225,310
Unemployment	\$50,000

TOTAL SHARED COSTS: \$12,976,106

General Government Budget

General Government Budget (salaries & expenditures)	\$2,981,975
Public Safety (salaries & expenditures)	\$4,143,306
Public Works and Facilities (salaries & expenditures)	\$1,927,190
Human Services (salaries & expenditures)	\$692,886
Culture & Recreation (salaries & Expenditures)	\$506,578
Benefits and other town shared cost	<u>\$435,000</u>

TOWN SHARE OF BUDGET: \$10,686,935

School Budget

School General Budget (salaries & expenditures)	\$22,500,218
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PART B

Ambulance Funds (funded by ambulance revenue/revenue to be transferred to General Fund)

Salaries and Expenses	\$953,485
Fuel Surcharge	\$14,000
Repayment for Ambulance Purchase	\$20,000

Enterprise Funds (*funded from receipts*)

North Carver Water District FY 24 (salary, expenses, capital, debt, etc.)	\$490,973
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Cemetery Receipts Reserved \$20,000

SELECT BOARD

INFORMATIONAL SUMMARY:

- *Part A presents the Town-wide Shared Budget, the Town's Operating Budget, the General Government Budget, and the School Budget.*
- *Part B presents the annual budget for the North Carver Water District.*

The 2014 Annual Town Meeting approved a modified “bottom-line budget”, with a line-by-line breakdown by department for informational purposes. We have again set forth a summary of the detailed line-item budget approved by the Select Board and Finance Committee that must be followed by all departments. 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: By Jen Bogart I move that the Town:

Raise and appropriate the sum of \$46,163,259, transfer from Ambulance Receipts Reserved for Appropriation the sum of \$953,485 and the sum of \$14,000 for the cost of using Town fuel, \$20,000 for repayment of ambulance purchase, transfer from the North Carver Water District receipts the sum of \$490,973, 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 3 and Parts A and B of the Warrant; and further, 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 3-0 Finance Committee 6-0

School Committee: 5-0 for School Budget

Part B: Select Board 3-0, Finance Committee 6-0

MOTION TO AMEND APPENDIX A : Made by Alan Germain to amend Appendix A Schedule A wording to REMOVE “ alternate at \$1000.00 stipend ” and ADD alternate planning board member for \$200.00 stipend

ARTICLE 3 MOTION TO AMMEND VOTE: 287 YES /NO 34 MOTION CARRIES

ARTICLE 3 FINAL VOTE: 262 YES / 44 NO ARTICLE PASSES AS AMENDED

ARTICLE 4: NORTH CARVER WATER DISTRICT DEBT SERVICE

To see if the Town will vote to raise and appropriate or transfer from available funds or otherwise provide the sum of \$231,256 to fund the annual debt service payments of the North Carver Water District, or take any other action related thereto.

NORTH CARVER WATER DISTRICT AND SELECT BOARD

INFORMATIONAL SUMMARY: This article funds the annual debt service payments for the North Carver Water District.

PROPOSED MOTION: Made by James Hoffman and Seconded to move that the town transfer the sum of \$231,256 from the North Carver Water District Debt Stabilization Fund for the purpose of making annual debt service payments for the North Carver Water District.

(Two-Thirds Vote Required)

Recommendation: Select Board 5-0, Finance Committee 0-0; NCWD 0-0

ARTICLE 4 FINAL VOTE: 278 YES /NO 37 MOTION PASSES BY 2/3rds VOTE

ARTICLE 5: CAPITAL IMPROVEMENTS BUDGET

To see if the Town will vote to appropriate a sum of money for the purposes set forth below, and for the purchase of related equipment and supplies, for installations, furnishings and other related services and all costs incidental and related thereto,

And to allocate said funds as set forth below:

Amounts not to exceed:

Category Purpose (all in FY24 unless stated)	Category		
	1	2	3
a. Energy efficiency project to reduce electricity consumption	\$100,000	\$100,000	X
b. Repaint Tennis/Basketball Courts at Middle High School	\$60,000	X	X
c. Scag Mower	\$12,000	\$12,000	X
d. Two Post Lift	\$15,000	\$15,000	\$15,000
e. Tire Changer	\$12,000	\$12,000	\$12,000
f. Tire Balancer	\$10,000	\$10,000	\$10,000
g. Dump Truck – 6 wheel with sander and plow	\$260,000	\$260,000	\$260,000
h. Replace EMS Car 3 (being paid for out of Ambulance Receipts)	\$30,000	\$30,000	\$30,000
i. Rehab Fire Brush Breaker 29	\$175,000	\$175,000	\$175,000
j. Replace Fire Dept. Command Car	\$90,000	\$90,000	X
k. Replace existing Fire Dept. SCBA air tanks	\$155,000	\$155,000	\$155,000
l. Police Cruisers (2)	\$125,000	\$125,000	\$60,000
m. Bullet Proof Vests	\$12,500	\$12,500	\$12,500
n. Police Admin. Cruiser	\$50,000	\$50,000	\$50,000
o. Town & School Technology: Town-wide tech. upgrades: \$58,000, Town-wide server replacement: \$50,000; Elementary School Education Tech.:	\$273,000	\$273,000	\$188,000

\$90,000; Middle-High School Tech.: \$75,000			
p. 71 Passenger School Bus	\$126,000	X	X
q. Electric Vehicle School Bus Infrastructure	\$20,000	X	X
r. School Minivan Bus	\$45,000	X	X
s. Middle High School Classroom Modernization	\$50,600	\$25,300	\$25,300
t. Middle High School parking lot sealcoating & repair	\$33,000	X	X
u. Elementary School curriculum update	\$35,000	\$35,000	\$35,000
v. Pond Street field: phase I – project design	\$92,655	X	X
w. Middle High School concession: schematic design	\$10,000	\$10,000	X
x. Transfer to Debt and Stabilization Fund	\$490,166	\$192,228	X
BONDING ITEMS BELOW (Motion 1)			
y. Library Roof	\$850,000	X	X
z. Library Painting	\$235,000	X	X
aa. Town Hall Roof	\$550,000	X	X
bb. Architectural/Engineering for library and Town Hall roof	\$50,000	X	X

TOTAL **\$3,966,921** **\$1,582,028**
\$1,027,800

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, or take any other action related thereto.

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 (Appendix C). This article would provide for the funding for various capital projects and equipment for Town departments. Item q, Electric Vehicle School Bus Infrastructure, is contingent on being awarded grant funding for an electric bus through a federal program.

PROPOSED MOTION 1: I move that the town appropriate the sum of \$1,685,000; for the following purposes and in the amounts set forth in Article 5, Category 1: (y) Library roof repair, (z) Library painting, (aa) Town Hall cupola, and roof, repairs and/or replacements and (bb) Architectural/Engineering for library and Town Hall roof; and to meet this appropriation to

authorize the Treasurer, with the approval of the Select Board, to borrow said sum under General Laws Chapter 44, or any other enabling authority and issue bonds or notes of the Town therefor,

And to see if the Town will vote to appropriate the sum of \$2,281,921, for all other purposes and in the amounts set forth in in Article 5, Category 1, and for the purchase of related equipment and supplies, for installations, furnishings and other related services and all costs incidental and related thereto, and to meet this appropriation as follows:

Transfer from Free Cash the sum of \$997,996,

Transfer from Ambulance Receipts Reserved the sum of \$30,000,

Transfer from the unexpended balances of the following prior town meeting appropriations:

ATM FY23 project management & disclosures \$85,000, ATM FY22 town hall siding \$100,000,

ATM FY23 energy efficiency \$100,000, ATM FY23 wood chipper \$54,605, ATM FY22 energy

efficiency \$114,417, ATM FY14 private ways \$14,516, ATM FY23 Library HVAC \$700,000,

ATM FY22 aerial bucket truck \$58,000, ATM FY22 classroom modernization \$503, ATM

FY21 replace mini bus \$25,904 and ATM FY21 SCBA thermal PPE \$980;

and to authorize the Select Board to execute any such documents and/or agreements necessary to effectuate the purposes of this vote,

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.

(Two-Thirds Vote Required)

Recommendation: Select Board 3-2, Finance Committee 0-0; Capital Outlay Committee 4-0

ARTICLE 5 FINAL VOTE: 240 YES /NO 96 MOTION 1 PASSES BY 2/3rds VOTE

ARTICLE 6: CRANBERRY VILLAGE TRANSFER OF FUNDS

To see if the Town will vote to revoke its acceptance of the provisions of G.L. c. 44, §53F ½ , ceasing the operation of the Cranberry Village Enterprise Fund as of July 1, 2023, and to closeout said fund by appropriating the remaining fund balance for the purpose of reimbursing residents of Cranberry Village for amounts they paid to the Town for operation of the Cranberry Village wells prior to June 30, 2023, and to authorize the Treasurer to pay said fund balance to the Cranberry Village Residents Association, Inc.; or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: At the 2022 Annual Town Meeting the Town voted to transfer the Cranberry Village wells to the Cranberry Village Residents Association so that the Town would no longer be responsible for operation and maintenance of the wells. The wells were operated as an enterprise fund with payments made by the residents of Cranberry Village. Now

that the wells have been transferred, the enterprise fund is no longer needed and any remaining money remaining in the fund should be returned to the residents of Cranberry Village.

PROPOSED MOTION. I move that the Town approve Article 6 as set forth in the Warrant and to transfer a sum equal to the remaining balance in the Cranberry Village Enterprise Fund, \$275,210.59, from Cranberry Village Enterprise Fund for the purposes set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 4-0

MOTION TO AMEND : Made by Robert Belbin to replace the original motion with “ to revoke the acceptance of the provisions of MGL c. 44, 53F. ceasing the operation of the Cranberry Village Enterprise Fund as of July 1, 2023, and the remaining balance to be placed in the General Fund per MGL 44, ss 53 F1/2 and recommended by the Division of Local services Guidelines released on April 2021”

VOTE ON MOTION TO AMEND: YES 15 /NO 284 MOTION TO AMEND FAILS

ReVoted We had a software issue with voting software showing percentages

2nd VOTE ON MOTION TO AMEND: YES 24 /NO 258 MOTION TO AMEND FAILS

VOTE MOTION ART 6 : Made by Mark Townsend and seconded.

I move that the Town vote to approve Article 6 as set forth in the warrant and to transfer the sum of \$262,831.40 from the Town Stabilization Fund for the purpose of reimbursing residents of Cranberry Village for amounts they paid to the Town for operation of the Cranberry Village wells prior to June 30, 2023, and to authorize the Treasurer to pay said appropriation to the Cranberry Village Residents Association, Inc., with the like amount to revert to free cash to be transferred at a later date to reimburse the stabilization fund.

ARTICLE 6 FINAL VOTE: 241 YES /38 NO PASSES BY MAJORITY VOTE

MOTION TO RECONSIDER ART 6: 38 YES /298 NO

ARTICLE 7: CEMETERY PERPETUAL CARE TRANSFER

To see if the Town will vote to transfer the sum of \$150,000 from the Cemetery Perpetual Care Fund for cemetery improvements and anything incidental or related thereto, or take any other action related thereto.

OPERATIONS &

MAINTENANCE

INFORMATIONAL SUMMARY: This money will be used to make improvements in Central, Union and Lakenham Cemeteries.

PROPOSED MOTION: Motion made by James Hoffman & seconded ,I move that the Town approve Article 7 as set forth in the Warrant.

ARTICLE 7 FINAL VOTE: 217 YES/ 19 NO PASSES BY MAJORITY VOTE

(Majority Vote Required)

Recommendation: Select Board 4-0

ARTICLE 8: NORTH CARVER WATER DISTRICT (NCWD) TO REPAY TOWN

To see if the Town will vote to transfer the sum of \$208,706.95 from the North Carver Water District Enterprise Fund to Fund 29 - Plymouth County ARPA, for the purpose of reimbursing the Town for the North Carver Water District’s share of the cost incurred for the purchase of the membranes needed to operate the NCWD’s wells, or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: Through a Memorandum of Agreement with the North Carver Water District (NCWD), the amount of \$208,706.95 was ‘borrowed’ from the Town’s ARPA funding (American Rescue Plan Act fiscal recovery funds) for the purchase of the membranes needed to operate the NCWD water system. The NCWD now needs to pay those funds back to the Town.

