

TOWN OF CARVER

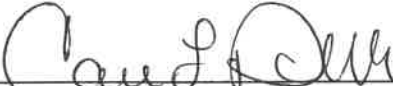
OFFICIAL BULLETIN

Amendments to the Town of Carver **ZONING BY-LAW ARTICLES** adopted under **Articles 10,11,12,13,14,15,16,17** of the Warrant for the Annual Town Meeting that convened on April 12, 2022 are attached hereto with the approval of the Attorney General as outlined in her letters dated September 19, 2022.

Any person claiming that the amendments to the zoning by-laws adopted under articles 10,11,12,13,14,15,16,17 of the April 12, 2022 Annual Town Meeting are invalid because of a defect in the procedure by which the by-laws were adopted or amended may only be made within 90 days of this posting.

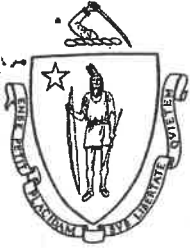
A COPY OF THE BY-LAWS/MAP MAY BE EXAMINED IN THE TOWN CLERK'S OFFICE.

A true record, attest:



Cara L. Dahill; Town Clerk

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



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

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

September 19, 2022

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

RE: ~~Carver Annual Town Meeting of April 12, 2022 - Case # 10526~~
~~Warrant Articles # 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 26, and 38 (Zoning)~~
~~Warrant Articles # 28 and 29 (General)~~

Dear Ms. Dahill:

Articles 10, 11, 12, 13, 14, 15, 16, and 17 - We approve Articles 10, 11, 12, 13, 14, 15, 16, 17, and the map amendments voted under Article 13, adopted at the Carver April 12, 2022 Annual Town Meeting. Our comments on Articles 10, 11, 12, 13 and 14 are provided below. ¹ We will send the approved map to you by regular mail.

Articles 10, 11, 12, and 13 - Under Articles 10, 11, 12, and 13 the Town voted to amend several provisions in its zoning by-laws related to the Green Business Park District (GBP). ²

Under Article 10 the Town voted to amend Section 2320, "Table of Dimensional Requirements," (Table) to increase the maximum building height in the GBP from forty feet to sixty-five feet. Article 10 also amends Footnotes 11 and 12 in the Table. Footnote # 11 is amended to exclude rooftop mechanicals and rooftop solar installations from being considered an additional story. However, rooftop mechanicals and rooftop solar installations are included in determining the overall height of the building. Footnote # 12 is amended to exempt water towers owned or operated by the North Carver Water District from the height limitations within the GBP.

Article 11 amends Article VI, "Definitions," to amend the definition of "Accessory Building and Structure" to exempt water towers and tanks used for potable water supply or fire protection from the definition's height restriction for accessory structures.

~~In a decision issued on August 11, 2022, we approved Articles 19, 20, 28, and 29 and~~ extended our deadline for a decision on Articles 10, 11, 12, 13, 14, 15, 16, 17, 26, and 38 for an additional 60 days until October 13, 2022. We will issue our decision on Articles 26 and 38 on or before October 13, 2022.

² Articles 14, 15, 16, and 17 also made amendments to the Town's zoning by-laws related to the GBP.

Article 12 amends Section 3350, "Driveway Design" to require access driveways for nonresidential premises to be a minimum of twelve feet for one-way traffic and a minimum of twenty-four feet for two-way traffic.

Article 13 rezones a parcel of land located off of Park and Montelli Streets consisting of approximately 7.48 acres from the Highway Commercial (HC) District to the GBP District. Articles 10, 11, 12, and 13 all relate to the development of vacant and blighted land within the GBP.

Together Articles 10, 11, 12, and 13 will allow the redevelopment of approximately 235 acres of land that will include a warehouse and distribution facility. See Letter from Corbo to Hurley dated July 7, 2022, p. 1. As detailed below, we approve these Articles because they are not clearly in conflict with state law, including G.L. c. 40A, § 5's procedural requirements for amending zoning by-laws. Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the constitution for the Attorney General to disapprove a by-law).