PROPOSED MOTION: Motion made by Jen Bogart and seconded, I move that the Town approve Article 8 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 4-0, NCWD 3-0

ARTICLE 8 FINAL VOTE: 200 YES/ 15 NO PASSES BY MAJORITY VOTE

ARTICLE 9: COMMUNITY PRESERVATION COMMITTEE REPORT & RECOMMENDATIONS

Part A: To see if the Town will vote to hear and act on recommendations by the Community Preservation Committee for Fiscal Year 2024 and, appropriate and/or reserve a sum or sums of money from the Community Preservation Fund Fiscal Year 2024 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:

Appropriations:

- a) From FY24 estimated revenues for Committee Administrative Expenses \$30,450

Reserves

- b) From FY 24 estimated revenues for MS/HS Track & Field Debt \$329,150
- c) From FY24 estimated revenues for Open Space \$65,100
- d) From FY24 estimated revenues for Community Housing Reserve \$65,100

e) <u>From FY24 estimated revenues for Historic Reserve</u>	<u>\$65,100</u>	
TOTAL		\$55
4,900		

Part B: To see if the Town will vote to appropriate Twenty Thousand (\$20,000.00) Dollars from the Community Preservation Historic Preservation Revenues for the purpose of reconstructing one (1) spire at the Union Society building in South Carver which was found to have deteriorated to the point of needing total replacement. Said funds will be expended under the direction of the Union Society of Carver and the Community Preservation Committee pursuant to a grant agreement with the Union Society, which agreement shall contain such terms and conditions as the Committee deems in the best interests of the Town, which may include a historic preservation restriction on the property, and further to authorize the Select Board to acquire said restriction and execute any documents necessary to effectuate the purposes of this vote; any monies not utilized will revert to the Community Preservation Unrestricted account;

Part C: To see if the Town will vote to appropriate Three Hundred Thirty Thousand, Three Hundred Twenty-Five (\$330,325.00) Dollars from the Community Preservation unrestricted funds for the purpose demolishing the unused tennis courts adjacent to the Marcus Atwood house and replace these with 6 pickleball courts, including the purchase and installation of equipment and fixtures and anything incidental or related thereto. The use of these will be overseen by the Recreation Committee. Said funds will be expended under the direction of the Recreation Committee;

Part D: To see if the Town will vote to appropriate Thirty-Nine Thousand (\$39,000.00) Dollars from the Community Preservation unrestricted funds for the purpose of constructing two (2) Adirondack style shelters on the Cole Property. These will be overseen by the Conservation Commission. Said funds will be expended under the direction of the Conservation Commission;

Part E: To see if the Town will vote to appropriate Eighty-Two Thousand, Five Hundred (\$82,500.00) Dollars from the Community Preservation unrestricted funds for the purpose of establishing an “Avenues of Honor” program for the Town. This program will establish a Stewardship Committee to oversee the implementation and ongoing maintenance and storage of flags and hardware. Said funds will be expended by this Committee pursuant to a grant agreement with the Carver Cultural Council and the Veterans Networking Collaborative which agreement shall contain such terms and conditions as the Committee deems in the best interests of the Town;

Part F: To see if the Town will vote to appropriate Fifty Thousand (\$50,000.00) Dollars from the Community Preservation unrestricted funds for the purpose of constructing an Outdoor Classroom at 44 Lakeview Street. This would be a multi-use space used to facilitate outdoor and conservation minded activities. Said funds will be expended under the direction of the Conservation Commission pursuant to a grant agreement with Troop 48/Pack 63 of the Carver

Scouts which agreement shall contain such terms and conditions as the Commission deems in the best interests of the Town;

or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

INFORMATIONAL SUMMARY: Under the Community Preservation Act, the Community Preservation Committee (CPC) 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 Debt Service for year 4 of 10 for the Carver Track and Field Project located at the Middle High School.

Part B: The Union Society approached the CPC for the purpose of reconstructing one (1) spire which was found to have deteriorated to the point of needing total replacement. Money for this project will be taken out of the existing Historic Reserves of the CPC. Any money not expended on this project will be returned to the CPC funds.

Part C: The Recreation Committee presented a proposal which would demolish the unused tennis courts adjacent to the Marcus Atwood house and replace these with 6 pickleball courts. The use of these will be overseen by the Recreation Committee. Money for this project will come from the CPC unrestricted funds. Any money not expended on this project will be returned to the CPC funds.

Part D: The Carver Trail & Conservation Stewards and the Conservation Commission presented a proposal to construct two (2) Adirondack style shelters on the Cole Property. Costs are for materials only. Construction labor will be provided by the proponent. These will be administered by the Conservation Commission. Money for this project will come from the CPC unrestricted funds. Any money not expended on this project will be returned to the CPC funds.

Part E: The Carver Cultural Council and The Veterans Networking Collaborative presented a proposal for an "Avenues of Honor." This would create banners honoring Carver Veterans and active duty military men & women that are Carver residents. Money for this project will be taken out of the existing Historic Reserves of the CPC. Any money not expended on this project will be returned to the CPC funds.

Part F: The Conservation Commission and Troop 48/Pack 63 of the Carver Scouts submitted a proposal for an Outdoor Classroom at 44 Lakeview Street. This would be a multi-use space used to facilitate outdoor and conservation minded activities. Money for this project will come from the CPC unrestricted funds. Costs are for materials only. Construction labor will be provided by the proponent. Any money not expended on this project will be returned to the CPC funds.

PROPOSED MOTION: Made by Robert Bentley and seconded, I move that the Town approve Article 9 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board: Part A, B, D & F – 5-0, Part C&E – 4-1, Finance Committee: 0-0,

Community Preservation Committee: Part A & B - 8-0; Part C - 7-1; Part D, E, F - 7-0-1

PROPOSED MOTION Made by Cornelius Shea to separate/divide and vote each letter individually.

MOTION 9 TO SEPARATE EACH ITEM INDIVIDUALLY VOTE: YES/150 NO/135 FAILS

ARTICLE 9 FINAL VOTE: 185 YES/65 NO PASSES

ARTICLE 10: OLD COLONY REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL MASS. SCHOOL BUILDING AUTHORITY (MSBA) FEASIBILITY STUDY

To see if the Town will vote to approve the \$500,000 indebtedness authorized by the Regional District School Committee of the Old Colony Regional Vocational-Technical High School District to pay costs of a feasibility study relating to the possible renovation and/or construction of the District High School, located at 476 North Avenue, Rochester, Massachusetts, including all costs incidental and related thereto. The total amount appropriated by the District for this purpose is \$1,000,000, which will be reduced to the extent of any grants received by the District from the Massachusetts School Building Authority or to take any other action relative thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: This article is being proposed by the Regional District School Committee of the Old Colony Regional Vocational Technical High School District as part of the process of obtaining a grant from the Massachusetts School Building Authority. It is anticipated that the total cost of the Feasibility Study will be in the range of one million dollars.

PROPOSED MOTION: Made by John Cotter and seconded, I move that the Town approve the \$500,000 indebtedness authorized by the Regional District School Committee of the Old Colony Regional Vocational Technical High School District to pay costs of a feasibility study relating to the possible renovation and/or construction of the District High School, located at 476 North Avenue, Rochester, Massachusetts, including all costs incidental and related thereto. The total amount appropriated by the District for this purpose is \$1,000,000, which will be reduced to the extent of any grants received by the District from the Massachusetts School Building Authority.

(Majority Vote Required)

Recommendation: Select Board 5-0, Finance Committee: 0-0

ARTICLE 10 FINAL VOTE: 203 YES/33 NO PASSES

MOTION BY JEN PRATT TO RECONSIDER ART 10: 25 YES /184 NO FAILS

**MOTION BY ALAN GERMAIN TO CONTINUE ON AND ADJOURN AT 11PM :
152YES /49 NO PASSES**

ARTICLE 11: PERSONAL PROPERTY EXEMPTION

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 54th and authorize the Town to establish a minimum fair cash value required for a personal property account to be taxed, and further establish such minimum fair cash value to be \$1,000, becoming effective for Fiscal Year 2024 or take any such action related thereto.

BOARD OF ASSESSORS

INFORMATIONAL SUMMARY: Accepting this article would allow the Town not to bill personal property accounts under \$1,000 in value. This would help to eliminate bills of a minimal value, which are not cost or labor effective to the Town.

PROPOSED MOTION: Mark Townsend made motion and was seconded . I move that the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 54th as set forth in Article 11 of the Warrant.

(Majority Vote Required)

*Recommendation: Select Board 5-0, Finance Committee: 0-0
Board of Assessors 3-0*

BOARD OF

ASSESSORS

ARTICLE 11 FINAL VOTE: 166 YES/ 24 NO PASSES

ARTICLE 12: SOLAR PILOTs

A. Designate “Authorized Officer” Pursuant to Negotiate and Execute Solar PILOT Agreements

To see if the Town will vote to designate the Town of Carver Select Board, the Town of Carver Board of Assessors, and the Town Administrator of the Town of Carver, collectively, as the “authorized officer” to negotiate Payment in Lieu of Tax Agreements for solar or wind powered energy systems and co-located energy storage systems, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and after approval by Town Meeting of any respective Solar PILOT Agreement that has been so negotiated, to execute on behalf of the Town said Solar PILOT Agreement;

B. Approve and Authorize the Execution of the Solar PILOT Agreement with Captona Ravenbrook, LLC

To see if the Town will vote to approve, the Solar PILOT agreement with Captona Ravenbrook, LLC, 687 Third Avenue, Suite 3004, New York, New York, 10017 for a Solar Facility located on Carver Assessors Map 48 as Lot 1 and Lot 4, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and to authorize Town of Carver Select Board, the Town of Carver Board of Assessors, and the Town Administrator of the Town of Carver, collectively, as the “authorized officer” the execute said Solar PILOT Agreement on behalf of the Town, a copy of which is on file at the office of the Town Clerk and on the Town’s website at www.carverma.gov;

C. Approve and Authorize the Execution of the Solar PILOT Agreement with Kearsarge Carver, LLC

To see if the Town will vote to approve, the Solar PILOT agreement with Kearsarge Carver, LLC, 1200 Soldiers Filed Road, Suite 202, Boston, Massachusetts 02134 for a Solar Facility located on Carver Assessors Map 74 as Lot 8, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and to authorize Town of Carver Select Board, the Town of Carver Board of Assessors, and the Town Administrator of the Town of Carver, collectively, as the “authorized officer” the execute said Solar PILOT Agreement on behalf of the Town, a copy of which is on file at the office of the Town Clerk and on the Town’s website at www.carverma.gov;

D. Approve and Authorize the Execution of the Solar PILOT Agreement with GLC-(MA) Acushnet-Purchase Street, LLC

To see if the Town will vote to approve, the Solar PILOT agreement with GLC-(MA) Acushnet – Purchase Street, LLC, 360 22nd Street, Suite 600, Oakland, California 94612 for a Solar Facility located on Carver Assessors Map 55 as Lot 1-B, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and to authorize Town of Carver Select Board, the Town of Carver Board of Assessors, and the Town Administrator of the Town of Carver, collectively, as the “authorized officer” the execute said Solar PILOT Agreement on behalf of the Town, a copy of which is on file at the office of the Town Clerk and on the Town’s website at www.carverma.gov; and to take any other action related thereto.

E. Approve and Authorize the Execution of the Solar PILOT Agreement with Syncarpha Carver, LLC

To see if the Town will vote to approve, the Solar PILOT agreement with Syncarpha Carver, LLC, 250 West 57th Street, Suite 701, New York NY 10107 for a Solar Facility located on Carver Assessors Map 123 as Lot 13, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and to authorize Town of Carver Select Board, the Town of Carver Board of Assessors, and the Town Administrator of the Town of Carver, collectively, as the “authorized officer” the execute said

Solar PILOT Agreement on behalf of the Town, a copy of which is on file at the office of the Town Clerk and on the Town's website at www.carverma.gov;

or take any other action related thereto.

BOARD OF ASSESSORS

INFORMATIONAL SUMMARY: This article is to authorize the Select Board, Board of Assessors and the Town Administrator, to enter into and execute payment in lieu of tax agreements for renewable energy facilities developed or to be developed in the town.

PROPOSED MOTION: Sarah Hewins made and was seconded .I move that the Town approve Article 12 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 4-1, Board of Assessors 3-0

ARTICLE 12 FINAL VOTE: 130 YES/ 53 NO PASSES

ARTICLE 13: FINANCE COMMITTEE BYLAW AMENDMENT

To see if the Town will vote to amend Chapter 4.3, FINANCE COMMITTEE, of the Town's General Bylaws as follows with deletions shown in ~~striketrough~~ and additions shown in **bold**; or take any other action related thereto.

4.3.1. There shall be a Finance Committee of at least four (4), but not more than eleven (11) members. The Town Administrator, in consultation with the Moderator and Finance Committee Chair, shall appoint members for a term of three (3) years. The Town Administrator shall attempt to provide that the terms are properly staggered so that an equal number of seats expire annually. The members of the Finance Committee shall elect from their number a Chair **and Vice Chair**. For voting purposes, a majority of the committee shall be deemed to be a majority of the seats currently filled at any given time. However, at no time shall the Committee conduct business with less than four voting members present. No member of the Finance Committee shall hold office for more than four (4) consecutive full terms or for a period not to exceed twelve (12) consecutive years.

4.3.4. All officers, boards, committees and departments authorized to expend town money shall transmit in writing to the Select Board their estimate of the appropriation necessary for the conduct of their business for the next fiscal year at least seventy-five (75) days prior to the date of the Annual Town Meeting. At least sixty (60) days prior to the date of the Annual Town Meeting, the Select Board shall assemble these requests in such form as the Finance Committee may reasonably request, and submit them to the Finance Committee and, the officers, boards, departments, or committees authorized to expend town money shall present to the Finance Committee, in writing, a detailed list of their expenditures during the previous year. At least thirty (30) days prior to the date of the Annual Town Meeting, the Select Board and Finance Committee shall vote on their budget recommendations. Said votes shall be final and shall not be subject to change except by vote at the Annual Town Meeting. **It is further understood that the Finance Committee is an advisory committee to the Select Board and does not have the**

authority to override any budget decision made by the Select Board should said board disagree with the recommendations of the Finance Committee.

4.3.6. The members of the Finance Committee, ~~excepting Chairman and Secretary, shall serve without pay, but may be reimbursed for actual expenses incurred in the discharge of their official duties. Salary for Chairman and Secretary of said committee shall be set by a vote of the Town~~ **may receive a stipend in an amount determined by a vote of the Town at the Annual Town Meeting in the same manner that the compensation of other appointed officials is determined, subject to appropriation therefor.**

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-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 such agency on any matter pertaining to the duties of a special committee of which he is a member.

FINANCE COMMITTEE

INFORMATIONAL SUMMARY: This article proposes amendments to the Finance Committee bylaw to clarify the role of the Committee, to authorize its members to receive a stipend, subject to Town Meeting approval and appropriation, and to further define who is eligible to serve.

PROPOSED MOTION: I move that the Town approve Article 13 as set forth in the Warrant.
(Majority Vote Required)

Recommendation: Select Board 5-0, Finance Committee 7-0

PROPOSED MOTION: Alan Germain Moved to postpone indefinitely Article 13

ARTICLE 13 MOTION VOTE: 157 YES/26 NO PASSES TO POSTPONE

ARTICLE 14: SALE OF LOW VALUE TAX TITLE PROPERTIES TO ABUTTERS

To see if the Town will vote to authorize the Treasurer/Collector, with the approval of the Select Board, to establish a “Tax Title Abutter Lot Sales Program” by which the Select Board is authorized to dispose of a specific list of tax title properties, as voted by town meeting, that are considered low value and are presently unbuildable, by conveyance to direct abutters; and further to transfer the care, custody, control, and management of parcels of land from the board or officer that currently has custody of the land to the Select Board to be held for the purpose of conveyance and general municipal purposes; and further to authorize the Select Board to convey said parcels, pursuant to the procedures set forth in General Laws Chapter 30B, if applicable, on such terms and conditions and for such consideration as the Select Board shall determine to be in the best interests of the Town; or take any other action related thereto.

TREASURER/COLLECTOR

INFORMATIONAL SUMMARY: The Treasurer/Collector has possession of several properties that have been taken by the Town for non-payment of taxes that are not buildable and are of low value (i.e. less than \$24,804). Under State Law, the Treasurer/Collector can only dispose of these parcels through auction unless they are transferred to the Select Board. If this article is approved, the Treasurer/Collector will work with the Select Board to convey certain parcels identified in the motion to direct abutters who are likely the only parties interested in the subject properties.

PROPOSED MOTION: I move that the Town vote to authorize the Treasurer/Collector, with the approval of the Select Board, to establish an Abutter Lot Sales Program, as described in the Warrant, and to transfer the care, custody, control, and management of parcels of land identified below from the board or officer that currently has custody of the land to the Select Board to be held for the purpose of conveyance and general municipal purposes; and further to authorize the Select Board to convey said parcels, pursuant to the procedures set forth in General Laws Chapter 30B, if applicable, on such terms and conditions and for such consideration as the Select Board shall determine to be in the best interests of the Town:

LOCATION	ASSESSOR PARCEL REFERENCE	FY 2023 Assessed Value
Green Street, 5,662 Sq. Ft +/-	Map 16, Blk 6, Lot 0	\$7,400
136 Main Street, 34,848 Sq. Ft +/-	Map 75, Blk 3, Lot 0	\$10,000
Everett Street, 3,920 Sq. Ft +/-	Map 85, Blk 82, Lot 0	\$7,000
Meadow Street, 6,969 Sq. Ft +/-	Map 85, Blk 83, Lot 0	\$4,900
Bunnys Road, 3,484 Sq. Ft +/-	Map 109, Blk BB, Lot 5	\$5,600
2 Myles Standish Dr., 70,102 Sq. Ft +/-	Map 125, Blk 9, Lot 118	\$13,700

(Two-Thirds Vote Required)

Recommendation: Select Board 5-0, Finance Committee 0-0

ARTICLE 14 FINAL VOTE: 91 YES / 82 NO FAILS

ARTICLE 15: COMMITTEE VACANCIES BYLAW AMENDMENT

To see if the Town will vote to amend Chapter 4.1, VACANCIES DUE TO ABSENCE, of the Town’s General Bylaws as follows with deletions shown in ~~striketrough~~ and additions shown in **bold**, or take any other action related thereto.

Section 4.1.1 **The appointing authority for any appointed Board, Committee, or Council may remove any member who is absent from three (3) consecutive duly held meetings, unless one or more absences is excused by the Chair or Vice-Chair in the case of the absences by the Chair.** ~~Three consecutive absences of any member of an appointed Board, Committee or Council at duly called meetings shall constitute a vacancy;~~ or take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: The purpose of this change is to clarify when a member is eligible to be removed as a result of missing meetings of their board, committee or council.

PROPOSED MOTION: Motion made by James Hoffman and seconded .I move that the Town approve Article 15 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0

ARTICLE 15 FINAL VOTE: 138 YES/ 51 NO PASSES

ARTICLE 16: TOWN MEETING QUORUM BYLAW AMENDMENT

To see if the Town will vote to amend Chapter 1, section 1.1.2 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.

Section 1.1.2

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

SELECT BOARD

INFORMATIONAL SUMMARY: The purpose of this change is to clarify the Town Meeting quorum requirement when articles on the warrant propose the borrowing of money. With this amendment, it is clear that the larger quorum requirement of 150 voters only applies when voting on those borrowing articles, and that the lower quorum of 75 voters applies for all other articles on the warrant.

PROPOSED MOTION: Motion made by Mark Townsend and seconded. I move that the Town approve Article 16 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0

ARTICLE 16 FINAL VOTE: 139 YES/ 25 NO PASSES

ARTICLE 17: WETLANDS BYLAW AMENDMENT 9.2.1.2

To see if the Town will vote to amend Section 9.2.1.2 of the Town’s General Bylaws related to Wetlands Protection as shown below (with additions in **bold**) or take any other action related thereto:

9.2.1.2 Purpose

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

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

CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article will add invasive species to the list of activities controlled by the Carver Conservation Committee.

PROPOSED MOTION: Motion made by Sarah Hewins and seconded. I move that the Town approve Article 17 as set forth in the Warrant.

(Majority Vote Required)

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

ARTICLE 17 FINAL VOTE: 144 YES/ 30 NO PASSES

ARTICLE 18: WETLANDS BYLAW AMENDMENT 9.2.1.3 (3)

To see if the Town will vote to amend Section 9.2.1.3(3) of the Town’s General Bylaws related to Wetlands Protection as shown below (with deletions shown in ~~striketrough~~ and additions in **bold**) or take any other action related thereto:

(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.

CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article will make the language regarding the criteria for a variance within 65' the same language as the criteria for permission within 100' buffer zone. This will help clarify when a variance is required.

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

(Majority Vote Required)

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

Motion made by Kim Branch and seconded to amend Article 18 to add the language back to the Article that was struck out above “ build or enlarge any structure, parking lot or impervious surface”

ARTICLE 18 MOTION TO AMEND VOTE: 113 YES/ 49 NO PASSES

ARTICLE 18 FINAL VOTE: 124 YES/ 46 NO PASSES

ARTICLE 19: WETLANDS BYLAW AMENDMENT 9.2.2.1 (4)

To see if the Town will vote to amend Section 9.2.2.1(4) of the Town’s General Bylaws related to Wetlands Protection as shown below (with deletions shown in ~~strike through~~ and additions in **bold**) or take any other action related thereto:

9.2.2.1 Request for Determination of Applicability

(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~~ **\$125.00** to cover administrative costs.

CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article will increase the fee for filing a Request for Determination of Applicability to cover administrative costs.

PROPOSED MOTION: Motion made by James Hoffman and seconded .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 19 FINAL VOTE: 140 YES/ 31 NO PASSES

ARTICLE 20: WETLANDS BYLAW AMENDMENT 9.2.2.2 (5)

To see if the Town will vote to amend Section 9.2.2.2(5) of the Town's General Bylaws related to Wetlands Protection as shown below (with deletions shown in ~~striketrough~~ and additions in **bold**) or take any other action related thereto:

9.2.2.2 Notice of Intent

(5) The Notice of Intent shall be accompanied by a filing fee the amount of which shall be determined by 801 CMR 4.02(310) (Executive Office for Administration and Finance) **based on the MA DEP fees as listed on their website, as may be amended from time-to-time**, plus an additional cost of ~~\$70.00~~ **\$125.00** to cover administrative expenses.

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

CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article will change the fee structure for a Notice of Intent to adhere to Massachusetts DEP guidelines.

PROPOSED MOTION: Motion made by Mark Townsend and seconded. I move that the Town approve Article 20 as set forth in the Warrant.

(Majority Vote Required)

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

ARTICLE 20 FINAL VOTE: 143 YES/ 28 NO PASSES

ARTICLE 21: WETLANDS BYLAW AMENDMENT 9.2.2.2 (6)

To see if the Town will vote to amend Section 9.2.2.2(6) of the Town's General Bylaws related to Wetlands Protection as shown below (with deletions shown in ~~striketrough~~ and additions in **bold**) or take any other action related thereto:

9.2.2.2 Notice of Intent

(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** ~~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. The applicant will be billed directly by the newspaper.**

CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article is clerical in nature and reflects the process currently in place.

PROPOSED MOTION: Motion made by John Cotter and seconded. I move that the Town approve Article 21 as set forth in the Warrant.

(Majority Vote Required)

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

ARTICLE 21 FINAL VOTE: 147 YES/ 19 NO PASSES

ARTICLE 22: WETLANDS BYLAW AMENDMENT 9.2.5

To see if the Town will vote to amend Section 9.2.5 of the Town's General Bylaws related to Wetlands Protection as shown below (with additions in **bold**) or take any other action related thereto:

9.2.5 – DEFINITIONS - Alter

Alter –

Alter means to change the condition of any area subject to protection by this Bylaw.

Examples of alterations include, but are not limited to, the following:

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

CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article will further help define what is protected within the areas of Conservation Commission jurisdiction. This will help residents better understand what is and isn't allowed.

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

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

Motion made by Cornelius Shea and seconded to amend Article 22 to remove the word “permanent in bold”.