I. Attorney General's Standard of Review of Zoning Bylaws

Our review of Articles 10, 11, 12, and 13 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32, the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws." Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 ("Neither we nor the Attorney General may comment on the wisdom of the town's by-law.") Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. Where the Legislature intended to preempt the field on a topic, a municipal by-law on that topic is invalid and must be disapproved. Wendell v. Attorney General, 394 Mass. 518, 524 (1985).

Articles 10, 11, 12, and 13, as amendments to the Town's zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General's standard of review is equivalent to that of a court. "[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare." Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town's police power and a legislative act, the vote carries a "strong presumption of validity." Id. at 51. "Zoning has always been treated as a local matter and much weight must be accorded to the judgment of the local legislative body, since it is familiar with local conditions." Concord v. Attorney General, 336 Mass. 17, 25 (1957) (quoting Burnham v. Board of Appeals of Gloucester, 333 Mass. 114, 117 (1955)). "If the reasonableness of a zoning bylaw is even 'fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.'" Durand, 440 Mass. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). However, a municipality has no power to adopt a zoning by-law that is "inconsistent with the constitution or laws enacted by the [Legislature]." Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

II. Articles 10, 11, 12, and 13 Are Consistent with State Law

During our review of Articles 10, 11, 12, and 13, we received correspondence from two citizens of the Town urging our disapproval of these Articles asserting that the Articles violate the provisions of G.L. c. 40A, § 5. The opponents allege that the petitioner of these Articles is the Carver Redevelopment Authority (RDA) and the RDA “is not an agency of the Town,” that can initiate a zoning by-law amendment. We appreciate this input as it has aided our review. However, as provided in more detail below, we do not agree that this argument renders Articles 10, 11, 12, and 13 invalid.

A. General Laws Chapter 40A, Section 5’s Procedural Requirements

General Laws Chapter 40A, Section 5 requires a planning board hearing before a zoning by-law is adopted and establishes the procedural requirements for such hearing. Section 5 provides in pertinent part as follows:

Zoning . . . by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning . . . by-laws may be initiated by the submission to the . . . board of selectmen of a proposed zoning . . . by-law by . . . a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine . . . by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen . . . shall within fourteen days of receipt of such zoning . . . by-law submit it to the planning board for review.

* * *

No zoning . . . by-law or amendment thereto shall be adopted until after the planning board in a . . . town . . . has . . . held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. . . . Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town.

Against this backdrop, we review the adoption of Articles 10, 11, 12, and 13.

B. Opponents’ Claim That Articles 10, 11, 12, and 13 Were Not Properly Initiated Zoning Articles

The opponents urge our disapproval of Articles 10, 11, 12, and 13 alleging that they were not initiated by an individual or entity authorized to do so under G.L. c. 40A, § 5. The opponents claim that these Articles were proposed by the RDA and the RDA is not a town agency that can propose zoning by-law changes under G.L. c. 40A, § 5.

General Laws Chapter 40A, Section 5 provides that zoning changes may be initiated by certain local officials, including the Board of Selectmen or the Planning Board, or by other individuals, including an individual owning land to be affected by the change, or by request of registered voters of a town pursuant to G.L. c. 39, § 10. See Bellingham Massachusetts Self Storage, LLC v. Town of Bellingham, 101 Mass.App.Ct. 1108, * 2 (June 9, 2022, Memorandum and Order Pursuant to Rule 23.0) (a zoning by-law amendment initiated by an individual resident with no ownership interest in any land within the affected district did not comply with G.L. c. 40A, § 5’s requirements for who can

initiate a zoning by-law amendment). The Town Meeting Warrant for Articles 10, 11, 12, and 13 states that the Articles were sponsored by the RDA. Other material submitted to our Office as part of our procedural review of the zoning by-law amendments states that the RDA proposed the amendments to the Board of Selectmen.