ARTICLE 22 MOTION TO AMEND VOTE: 57 YES/ 104 NO FAILS

ARTICLE 22 FINAL VOTE: 115 YES/ 37 NO PASSES

Motion made by Alan Germain and seconded to adjourn Town Meeting until Thursday April 13th.

VOICE VOTE : All in Favor to Adjourn PASSES

The 231st Annual Town Meeting of the Inhabitants of the Town of Carver continuation was held on April 13th 2023 at the Carver Middle High School Auditorium at 6:00 P.M., pursuant to a Warrant of the Select Board dated April 4th 2023. The Meeting was called to order at 6:07 P.M. by the Moderator Sean Clancey, there being a quorum of 150 present. The Moderator led the voters in the pledge of allegiance to the Flag and a moment of silence.

Members of the School Committee, Select Board and Finance Committee were all introduced in addition to Town Council Greg Corbo, Town Administrator Robert Fennessy, Town Clerk Cara Dahill and Finance Director Sue Moquin and Laura Pettine Town Accountant.

The appropriate tellers were sworn to their faithful performance of their duties by Town Clerk Cara L. Dahill. The Tellers for the evening were David Olson, Mary Ross, Amy McCain, Jeanne Taylor, Bella Martins, Sandra Tucker, Nancy Ryan and Maureen Townsend.

Instruction was given by the Moderator to the attendees and the meeting was opened with a test question to test the electronic hand held voting system.

TEST VOTE EQUIPMENT QUESTION : Will the Red Sox win? 111 YES/97NO

ARTICLE 23: WETLANDS BYLAW AMENDMENT 9.2.5 DEFINITIONS

To see if the Town will vote to amend Section 9.2.5 of the Town’s General Bylaws related to Wetlands Protection as shown below (with additions in **bold**) or take any other actions thereto:

9.2.5 – DEFINITIONS - Recreation

Recreation –

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

CONSERVATION COMMISSION

INFORMATIONAL SUMMARY: Passing this article will further help define what is protected within the areas of Conservation Commission jurisdiction. This will help residents better understand what is and isn't allowed.

PROPOSED MOTION: Motion made by Mark Townsend and seconded. I move that the Town approve Article 23 as set forth in the Warrant.

(Majority Vote Required)

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

ARTICLE 23 FINAL VOTE: 184 YES/ 31 NO PASSES

ARTICLE 24: CAPITAL OUTLAY BYLAW AMENDMENT

To see if the Town will vote to amend Section 4.7 of the Town's General Bylaws related to the Capital Outlay Committee, as shown below (with deletions shown in ~~striketrough~~ and additions in **bold**) or take any other action related thereto:

4.7 CAPITAL OUTLAY COMMITTEE

Section 4.7.1:

Overview

The Capital Outlay Committee shall review all requests and annually make a recommendations to the ~~Board of Selectmen~~ **Select Board** and Finance Committee **for proposed capital expenditures and methods for financing the same.** ~~regarding same including recommended methods of financing.~~ **Capital budgeting requires significant advanced planning and review to ensure that projects / purchases are:**

~~4.7.1.~~ This by-law shall supersede all previous votes of town meeting pertaining to the Capital Outlay Committee.

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, which shall be provided to the Select Board and Finance Committee and printed in the town meeting warrant the recommendation is made before the time of publication.

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

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

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

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

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

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

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

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.

~~B-~~ Section 4.7.2:

Purpose:

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

Scope:

The Capital Outlay Committee shall review all requests for capital expenditures of \$10,000 **\$20,000** or more **and has a useful life greater than 1 year. For all smaller projects or equipment, requests should be included in the department's operating budget. This includes projects that are fully or partially funded by outside funding sources, such as a grant.** This shall not apply to reserve fund transfer requests made to the Finance Committee that falls within their available reserve fund account or emergency expenditures. All requests shall be submitted in a format approved by the Capital Outlay Committee prior to insertion of the request on a town meeting warrant, or if the request is made by citizen petition, before the town meeting is convened.

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

~~4.7.2.~~

~~The Capital Outlay Committee shall review all requests and annually make a recommendation to the Board of Selectmen **Select Board** and Finance Committee regarding same including recommended methods of financing.~~

~~4.7.3.~~

~~This by law shall supersede all previous votes of town meeting pertaining to the Capital Outlay Committee.~~

~~€ 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, which shall be provided to the Select Board and Finance Committee and printed in the town meeting warrant the recommendation is made before the time of publication.~~

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

Capital Examples:

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

CAPITAL OUTLAY

INFORMATIONAL SUMMARY: This gives more detailed updates to the current bylaw.

PROPOSED MOTION: Motion made and seconded by Sarah Hewins .I move that the Town approve Article 24 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0, Capital Outlay 0-0

ARTICLE 24 FINAL VOTE: 196 YES/ 23 NO PASSES

ARTICLE 25: ACCEPT THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 39, SECTION 23D “ THE MULLIN RULE”

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 39, Section 23D, for boards, committees, or commissions holding adjudicatory hearings in the Town, which statute provides that when a public body holds an adjudicatory hearing any member thereof shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that before any such vote, the member shall certify in writing that the member has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof; this acceptance shall apply to all multiple member boards, committees and commissions of the Town.

PLANNING BOARD

INFORMATIONAL SUMMARY: Under a provision of Massachusetts law known as the Mullin Rule, all members of town boards, committees or commissions must have attended all hearing sessions to be eligible to vote on a final ruling on an adjudicatory hearing. Since, on occasion, several hearings on separate dates may precede a final vote, travel or other obligations of volunteer members may prevent all members from being available to attend all hearings on a particular matter. In these circumstances, the board, committee, or commission may be precluded from issuing a final ruling if a quorum of eligible voting members cannot be assembled. While this is not a regular occurrence, we have been faced with this issue in the past, especially in cases of long and legally complex matters. Currently, we are required to repeat the process in order to attain the proper voting quorum, to the great waste of time and effort by members, town officials, and parties to the matter. The local acceptance provision of Massachusetts law referred to in this article permits a member who has had to miss one hearing to nonetheless vote on the final decision provided that the member complies with the procedural requirements of the statute.

PROPOSED MOTION: Motion made by Jen Bogart and seconded. I move that the Town approve Article 25 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Planning Board 0-3

ARTICLE 25 FINAL VOTE: 107 YES/ 116 NO FAILS

MOTION TO RECONSIDER ARTICLE 25 made and seconded.

ARTICLE 25 VOTE TO RECONSIDER : 66 YES/ 168 NO FAILS

ARTICLE 26: DESIGNATE SCENIC ROADS TO PROTECT STREETS, TREES AND STONE WALLS WITHIN THE RIGHT OF WAY PER G.L. CHAPTER 40, SECTION 15C

To see if the Town will vote, pursuant to the provisions of G.L. Chapter 40, Section 15C to designate the following roads within the Town as “SCENIC ROADS” in order to preserve the natural character and physical appearance of said roads; and to instruct the Planning Board, in exercising its responsibilities hereunder, to take into consideration sound planning principles, aesthetic consideration, and preservation of natural resources, as well as public safety when considering these roads; or take any other action relative thereto.

SCENIC ROADS

- | | | |
|--------------------|----------------------|--------------------|
| 1.Center Street | 7. Holmes Street | 13. Rochester Road |
| 2. Cranberry Road | 8. Lakeview Street | 14. Savery Avenue |
| 3. Crescent Street | 9. Mayflower Road | 15. Shaw Road |
| 4. Cross Street | 10. Meadow Street | 16. Wareham Street |
| 5. Federal Road | 11.Old Center Street | 17. Wenham Road |
| 6. Green Street | 12. Plymouth Street | 18. High Street |
| | | 19. Indian Street |

INFORMATIONAL SUMMARY: Massachusetts General Law Section 15C, Chapter 40 was created to protect the character, scenery, and history of roads by allowing towns to designate certain roads as scenic. Scenic Roads designations are an effective, although limited, method of maintaining the rural character of scenic roads. A Scenic Roads designation provides limited protection from actions resulting from the repair, maintenance, reconstruction, or paving of the road that would involve the cutting or removal of trees or tearing down, destruction or alteration of stone walls, or portions of stone walls, within the right of way. On a Scenic Road, such actions are subject to a public hearing and approval by the Planning Board.

PLANNING BOARD

PROPOSED MOTION: Motion made by James Hoffman and seconded. I move that the Town approve Article 26 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Planning Board 3-0

ARTICLE 26 FINAL VOTE: 162 YES/ 70 NO PASSES

ZONING BYLAWS

ARTICLE 27: AMENDMENT TO ZONING BYLAW 3580 LARGE-SCALE GROUND MOUNTED

SOLAR PHOTOVOLTAIC INSTALLATIONS PROPOSED BY THE SOLAR/BATTERY STORAGE MORATORIUM COMMITTEE

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3580, Large-Scale Ground Mounted Solar Photovoltaic Installations, as shown below with additions shown in **bold** and deletions shown in ~~strikethrough~~; or take any other action related thereto.

3580.00. LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

3580.10. Purpose. The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations (LSGMSPI) **including conventional and SMART/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 **and shall follow the guidelines set forth in the MA DOER/MA DEP/Mass CEC Clean Energy Results Ground Mounted Solar PV Systems dated June 2015, as amended to the most current guideline.** To the extent that any particular provision of this bylaw is determined to be invalid, such invalidation shall not affect the validity of any other provision.

Smaller scale ground or building-mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but must comply with the other provisions of Carver's Zoning Bylaws as applicable.

3580.15 Exemptions. Notwithstanding any other Zoning Bylaw provisions to the contrary, the following types of solar uses and structures are exempt from the provisions of Section 3580 and are considered as allowed uses and structures and customarily accessory and incidental to permitted principal uses, subject to Planning Board Site Plan Review:

- a. Roof-mounted solar electric installations on a new non-residential building within the GBP District; provided, however, that such uses and structures above shall comply with the other provisions of the Carver Zoning Bylaws as applicable, and with health and safety requirements of the Building Inspector and Fire Chief, and/or his/her designee.

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.

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:

Surveyed Plans and engineered drawings of the Commercial Solar Energy Facility signed and stamped by a Registered Land Surveyor and by a Professional Engineer licensed to practice in Massachusetts, showing the proposed layout of the system;

- A. Existing Conditions: showing property lines and physical features including, but not limited to: wetlands and related buffer zones, rivers and associated riverfront areas, land subject to flooding, vernal pools, FEMA flood plains, logging or access roads, forested areas, forest density, existing vegetation, priority and estimated habitats;**

- B. Proposed changes to the landscape of the site including: grading, vegetation clearing, pollarding, as well as boundaries of proposed vegetative buffer;**
- C. Locations of public water supply as well as abutting properties' wells and septic systems;**
- D. Proposed surveyed layout of the system/facility and related structures, including final stormwater and other site management devices, fences, and the location of 20-foot wide access roads, including emergency vehicle turnarounds. Potential shading from nearby trees or structures should also be included;**
- € E) 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
- Ð F) 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;
- G. Landscape plan(s) pursuant to 12.3.8.7 detailing the proposed natural vegetative buffer and visual screen. Boundaries of existing vegetation shall be shown in lighter lines beneath;**
- H. Diagrams of sight lines from abutting residential and commercial structures and public ways, and visualizations of views of the site from which the facility would be visible;**
- I. Construction stormwater management and erosion control;**
- J. Post-installation stormwater management plan;**
- K. Prior to the issuance of a Building Permit the applicant shall provide to the Building Inspector and to the Special Permit Granting Authority Safety Data Sheet (SDS)/Materials Data Sheets (MDS) for all components of (internal and external), and products for, construction of the Solar Energy Facility.**
- £ L) Name, address, and contact information for proposed system installer, the project proponent (s), and property owners if different;
- £ M) 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.
- ~~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, **repair or replacement of nonfunctioning panels**, 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.

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.

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% or 100% if the project is located in the Residential-Agricultural zoning district, 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.