According to the Town, Articles 10, 11, 12, and 13 were proposed by the property owner, but because they are part of the Town's Urban Renewal Plan, they were discussed at several meetings held jointly with the property owners, the RDA, the Planning Board, and the Board of Selectmen in order to ensure the proper wording of the zoning by-law amendments. See Letter from Corbo to Hurley at pg. 2. According to the Town, once the language of the zoning by-law amendments was drafted, the RDA, submitted them to the Board of Selectmen for inclusion in the Town Meeting Warrant and the Assistant Town Administrator submitted them to the Planning Board hearing as required by G.L. c. 40A, § 5. See Letter from Corbo to Hurley at pg. 2. Thereafter, as required by G.L. c. 40A, § 5, the Planning Board held a hearing on the proposed zoning by-law amendments. Based on our standard of review, we conclude that Articles 10, 11, 12, and 13 were initiated by a local official or individual authorized to do so under G.L. c. 40A, § 5. Therefore, we approve Articles 10, 11, 12, and 13.

Because we cannot conclude that Articles 10, 11, 12, and 13 conflict with the procedural requirements of G.L. c. 40A, § 5, and because we find no other conflict with the Constitution or laws of the Commonwealth, or we approve them.

Article 14 - Under Article 14 the Town voted to amend Section 3580.00, "Large-Scale Ground Mounted Solar Photovoltaic Installations," to: (1) exempt small-scale and building and roof-mounted solar installations from Section 3580.00's provisions and (2) to add a new Section 3580.15 that exempts roof-mounted solar installations on new non-residential buildings in the Town's GBP District. We approve Article 14 because it does not violate the solar protections in G.L. c. 40A, § 3, which require that any burdens placed on solar energy be reasonable and justified by a sufficiently strong legitimate municipal interest grounded in public health, safety or welfare.

In this decision, we summarize the by-law amendments adopted under Article 14 and then explain why, based on our standard of review, we approve Article 14.

I. Summary of Article 14

Under Article 14 the Town amended Section 3580.00, "Large-Scale Ground Mounted Solar Photovoltaic Installations" to provide exemptions from its provisions for small-scale and building and roof-mounted solar installations.³ The Town also voted to add a new Section 3580.15 that exempts roof-mounted solar electric installations on a new non-residential building within the GBP District from the provisions of Section 3580 and makes it clear that such use is customarily accessory and incidental to permitted principal uses and is allowed by right in the GBP District. As amended, Section 3580.10 provides as follows (new text in bold):

³ While Article 14 indicates that the text exempting small-scale ground or building mounted solar installations from the provisions of Section 3580 is new text, such text appears in the Town's existing Section 3580, which was adopted under Article 10 from the Carver December 6, 2021 Special Town Meeting (See Case # 6590).

LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS
3580.10. Purpose. The purpose of this bylaw is to promote the creation of new large-scale groundmounted solar photovoltaic installations (LSGMSPI) defined as those with a minimum nameplate capacity of 250 kW or greater or covering 1 acre or more of land, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of LSGMSPI proposed to be constructed or materially altered after the effective date of this section. To the extent that any particular provision of this bylaw is determined to be invalid, such invalidation shall not affect the validity of any other provision.

Smaller scale ground or building mounted solar electric installations 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 by right and customarily accessory and incidental to permitted principal uses: 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

II. Protections for Solar Uses Under G.L. c. 40A, § 3

Solar uses are protected under G.L. c. 40A, § 3. In adopting G.L. c. 40A, § 3, ("Section 3"), the Legislature determined that certain land uses are so important to the public good that the Legislature has found it necessary "to take away" some measure of municipalities' "power to limit the use of land" within their borders. Attorney General v. Dover, 327 Mass. 601, 604 (1950) (discussing predecessor to G.L. c. 40A, § 3); see Cnty. Comm'rs of Bristol v. Conservation Comm'n of Dartmouth, 380 Mass. 706, 713 (1980) (noting that Zoning Act as a whole, and G.L. c. 40A, § 3 specifically, aim to ensure that zoning "facilitate[s] the provision of public requirements"). To that end, the provisions of Section 3 "strike a balance between preventing local discrimination against" a set of enumerated land uses while "honoring legitimate municipal concerns that typically find expression in local zoning laws." Trustees of Tufts Coll. v. City of Medford, 415 Mass. 753, 757 (1993). Over the years, the Legislature has added to the list of protected uses, employing different language—and in some cases different methods—to limit municipal discretion to restrict those uses.