~~a) 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.~~

a) Direct abutters to large-scale ground mounted solar photovoltaic installations (LSGMSPI) have the option of reducing the setbacks to a minimum of 50’ along their common border of the project in a Residential-Agricultural (RA) zoning district by providing a signed affidavit that waives standard setback and screening requirements. The Applicants are required to contact all direct abutters affected to establish their willingness to enter into an agreement to waive the requirements. Signed affidavits must be provided to the Planning Board and on file with the Planning Board and referenced in the Special Permit decision.

b) Setbacks **between arrays** to be reduced to a minimum of 12.5 feet by right where ~~abutting~~ arrays are proposed in a **joint Application by owners, mutual partnership/ownership or common ownership of abutting properties.** ~~that transcend existing lot lines.~~

b) Other Setbacks: Large Solar Energy Facilities shall be sited at least one hundred fifty feet (150’) from abutting properties’ wells and septic systems.

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.

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 **including associated equipment and utility equipment** from the LSGMSPI shall be placed underground **or pad mounted**, unless soil conditions, shape, or topography of the site **as verified by the Town's Consulting Engineer** ~~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.

3580.26.5 Glare: The solar PV modules shall be positioned in such a way that minimizes glare to greatest practicable extent on a residence or public way at any time during the day

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 Pre-Construction Conference .

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. **Not more than 30% of forested land up to a maximum of five acres per lot shall be deforested for any one LSGMSPI**

Mitigation Measures

(b) Mitigation for Loss of Forest Habitat within the Installation If forestland is proposed to be converted to a LSGMSPI, the plans shall show mitigation measures that create a wildflower meadow habitat, pollinator species within and immediately around the LSGMSPI and a successional forest habitat in the surrounding areas managed to prevent shading until the installation is decommissioned and the site restored to forest. The special permit may be conditioned to effect and make enforceable this requirement.

No clearing or site work can begin prior to a Preconstruction Conference held with the applicant, their contractor(s) and Town Staff including the Building Commissioner, Conservation Agent and Town Planner.

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. **Use of chemical herbicides or pesticide is limited to those approved by the Department of Agriculture Pesticide Bureau** ~~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 **or stored onsite.**

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, **repair or replacement of nonfunctioning panels, on an**

annual basis 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.

3580.50. Change of ownership: Abandonment or Decommissioning

3850.51 Ownership Changes. If the owner of the LSGMSPI changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the LSGMSPI shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change. A new owner or operator must provide such notification to the Building Commissioner in writing and meet with any permitting authority from which the original applicant received a permit.

3580.52. 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:

3580.52.1. Physical removal of all LSGMSPI, structures, equipment, security barriers, and transmission lines from the site.

3580.52.2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3580.52.3. Stabilization or re-vegetation of the site as necessary to minimize erosion and runoff. **Including the use of pollinator species and cranberry plants especially for Dual Use installations.**

3580.53. 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.

3580.54. 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) Required setbacks and screening for SMART/Dual Use Arrays:

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'~~
50' 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 **affected** direct abutters in a Residential-Agricultural (RA) zoning district.

~~2c) To allow setbacks of a minimum 25-50 feet provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district.~~

PLANNING BOARD

INFORMATIONAL SUMMARY: After a lengthy study by the Solar and Battery Storage Moratoria Study Committee, these amendments to the Town's existing large-scale ground mounted solar facility bylaw are recommended to balance the interests of the public in protecting the health and safety of residents and abutters and in preserving the environmental integrity of the Town, while also promoting the development of solar power in the Town and the interests of property owners to use their land for the development of solar power.

PROPOSED MOTION: Motion made by John Cotter and seconded. I move that the Town approve Article 27 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 4-0; Battery Energy & Solar Systems Committee 8-1

ARTICLE 27 FINAL VOTE: 158 YES/ 71 NO PASSES

ARTICLE 28: NEW BY LAW 3590 BATTERY ENERGY STORAGE SYSTEM ZONING BYLAW

FROM SOLAR/BATTERY STORAGE MORATORIUM COMMITTEE.

To see if the Town will vote to amend the Carver Zoning Bylaw to add a new section 3590, Battery Energy Storage Systems, as shown below; or take any other action related thereto.

3590 BATTERY ENERGY STORAGE SYSTEMS

3590.10. Purpose. The purpose of this Section is to advance and protect the public health, safety, welfare, and quality of life by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

1. To provide a regulatory scheme for the location, construction and operation of battery energy storage systems consistent with best practices and safety protocols;
2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems and to mitigate any potential impacts on abutting and nearby properties; and
3. To mitigate the impacts of battery energy storage systems on environmental resources such as agricultural lands, forests, wildlife, wetlands and other natural resources.

This Section shall be construed to be consistent with state law, including but not limited to the provisions of General Laws chapter 40A, section 3, and state regulations, including but not

limited to the provisions of the State Building Code, State Fire Code, and State Electrical Code. In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

3590.20. Applicability

1. The requirements of this bylaw shall apply to battery energy storage systems permitted, installed, decommissioned or modified after the effective date of this bylaw, excluding general maintenance and repair. BESS subject to this bylaw are only those that exceed the following capacities:

- Lead-acid with a capacity of greater than 70 kWh
- Nickel with a capacity of greater than 70 kWh
- Lithium-ion with a capacity of greater than 30 kWh
- Sodium nickel chloride with a capacity of greater than 20 kWh
- Flow with a capacity of greater than 20 kWh
- Other battery technologies with a capacity of greater than 10 kWh BESS that do not meet the threshold capacities above are not subject to this bylaw and are allowed by right in all zoning districts.

2. A battery energy storage system that is subject to this bylaw is classified as a Tier 1, Tier 2 or Tier 3 Battery Energy Storage System as follows:

a) Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than 0.5MWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

b) Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to or greater than 0.5 MWh but less than 1MWh or are comprised of more than one storage battery technology in a room or enclosed area.

c) Tier 3 Battery Energy Storage Systems have an aggregate energy capacity greater than 1MWh or are comprised of more than one storage battery technology in a room or enclosed area.

3590.30. General Requirements

1. All permits required by state codes, including but not limited to building permit, an electrical permit, and a fire department permit shall be required for installation of all battery energy storage systems.

2. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

3. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

4. All access roads should be at least 12' wide, constructed of an all-weather surface, and be cleared of obstructions on both sides by at least 2'. A 16' vertical clearance should be maintained for large vehicle access. Access gates erected onsite should be at least 12' wide, accessible via Carver Fire Department lock. Access to all four sides of each enclosure should be provided where practical.

3590.40. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems are allowed by right in all zoning districts, subject to applicable provisions of the State Building Code, Electrical Code, Fire Code, and other applicable codes, and are subject to minor site plan review and such provisions of this bylaw as are applicable.

3590.50. Permitting Requirements for Tier 2 and Tier 3 Battery Energy Storage Systems

Tier 2 and Tier 3 Battery Energy Storage Systems are subject to this bylaw and require the issuance of a special permit in those zoning districts identified in Use Regulations Schedule in Section 2230, and are subject to Site Plan Review pursuant to Section 3100. Tier 1 and Tier 2 BESS shall comply with the applicable requirements set forth in this bylaw, as well as this Zoning Bylaw, and the Carver General Bylaws. The following requirements apply to all Tier 1, Tier 2 and Tier 3 BESS subject to this bylaw, except where it is specifically noted to apply only to Tier 2 and Tier 3 BESS:

1. Utility Connections. All utility connections including associated equipment and utility equipment shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the Town's Consulting Engineer dictate above ground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

2. Signage. Signage shall comply with the requirements of Section 3500 of this Zoning Bylaw and the following additional requirements; in the event of a conflict between the provisions of Section 3500 and this section, the requirements of this section shall prevail.

a) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

b) As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

c) Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.

3. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety, security and operational purposes and 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.

4. Vegetation and tree-cutting. Areas within thirty feet on each side of Tier 2 or Tier 3 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

5. Setbacks. Tier 1, 2 and 3 Battery Energy Storage Systems shall be set back a minimum of 50 feet from all side, rear, and front lot lines. Tier 2 and Tier 3 BESS shall be set back a minimum of 200 feet from side, rear, and front lot lines that abut or are across a street from residential zoning districts or existing single, two-family, or multi-family structures. The minimum setback areas shall include a vegetated Buffer/Screening Area at least twenty feet wide along all property lines. Access drives and parking are allowed in the setback areas, but shall not intrude into the required Buffer Areas except where necessary to provide access or egress to the property. In addition, a minimum of 10 feet must be maintained, if within a building, between BESS components and all stored combustible materials, hazardous materials, high-piled storage, infrastructure.

Other Setbacks: Battery Energy Storage Systems shall be sited at least one hundred fifty feet (150') from abutting properties' wells and septic systems.

6. Dimensional. Tier 2 and Tier 3 Battery Energy Storage Systems shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Section 2300 of this Zoning Bylaw, unless otherwise provided in this bylaw.

7. Fencing Requirements. Tier 2 and Tier 3 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum eight foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Security barriers, fences, landscaping, and other enclosures must not inhibit required air flow to or exhaust from the BESS and components. Electrical equipment greater than 1,000V require a separate and additional means to restrict access. NFPA 855 requires specialty safety systems to be provided based on the BESS chemistry and installed location.

8. Screening and Visibility. Tier 2 and Tier 3 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to

or exhaust from the BESS and components and must comply with the setbacks established in paragraph 6 above.

9. Noise: An Acoustic Study shall be provided in order to ensure that any increase in sound complies with Mass DEP requirement limiting any increase in ambient noise to be less than 10 decibels at the property line.

10. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within one year immediately preceding the filing an application to install a Tier 2 or Tier 3 BESS, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to two times the total area of Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.

11. Mitigation for Disruption of Trail Networks. If existing trail networks, old roads, or woods or cart roads are disrupted by the location of a Tier 2 or Tier 3 BESS, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

12. Mitigation for Disruption of Historic Resources and Properties. Historic resources, structures and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed for a Tier 2 or Tier 3 BESS. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area as determined by the PEDB shall be established on all sides of each historic resource.

13. Batteries. Failed battery cells and modules shall not be stored on the site and shall be removed no later than 30 days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Carver Fire Department in advance if the type of battery or batteries used onsite is to be changed.

14. Decommissioning Plan. The applicant shall submit with its application a decommissioning plan for Tier 2 or Tier 3 BESS to be implemented upon abandonment and/or in conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Commissioner in writing at least twenty days prior to when a Tier 2 BESS or Tier 3 will be decommissioned. Decommissioning of an abandoned or discontinued Tier 2 BESS or Tier 3 shall be completed within six months after the facility ceases operation. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method by which the decommissioning cost will be kept current;
- g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

15. **Decommissioning Fund.** The owner and/or operator of the energy storage system, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the Planning Board and Town Counsel, for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

16. **Proof of Liability Insurance.** The applicant or property owner shall provide evidence of commercially liability insurance in an amount and type generally acceptable in the industry and approved by the PEDB prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with this bylaw.

3590.60. Site plan application. For a Tier 2 or Tier 3 Battery Energy Storage System the site plan application shall include the following information, in addition to that required by Section 3100 of this Zoning Bylaw:

1. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all State Electrical Code compliant disconnects and over current devices.
2. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

3. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
4. Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL 9540A fire test data must be made available to the Planning Board and Fire Department for review: - BESS systems with a capacity of greater than 50kWh - BESS systems with spacing between arrays of less than 3 feet
5. Safety data sheet (SDS) that address response safety concerns and extinguishment.
6. Commissioning Plan. The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the Building Code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to Zoning Enforcement Officer and the Carver Fire Department prior to final inspection and approval and maintained at an approved on-site location.
7. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with state codes, including documentation that BESS components comply with the safety standards set forth in subsection 3590.80.
8. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth state codes and NFPA 855. Maintenance provisions will be driven by manufacturer requirements for the specific listed system.
9. Depending on the location of the BESS in relation to and its interaction with the electrical grid, interconnection will be completed per 527 CMR 12.00. System interconnections into utility grids shall be in accordance with NFPA 855. An accessible disconnect is required per 527 CMR 12.00.
10. Prior to the issuance of the building permit, engineering documents must be signed and sealed by a Massachusetts Licensed Professional Engineer.
11. Emergency Operations Plan. An Emergency Operations Plan compliant with NFPA 855 is required. A copy of the Emergency Operations Plan approved by the Carver Fire Department shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police

Department, Building Commissioner, and Town Manager's office with contact information for personnel that can be reached 24 hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

b. Procedures for inspection and testing of associated alarms, interlocks, and controls, including time intervals for inspection and testing.

c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

f. Procedures for safe disposal of battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment and any affected soils from the facility.

g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

3590.70. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change. A new owner or operator must provide such notification to the

Building Commissioner in writing and meet with any permitting authority from which the original applicant received a permit.

3590.80. Safety

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- b. UL 1642 (Standard for Lithium Batteries),
- c. UL 1741 or UL 62109 (Inverters and Power Converters),
- d. Certified under the applicable electrical, building, and fire prevention codes as required.
- e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

2. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

3. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

3590.90. Abandonment

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than 90 days. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a Tier 2 BESS or Tier 3 and restoration of the site in accordance with the decommissioning plan.

3590.95 Definitions

As used in this bylaw, the following terms shall have the meanings indicated. Terms that are not defined herein or elsewhere in this Zoning Bylaw shall be as defined in NFPA 855 if applicable.

ANSI: American National Standards Institute

Battery or batteries: A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy

electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management System (BESS): An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Dedicated-Use Building: A building that is built for the primary intention of housing battery energy storage system equipment, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Direct abutter: an owner of property, as shown on the most recent applicable tax list, that is adjacent to the property(ies) seeking a permit.

Forest Land: an ecosystem at least one acre in size stocked with trees capable of producing timber or other wood products which have not been developed for other uses.

Nationally Recognized Testing Laboratory (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NFPA: National Fire Protection Association. **Non-Dedicated-Use Building:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

Non-Participating Property: Any property that is not a participating property.

Non-Participating Residence: Any residence located on non-participating property.

Participating Property: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

This bylaw: Section 3590 of the Zoning Bylaw

UL: Underwriters Laboratory

PLANNING BOARD

INFORMATIONAL SUMMARY: After a lengthy study by the Solar and Battery Storage Moratoria Study Committee, this new section of the Town's zoning bylaw is recommended to balance the interests of the public in protecting the health and safety of residents and abutters and in preserving the environmental integrity of the Town, while also promoting the development of battery storage in the Town and the interests of property owners to use their land for the development of battery power.

PROPOSED MOTION: Motion made by Mark Townsend and seconded . I move that the Town approve Article 28 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 4-0

MOTION TO AMEND MADE BY DANIEL RYAN AND SECONDED. To amend section 3590.60 Site plan application to add subsection.

12. Yearly Site Inspection Plan. Such plan shall specify that a yearly site plan is conducted by a Massachusetts Licensed Professional Engineer to document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes.

Amend section 3590.80 Safety to add subsection.

4. Yearly Site Inspection. A yearly inspection shall be conducted by a Massachusetts Licensed Professional Engineer per the Yearly Site Inspection Plan. A Corrective action plan shall be developed for any open or continuing issues that are reported. A report describing the results of the site inspection and corrective action plan shall be provided to the Carver Fire Department, Police Department, Carver Building Commissioner and Town Manager's Office.

ARTICLE 28 VOTE TO AMEND : 185YES/ 37 NO PASSES

ARTICLE 28 FINAL VOTE: 185YES/ 49 NO PASSES

ARTICLE 29: AMEND USE TABLE FOR BATTERY STORAGE

Battery Storage Tier 3	NSP* ¥	SP* ¥	NSP* ¥	NSP* ¥	NSP* ¥	N	SP* ¥	SP* ¥	SP* ¥	SP* ¥	NSP* ¥

PLANNING BOARD

INFORMATIONAL SUMMARY: If Town Meeting votes to approve the proposed Battery Storage Bylaw, the Use Regulation Schedule will have to be amended to reflect the zoning districts in which such facilities will be allowed. Additional terms relative to battery storage need to be defined as set forth in this article.

PROPOSED MOTION: Motion made by Sarah Hewins and seconded. I move that the Town approve Article 29 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 4-0; Solar/Battery Energy & Solar Systems Committee 7-2

ARTICLE 29 FINAL VOTE: 181 YES/ 50 NO PASSES

ARTICLE 30: AMEND ZONING MAP TO CORRECT PREVIOUS ZONING CHANGES NOT REFLECTED IN THE CURRENT 2015 ZONING MAP

To see if the Town will vote to amend the 2015 Zoning Map to correct previous omissions and printing errors on the parcels listed below as shown on “Corrections to Carver Zoning Map” maps on file with the Town Clerk:

Map and Lot	District Shown on Current Map	Correct District	Town Meeting Vote Assigning Correct District
A. Map 16, Lot 19	Residential/Agricultural	General Business	Mapping error ca. 2011
B. Map 21, Lot 1	Industrial C	Highway Commercial	ATM 2005, Art. 43
C. Map 18 Lot 23	Village Business	Village District	ATM 2005 Art. 44
D. Map 18 Lot 24	Village Business	Village District	ATM 2005 Art. 46
E. Map 18 Lot 25	Village Business	Village District	ATM 2005 Art. 47
F. Map 18 Lot 26	Village Business	Village District	ATM 2005 Art 45
G. Map 104 Lot 2	Residential/Agricultural	General Business	ATM 2009 Art. 46
H. Map 18 Lot 11 & Map 18 Lot 21	General Business	Village Business	STM, Nov 8, 2010 Art 18
I. Map 22 Lot 8	Highway Commercial	Industrial C	STM, Nov 8, 2010 Art 18
J. Map 23 Lot 3-1 & Map 23 Lot 3-3	Green Business Park	Residential/Agricultural	STM, Nov 8, 2010 Art 18
K. Map 32 Lot 4-0 (7 acre portion)	Residential/Agricultural	Spring St. Innovation District	ATM 2016 Art. 14
L. Map 75 Lot 1 (170,000 sf portion)	Residential/Agricultural	Village District	ATM 2017 Art. 12 Part B

PLANNING BOARD

INFORMATIONAL SUMMARY: This is a “housekeeping article” and no parcels are being rezoned under this article, only correcting the map to reflect previous Town Meeting Votes.

PROPOSED MOTION: Motion made by Jen Bogart and seconded. I move that the Town approve Article 30 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 3-0

ARTICLE 30 FINAL VOTE: 204 YES/ 31 NO PASSES

ARTICLE 31: AMEND CARVER ZONING BYLAW SECTION 2320 “TABLE OF DIMENSIONAL REQUIREMENTS

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 2320. Table of Dimensional Requirements, Maximum Building Height (feet) to decrease the maximum Building Height in the Green Business Park Zoning District from sixty five (65) feet to a maximum Building Height of forty (40) feet. This amendment would reverse the change voted in 2022 which raised the height from 40 feet to 65 feet, or take any other action relative thereto.

REQUIREMENT	RA	HC	GB	VB ^a	V	V (Res.)	GBP ^b	IA ^d	IB	IC ^c	AP	SSID ^e
MAX. BUILDING HEIGHT (feet) ^{8, 9, 11,12}	35	40	40	30	30	30	65 40 ¹¹	40	40	40	40	40

PLANNING

BOARD

INFORMATIONAL SUMMARY: This proposed bylaw amendment would return the maximum height of a building in the Green Business Park zoning district to forty feet. The height was raised to sixty-five feet as part of Article 10 at the 2022 Annual Town Meeting.

PROPOSED MOTION: Motion made by James Hoffman and seconded. I move that the Town approve Article 31 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 3-0

ARTICLE 31 FINAL VOTE: 218 YES/ 18 NO PASSES

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

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3170. Approval. To increase from one year to two years lapse of Site Plan Approval to be consistent with time allowed for Special Permits under Section 5370 as shown below with additions in **bold** and deletions in ~~strikethrough~~:

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

or take any other action relative thereto.

PLANNING

BOARD

INFORMATIONAL SUMMARY: This Zoning Bylaw Amendment will make the time frame for Site Plan Approval the same as for Special Permits. Frequently projects require both, and by making both permits good for two years, applicants won't have to return to the Planning Board to extend an approved Site Plan while their Special Permit is still valid. State law allows for a maximum period of three years for Special Permits.

PROPOSED MOTION: Motion made by John Cotter and seconded. I move that the Town approve Article 32 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 3-0

ARTICLE 32 FINAL VOTE: 202 YES/ 39 NO PASSES

ARTICLE 33: INCREASE THE PERCENTAGE OF AFFORDABLE UNITS FOR TOWN HOUSE DEVELOPMENTS TO 15%

To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3941 to increase the percentage of affordable units to 15% to be consistent with Sections 2852, Planned Neighborhood Development and Section 3030, Inclusionary Units; Bonus Units, bylaws as shown below with additions shown in **bold** and deletions shown in ~~strikethrough~~; or take any other action related thereto.

Town House Development

3941. ~~Ten percent (10%)~~ **fifteen percent (15%)** of the total number of dwelling units shall meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through, and homebuyers or renters selected by, a housing organization

approved by the Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase / occupancy of unit. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development.

PLANNING BOARD

INFORMATIONAL SUMMARY: This proposed bylaw amendment will increase the percentage of dwelling units that must be affordable for proposed Town House projects from 10% to 15% so as to be consistent with other provisions in the Zoning Bylaws.

PROPOSED MOTION: Motion made by Mark Townsend and seconded. I move that the Town approve Article 33 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 3-0

ARTICLE 33 FINAL VOTE: 164YES/ 70 NO PASSES

ARTICLE 34: DELETE FROM CARVER ZONING BYLAW EXPIRED MORATORIUM SECTION 4970

To see if the Town of Carver will vote to amend the Carver Zoning Bylaw, by deleting Section 4970 Temporary Moratorium on non-medical or recreational marijuana that expired on June 30, 2019. Town Meeting approved Article 17 creating Section 5000. Non Medical marijuana Overlay District and Bylaw on April 22, 2019; or take any other action relative thereto.

PLANNING BOARD

INFORMATIONAL SUMMARY: This Article will remove from the Zoning Bylaw, a temporary moratorium on recreational or non-medical marijuana that expired on June 30, 2019, after Town Meeting voted to allow Non- Medical Marijuana on April 22, 2019.

PROPOSED MOTION: Motion made by Sarah Hewins and seconded. I move that the Town approve Article 34 as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Planning Board 3-0

ARTICLE 34 FINAL VOTE: 218 YES/ 10 NO PASSES

PETITION ARTICLES: PRESENTED AS SUBMITTED

Submitted by: Name Patricia Cooney

PETITION

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board request that the following Article be placed on the WARRANT FOR TOWN MEETING:

ARTICLE 35: To see if the Town will vote to add the following to the General Bylaws:

1. Citizen Participation will be allowed at all duly called meetings and there will be no restriction on the topic presented to any board. Any topic of importance to any resident may be present at any public meeting,

Purpose: The purpose of this by-law is to ensure that the citizens' rights are protected as written under Article 19 of the Massachusetts Constitution which specifically states that "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petition, or remonstrances, redress of the wrongs done them, and of the grievances they suffer."

2. For the purposes of transparency in our Town Government, the following Boards and Committees will have ALL their meeting recorded by Area 58. Approval of the Chair of the Board is not necessary. Additionally, the practice of scheduling multiple meetings at the same time or on the same day (specifically for the eight boards and committees listed below) will cease immediately.

- a. THE SELECT BOARD
- b. THE CONSERVATION COMMITTEE
- c. THE COUNCIL ON AGING
- d. THE EARTH REMOVAL COMMITTEE
- e. THE FINANCE COMMITTEE
- f. THE PLANNING BOARD
- g. THE REDEVELOPMENT COMMITTEE
- h. THE ZONING BOARD OF APPEALS

Purpose: The Boards and Committees listed above are the very backbone to this Community and are the Permitting Committees. Since these are important meetings for the community as they determine the future of our natural resources, our fiscal budget and other important issues in town it is imperative that the citizens have access to these meetings, either by attending in person or by having the option of watching the meeting as it taking place on Area 58. Consent of the Chair is unnecessary as the Open Meeting Law provides for the recording of all meetings, provided that notification is made to the Chair.

3. Any agenda item for any Board or Committee requested by a Citizen of the Commonwealth will be placed on the agenda of any Board or Committee within 72 hours

of a meeting. The Chair of each Board will not have any discretion to bar or otherwise prevent any citizen from placing an item on the agenda.

Purpose: This By-law will ensure that any issue that arises that is of importance to any citizen will be presented at a public meeting whether designated as a “working meeting” or otherwise labeled for discussion on the requested date, within 72 hours of any meeting.

4. To see if the Town will vote to approve to terminate the services of KP Law and seek the services of a new Town Counsel. At least four (4) law-firms will be

interviewed and presented to the residents to be voted on at a Special Town Meeting within six months of the Annual Town Meeting.

Purpose: It has come to the attention of the residents within the Town of Carver that on several occasions the attorneys of KP Law have made material misrepresentation to the residents of the Town of Carver, that have affected several important issues within the Town, that affect the health, safety and general well-being of all the residents within the Town.

5. To see if the Town will vote to approve that prior to any by-law concerning any Board or Committee's personnel the current by-law will be enforced in its entirety. Any future change to any by-law will be enforced immediately, either upon request of a resident OR by any member of any Board or Committee or appointing authority. To ensure that any and all requests for permits, site plans, solar installations or any other request to any Board or Committee where the committee failed to follow the laws of the Town are valid the Select Board will have an independent third-party audit performed to ensure that the Town is protected against any future litigations.

Purpose: The current by-laws were presented and approved at past Town Meetings. They are the laws of the Town and no member of any Board of Committee has the authority to ignore these laws, they are to be enforced in their entirety before any change is made to them.. Specifically, any by-law that deals with attendance or personnel. Specifically, but not limited to, the current by-laws concerning:

- a. Three consecutive absences create an immediate vacancy
- b. No person shall sit on two boards that have permitting authority
- c. Finance Committee members cannot sit on any other board or committee
- d. All Board members are to be sworn in prior to performing any duties on any Boards and Committees

MOTION MADE BY ALAN GERMAIN AND SECONDED TO TAKE EACH ITEM NUMBER SEPERATELY.

PETITION ART.35 MOTION VOTE: 166 YES/78 NO PASSES

PETITION ART.35 (1) FINAL MAJORITY VOTE: 114 YES/131 NO FAILS

PETITION ART.35 (2) FINAL MAJORITY VOTE: 71 YES/163 NO FAILS
MOTION MADE BY PATRICIA COONEY AND SECONDED TO STRIKE THE 1ST LINE IN #2.

PETITION ART.35 MOTION VOTE: 107 YES/121 NO FAILS

MOTION MADE BY PAUL JOHNSON AND SECONDED TO STRIKE “BY AREA 58 “ FROM SENTENCE ONE.

PETITION ART.35 MOTION VOTE: 107 YES/121 NO FAILS

MOTION TO AMEND MADE BY PATRICIA COONEY AND SECONDED TO STRIKE AND REPLACE “COMMONWEALTH WITH TOWN OF CARVER’

PETITION ART.35 MOTION VOTE: 97 YES/97 NO FAILS

**MOTION MADE AND SECONDED TO RECONSIDER ART.35 MOTION TO AMEND
2/3 VOTE : 85 YES/149 NO FAILS**

MOTION TO AMEND MADE BY PATRICIA COONEY AND SECONDED TO INDEFINELY POSTPONE Art.35 SECT # 3, 4, 5

PETITION ART.35 MOTION TO POSTPONE 3,4,5 VOTE: 208 YES/23 NO PASSES

**MOTION MADE BY DONNA FORAND AND SECONDED TO RECONSIDER ART.35
2/3 VOTE : 88 YES/152 NO FAILS**

Submitted by: Name Daniel Ferrini

PETITION 36

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board to place the following General Bylaw on the WARRANT FOR TOWN MEETING:

ARTICLE 36: (Citizen Petition: Lithium-Ion Battery Storage) To see if the Town will adopt the following General By-Law for protection of the public health, safety, and welfare:

Section 9.9 LITHIUM-ION BATTERY STORAGE

9.9.1 It shall be unlawful for any person to operate lithium-ion battery storage equipment designed or capable of storing an energy capacity of 10 megawatts or more except in compliance with this Section 9.9.

9.9.2 Definition. “Lithium-ion battery storage equipment” shall mean equipment utilizing a lithium-ion battery chemistry as a medium of energy storage and shall include but not be limited to battery cells, modules, enclosures, and related necessary structures.

9.9.3. LITHIUM-ION BATTERY PERMITS AND PROCEDURE

9.9.3.1 PURPOSE

The purpose of this section is to specify a permit requirement for the operation of lithium-ion battery storage equipment to protect the public health, safety, convenience, and general welfare.

9.9.3.2 PERMIT REQUIRED

It shall be unlawful for any person to operate a lithium-ion battery storage equipment, for all such equipment designed or operated to store an energy capacity of 10 megawatts or more, without a special permit issued by the Planning Board.

9.9.4 APPLICATION

The following information shall be included in any application for a special permit to operate lithium ion battery storage equipment:

- a. Name of the applicant.
- b. Address of the applicant.
- c. Location of the proposed lithium-ion battery storage equipment.
- d. Storage capacity of the proposed lithium-ion battery storage equipment.
- e. The applicant shall provide a training plan, approved by the Town Fire Chief, for all specialized training required to respond to any emergency incident involving the lithium-ion battery storage equipment. Said plan shall provide for training on an annual basis.

- f. The applicant shall provide an emergency operations plan (“EOP”) as required by applicable National Fire Protection Association (“NFPA”) standards.
- g. The applicant shall provide a hazard mitigation analysis (“HMA”) as required by applicable NFPA standards.
- h. A description of battery components and specific chemical and physical makeup and composition.
- i. The applicant shall prepare an air dispersion model and analysis to determine the extent and effects of a thermal runaway event affecting at least 50% of the lithium-ion battery cells proposed for use as part of the lithium-ion battery storage equipment.
- j. The applicant shall prepare an analysis to determine the extent and effects of a thermal runaway event affecting at least 50% of the lithium-ion battery cells proposed for use as part of the lithium-ion battery storage equipment.
- k. The applicant shall prepare an analysis of the manpower and equipment needs for an emergency response to a thermal runaway event affecting at least 50% of the lithium-ion battery cells proposed for use as part of the lithium-ion battery storage equipment.
- l. The applicant shall provide such other analyses as may be requested by the Town, including but not limited to the Town Fire Department, related to the public health, safety, convenience, or welfare and the operation of the proposed lithium-ion battery storage equipment.

9.9..5 EMERGENCY OPERATION PLAN REQUIRED CONTENT

The EOP shall include, in addition to all information required by applicable NFPA standards, the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous

conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

e. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery.

f. Identification of all hazards associated with the potential for fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions related to the lithium-ion battery storage equipment.

g. Determination of the effective response force (manpower) and necessary equipment to respond to each of the hazards so identified, and a comparison of the Town's actual response force and existing equipment to the effective response force and necessary equipment to identify gaps or deficiencies.

h. Creation of an emergency evacuation plan tailored to the Town and each of the hazards so identified.

i. Creation of an emergency response guide with specific protocols and procedures for Town emergency responders for each of the hazards so identified and the necessary manpower and equipment for each response scenario.

j. Other procedures or information as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders. energy storage system equipment from the facility.

9.9.6 STANDARDS

No special permit shall issue unless the Planning Board finds that:

a. The EOP, HMA, evacuation plan, and other emergency response documents are sufficient in content and detail to protect the public health, safety, convenience, and welfare.

- b. The manpower, equipment, and other resources available to the Town's emergency responders are sufficient to respond to a potential hazard or emergency response scenario associated with the proposed lithium-ion battery storage equipment.
- c. The applicant has adequately and completely identified all hazards associated with the operation of the lithium-ion battery storage equipment in the location proposed.
- d. The lithium-ion battery storage equipment will be in a location that will not cause undue or excess risk to the public health, safety, convenience, and welfare.
- e. The potential hazards associated with the lithium-ion battery storage equipment in the particular location proposed can be appropriately managed and minimized.
- f. There are no other considerations that would result in operation of the lithium-ion battery storage equipment in the particular location creating an undue or unacceptable risk to the public health, safety, convenience, and welfare.

9.9.7 ENFORCEMENT

The Planning Board shall have the authority to enforce the provisions of this section through the issuance of cease and desist orders, criminal court actions, or civil court actions. As an alternative to criminal prosecution in a specific case, the Planning Board may issue a citation under the noncriminal disposition procedure in G.L. c.40, §21D, if adopted by the Town as a General ByLaw

PETITION ART.36 FINAL MAJORITY VOTE: 97 YES/136 NO FAILS

Submitted by: Name Mary C. Dormer

PETITION 37

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board to insert the following amendment to the Carver Zoning By-law, Section 3580.00, Large Ground Mounted Solar Photovoltaic Installations, on the WARRANT FOR TOWN MEETING

ARTICLE ____: To see if the Town will vote to amend Zoning By-law 3580.32, Land Clearing, Soil Erosion and Habitat Impacts.

To add the following to Section 3580.32 of the Bylaw:

A LSGMSPI that actively occupies more than five acres in area in any Residential-Agricultural District is prohibited.

In all Zoning Districts, if a parcel has been previously disturbed, LSGMSPI may not be installed on such parcel for a period of five years from the latest date of disturbance. "Previously disturbed" shall mean cleared or substantially cleared of natural vegetation by other than natural forces such as fire or flood, or where earth materials, including sand, gravel and topsoil have been removed, or other land clearing and earth removal operations have occurred. This does not include land cleared for the purposes of forestry.

A LGMSPI consisting primarily of Disturbed Area and, if located within any of the following Districts or areas, provided a minimum 200-foot Buffer is in place along each Lot line that abuts a Residential District shall be allowed by Special Permit from the Planning Board under Section 5300.

HC-Highway Commercial

GB-General Business VB-Village Business

V-Village

GBP-General Business Park

IA-Industrial A

IB-Industrial B

IC-Industrial C

AP-Airport

SSID-Spring Street Industrial District

Explanation:

Carver derives 100% of its water from the Plymouth Carver Sole Source Aquifer, designated as a sole source aquifer by the United States Environmental Protection Agency under the federal Safe Drinking Water Act. Almost 50% of Carver is wetlands. The Aquifer is vulnerable to contamination because the water table is close to the ground surface and is made of sandy soils

that allows pollution to enter the drinking water easily. Existing trees, vegetation, wetlands and sand and gravel are the only protection for the water quality and quantity of the Aquifer. Portions of the Aquifer in Carver are contaminated with PFAS and PFOA (“forever chemicals”), volatile organic compounds and other pollutants that cause cancer, neurological disease and are otherwise harmful to the public health, safety and welfare.

In the past approximately ten years, at least 500 acres of forests, topsoil and vegetation have been removed in Carver to install at least ten Large Ground Mounted Solar Photovoltaic Installations. Sand and gravel removal operations and development have also removed forested lands and Aquifer protection in Carver. This cumulative deforestation from Large Ground Mounted Solar Photovoltaic Installations and ongoing sand and gravel removal are exposing the drinking water to contamination. This is permanently removing the natural filtration for the groundwater. Some of the Large Ground Mounted Solar Photovoltaic Installations have also impacted wetlands that filter and protect the groundwater. Some include commercial mining operations that extract earth materials from the Aquifer itself, exposing the Aquifer to contamination.

Avoiding further loss of forests, vegetation and sand and gravel is imperative for the future safety of Carver’s drinking water and the health safety and welfare of the residents. If more drinking water becomes contaminated Carver will require costly drinking water decontamination facilities.

**MOTION MADE BY SAVERY MOORE AND SECONDED TO AMEND AND REMOVE
GBP – GENERAL PARK FROM THE LIST OF ZONING DISTRICTS THAT REQUIRE
A SPECIAL PERMIT FROM THE PLANNING BOARD FOR LSGMSPI SECT. 5300
PETITION ART.37 MOTION VOTE: 100 YES/109 NO FAILS**

PETITION ART.37 FINAL VOTE: 74 YES/136 NO FAILS

Submitted by: Name Mary C. Dormer

PETITION38

Honorable Select Board Date December 22, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board request that the following Article be placed on the WARRANT FOR TOWN MEETING:

ARTICLE 38:

To see if the Town will vote to amend the Carver Zoning Bylaw by adding a new Section 3580.70 to place an eleven and a half month moratorium on the construction of Dual Use Large Scale Ground Mounted Solar Photovoltaic Installations (“Dual Use”) and Floating Solar Photovoltaic Installations (“Floating Solar”).

The purpose of this moratorium is to allow sufficient time to engage in a study and planning process to determine:

1. the total number of existing Dual Use Solar installations in the Town, the number of solar panels on each, the number of lithium-ion battery storage units associated with each, and the amount, status and terms of the financial surety for each;
2. cumulative impact on wetlands resources and the Plymouth Carver Sole Source Aquifer including stormwater runoff, water quality and water quantity;
3. the decommissioning terms and conditions for each, including the method and location of disposal or recycling of the solar panels and associated equipment.

Said study shall be conducted under the direction of the Planning Board which may engage such independent, professional experts as it sees fit, in order to assess the impact on the public health, safety, and welfare of Carver residents, including but not limited to safe drinking water and protection of the Plymouth-Carver Sole Source Aquifer.

Explanation: Carver has at least seven existing or proposed “Dual Use” commercial solar installations on cranberry bog wetlands and at least one “Floating Solar” installation is proposed. Recent, ongoing failures of regulatory oversight have led to the construction of Dual Use solar projects that threaten the public health, safety and welfare including wetlands and the Plymouth Carver Sole Source drinking water aquifer. Almost 50% of Carver consists of wetlands.

In 2021, PineGate Renewables installed 3,500 wooden solar panel poles treated with Copper Chromated Arsenic (“CCA”) a carcinogen in Carver’s wetlands and the Plymouth Carver Sole Source Aquifer for a Dual Use project. PineGate’s own reports state that CCA leaches from the poles. An unknown quantity of the chemicals has leached into the soil and groundwater. The CCA poles were recently removed but there is no known plan for future construction methods for the Dual Use solar project. A Floating Solar project is proposed to be located on a pond

created by an industrial sand and gravel mining operation from 2018 to the present conducted by Franklin Marsh LLC on Plymouth Street in Carver. The mining operation removed forested uplands and at least 1 million cubic yards of sand and gravel, excavated into the groundwater and harmed wetlands. The mining operation’s clearing of forest, vegetation and wetlands and excavation of sand and gravel permanently removed the filtration protection for the Aquifer, the sole source of drinking water for Carver residents.

A moratorium is necessary to study the past and future individual and cumulative impact of Dual Use and Floating Solar on the Sole Source Aquifer and the public health, safety and welfare of the residents of Carver.

Dual Use and Floating Solar “SMART” solar subsidies under are under review by the Department of Energy Resources (DOER). A temporary moratorium will allow Carver to study the impacts on the public health, safety and welfare, including drinking water supplies, of existing and proposed Dual Use and Floating Solar to align the Zoning Bylaw with DOER’s program and the interests of the

PETITION ART.38 FINAL VOTE: 70 YES/151 NO FAILS

Submitted by: Name Mary C. Dormer

PETITION 39

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board to insert the following amendment to the Carver Zoning By-law, Section 3580.00, Large Ground Mounted Solar Photovoltaic Installations, on the WARRANT FOR TOWN MEETING

ARTICLE 39: To see if the Town will vote to amend Zoning By-law 3580.70 Dimension and Density Requirements, Setbacks by striking from Section 3580.70, subsections (2)(a), (2)(b) and (2)(c).

Explanation:

Carver has at least twenty Large Ground Mounted Solar Photovoltaic Installations (LGMSPI) constructed in the Residential-Agricultural (RA) district. At least seven are “Dual Use” installations on cranberry bogs on land in residential areas. In 2018, the Town changed the Bylaw to allow reduced setbacks from residential properties to maximize the number of solar panels that could be installed for commercial installations.

This Article will reinstate the 200 foot setback requirement of the Bylaw for solar installations in RA zones. A 200 foot buffer between large solar installations on cranberry bogs helps residential properties protect their property values, avoid glare and light pollution, noise and threats to their private drinking water wells.

A 200 foot buffer (setback) between Dual Use solar installations and residential properties maintains a forested and vegetated buffer that helps protect private wells from contamination. This includes potential chemical contamination from stormwater runoff from solar panels, transformers, inverters, lithium ion batteries and other equipment and infrastructure associated with the Dual Use Solar projects.

Carver derives 100% of its water from the Plymouth Carver Sole Source Aquifer, designated as a sole source aquifer by the United States Environmental Protection Agency under the federal Safe Drinking Water Act. The Aquifer is vulnerable to contamination because the water table is close to the ground surface and is made of sandy soils that allows pollution to enter the drinking water easily. Almost 50% of Carver is wetlands that help protect groundwater. A 200 foot setback is critical to protecting groundwater.

NO ACTION TAKEN

Submitted by: Name Daniel Ferrini

PETITION 40

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board to insert the following WARRANT FOR TOWN MEETING

ARTICLE 40: To see if the Town will vote to make the following changes to Section 2230, Use Regulation Schedule, Section C, Industrial, of the Zoning By-law:

In the row “Large-Scale Ground Mounted Solar-Photovoltaic Installations,” replace “SP*” with “N” under column RA.

If Town Meeting votes to accept Article XX (General Bylaw amendment), in the first column, replace “Battery Storage” with “Lithium-ion battery storage equipment-6” and to add note 6, “allowed by Special Permit from the Planning Board under the General Bylaw, Article 9.9.

In the amended “Lithium-ion battery storage equipment-6” row, replace “SP*Y” with “N” in the RA, HC, GB, VB, V, GBP and SSID columns.

Explanation: Carver has at least twenty Large Scale Ground Mounted Solar-Photovoltaic Installations (LGMSPI) existing and in the permitting process. These cover over 500 acres. Most are located in the Residential-Agricultural district. Almost

all have cleared forests and vegetation and some have removed sand and gravel. Carver is located in the Plymouth Carver Sole Source Aquifer and all residents obtain their water from private or public wells that take water from the Aquifer. Almost 50% of Carver consists of wetlands. The Aquifer is designated as a sole source aquifer by the United States Environmental Protection Agency under the Federal Safe Drinking Water Act. Removing forests, vegetation, wetlands and sand and gravel in Residential-Agricultural districts removes protection for the drinking water aquifer and threatens the public health, safety and welfare. Adding more Large Scale Ground Mounted Solar-Photovoltaic Installations in the RA district threatens private drinking water wells, wetlands, and the public health safety and welfare. Additional LSGMSPI can be located in the Industrial districts to prevent harm to the public health, safety and welfare, including drinking water.

ART. 40 NO ACTION TAKEN

Submitted by: Name Daniel Ferrini

PETITION 41

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board to place the following General Bylaw on the WARRANT FOR TOWN MEETING:

ARTICLE 41: (Citizen Petition: Lithium-Ion Battery Storage) To see if the Town will adopt the following General By-Law for protection of the public health, safety, and welfare:

Section 9.9 SAFETY: LITHIUM-ION BATTERY STORAGE

9.9.1 It shall be unlawful for any person to operate lithium-ion battery storage equipment designed or capable of storing an energy capacity of 10 megawatts or more.

9.9.2 Definition. "Lithium-ion battery storage equipment" shall mean equipment utilizing a lithium-ion battery chemistry as a medium of energy storage and shall

include but not be limited to battery cells, modules, enclosures, and related necessary structures.

PETITION ART.41FINAL VOTE: 84 YES/140 NO FAILS

Submitted by: Name Patricia Cooney

PETITION 42

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board request that the following Article be placed on the WARRANT FOR TOWN MEETING:

ARTICLE 42: To see if the Town will vote to amend Section 9.1.4, Earth Removal Permit Requirements, by inserting a new Section 9.1.4a¹/₂

No earth shall be removed from any lot in the Town of Carver for a period of eleven and one-half months from the adoption of this Section by Town Meeting, except as provided in Section 9.1.8(A), (B) or (C).

MOTION MADE BY MARY DORMER AND SECONDED TO AMEND 9.1.4 EARTH REMOVAL PERMIT REQUIREMENTS

PETITION ART.42 MOTION VOTE: 44 YES/177 NO FAILS

PETITION ART.42 FINAL VOTE: 28 YES/177 NO FAILS

MOTION TO RECONSIDER PETITION ART.42 : 22 YES/191 NO FAILS

Submitted by: Name Patricia Cooney

PETITION 43

Honorable Select Board Date December 27, 2022

Carver, Massachusetts

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board request that the following Article be placed on the WARRANT FOR TOWN MEETING:

ARTICLE 43: (Citizens Petition Payment of Real Estate Taxes:)

PAYMENT OF REAL ESTATE TAXES

To see if the Town will vote to urge the Board of Assessors to use its authority under General Laws Chapter 59, Sections 38 and 21, and any other authority, to retain an independent professional forensic auditor to review all past and current classifications of lands in Chapter 61A for each year from 2012 to the present in order to:

- Make a public report containing:

The total number of acres of land enrolled in Chapter 61A in the Town of Carver, for each year, and the Map and Lot number and landowner of each lot.

An independent, credible, verifiable demonstration that all land enrolled in Chapter 61A has been used since 2012 to the present as “land used primarily and directly” for agricultural or horticultural purposes under G.L.c. 61A, Sections 1 and 2 and not for other purposes such as:

- Commercial mining within the meaning of Carver General Bylaws, Section 9.1.3, including mining claimed to be exempt from the General Bylaw under Section 9.1.8,
- Dual Use Solar Large Scale Ground-Mounted Solar Photovoltaic Installations;
- A determination whether the Town has been deprived of tax revenue for any lands improperly enrolled in Chapter 61A, for each year since 2012, and the cumulative amount of revenue so lost.

Pursuant penalties under Chapter 61A, Section 23 for any land not used primarily and directly for agricultural or horticultural purposes.

Explanation:

[Source of acres of land – Carver Master Plan 2017, Town of Carver Land Use]Carver has a total of 25,422 acres of land.

As of the year 2071, 48% of the 25,422 acres were stated to be in “agricultural use” according to the Town’s Master Plan, for a total of about 12,212 acres claimed to be in agricultural use.

According to the Cape Cod Cranberry Growers Association, Carver has approximately 3,400 acres of actual cranberry agricultural lands as of 2014, leaving about 8,812 acres of land in agricultural use but not considered cranberry agricultural land by CCGA.

Landowners who enrolled their land in “Chapter 61A’ agricultural or horticultural use are awarded to preferential real estate tax rate.

Since at least 2010, the Earth Removal Committee has issued permits for Commercial Mining for landowners of lands enrolled in Chapter 61A “agricultural or horticultural use” including but not limited to:

A.D. Makepeace Cranberry Co.

Slocum Gibbs Cranberry Co.

Federal Furnace Cranberry Co.

Weston Brothers Cranberry Co.

Alex Johnson Cranberry Co.

Johnson Brothers Cranberry Co.

Oiva Hannula Cranberry Co.

Foley Farms

Franklin Marsh Cranberry Co.

These landowners are conducting Commercial Mining within the meaning of the Earth Removal Bylaw on lands enrolled in Chapter 61A. Such mining cannot be considered an agricultural use.

It is imperative that the Board of Assessors determine by credible, verifiable independent data whether all of the 8,812 acres of land reported to be “agricultural” on the Master Plan, is enrolled in Chapter 61A and if so whether the land is and have been, in fact, used “primarily and directly” for “agriculture” as defined by G.L.c. 61A,

Section 2A or whether it is and has been used primarily and directly for Commercial Mining.

The Town leadership repeatedly explains that increased revenues are imperative for Town operations. For the Fiscal Year 2023 the Select Board approved a 15% increase in the real estate taxes for residential properties.

Failing to ensure that lands enrolled in “agricultural or horticultural use” under Chapter 61A are actually used primarily and directly for agricultural purposes and not primarily for commercial or industrial purposes conflicts with this reported revenue capture imperative. Enrolling lands in Chapter 61A as agricultural use when they are used primarily and directly for Commercial Mining would deprive the Town of real tax revenue owed by landowners using their land for commercial and industrial operations while claiming an industrial use. This forces the taxpayers of Carver to bear an unfair burden of the Town’s expenses while letting cranberry landowners and sand and gravel mining operators evade their fair share of taxes.

PETITION ART.43 FINAL VOTE: 40 YES/171 NO FAILS

MOTION TO ADJOURN made and seconded. A voice Vote was taken and it was unanimous to adjourn the meeting at 10:18 PM

A True Record, Attest:

Cara L. Dahill
Town Clerk - CMC