Solar energy facilities and related structures have been protected under Section 3 since 1985, when the Legislature passed a statute codifying "the policy of the commonwealth to encourage the use of solar energy." St. 1985, c. 637, §§ 7, 8. Id. § 2. Specifically, Section 3's solar provision grants zoning protections to solar energy systems and the building of structures that facilitate the collection of solar energy as follows:

No zoning . . . bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

In codifying solar energy as a protected use under Section 3, the Legislature determined that “neighborhood hostility” or contrary local “preferences” should not dictate whether solar energy systems are constructed in sufficient quantity to meet the public need. See Newbury Junior Coll. v. Brookline, 19 Mass. App. Ct. 197, 205, 207-08 (1985) (discussing educational-use provision of Section 3); see also Petrucci v. Bd. of Appeals, 45 Mass. App. Ct. 818, 822 (1998) (explaining, in context of childcare provision, that Legislature’s “manifest intent” when establishing Section 3 protected use is “to broaden . . . opportunities for establishing” that use). Indeed, the fundamental purpose of Section 3 is to “facilitate the provision of public requirements” that may be locally disfavored. Cnty. Comm’rs of Bristol, 380 Mass. at 713.

The Supreme Judicial Court has recently reaffirmed this principle in Tracer Lane II v. City of Waltham, 489 Mass. 775 (2022). In ruling that Section 3’s protections required Waltham to allow an access road to be built in a residential district for linkage to a solar project in Lexington, the Court explicitly noted that “large-scale systems, not ancillary to any residential or commercial use, are key to promoting solar energy in the Commonwealth.” Id. at 782 (citing Executive Office of Energy and Environmental Affairs, Massachusetts 2050 Decarbonization Roadmap, at 4, 59 n.43 (Dec. 2020) (“the amount of solar power needed by 2050 exceeds the full technical potential in the Commonwealth for rooftop solar, indicating that substantial deployment of ground-mounted solar is needed under any circumstance in order to achieve [n]et [z]ero [greenhouse gas emissions by 2050]”). The Court explained that whether a by-law facially violates Section 3’s prohibition against unreasonable regulation of solar systems will turn in part on whether the by-law promotes rather than restricts this legislative goal. Id. at 781. While municipalities do have some “flexibility” to reasonably limit where certain forms of solar energy may be sited, the validity of any restriction ultimately entails “balanc[ing] the interest that the . . . bylaw advances” against “the impact on the protected [solar] use.” Id. at 781-82.

Applying that framework to the facts of the case before it, the Court explained that Waltham had unreasonably restricted solar energy systems by excluding large-scale solar arrays from most zoning districts and “in all but one to two percent” of the City’s land area. Id. at 782. The Court acknowledged that Waltham’s regulation was designed to advance the generally legitimate municipal purpose of preserving each zone’s unique characteristics. Id. But the Court explained that Waltham’s categorical and extensive limitation on large-scale solar arrays—a critical form of solar energy system—undermined the state policy favoring solar energy and lacked any public health, safety, or welfare justification sufficient to justify the extent of the restriction. Id. at 781-82. The regulation was therefore unreasonable and unlawful. Id. at 782.

IV. Analysis of Article 14

The by-law amendments adopted under Article 14 appear to be reasonable solar regulations that are designed to enhance, rather than limit, the development of small-scale and building and roof-mounted solar energy facilities in Carver. The Town Meeting Warrant for Article 14 proposes a limited exemption for roof-mounted solar for a new non-residential building in the GBP District. According to the Town, this amendment will allow solar facilities for a project proposed in the GBP District as part of the project’s Massachusetts Environmental Policy Act

Office (MEPA)Massachusetts Environmental Policy Act's (MEPA) Certification. See proposed zoning articles 2022 annual town meeting 2-23-22.pdf (carverma.gov)

Given this Office's limited review of zoning by-laws, we cannot conclude that Article 14 constitutes an unreasonable regulation of solar energy in contravention of G.L. c. 40A, § 3. However, if Article 14 is used to deny solar projects, or otherwise applied in ways that make it impracticable or uneconomical to build solar energy systems, such application would run a serious risk of violating G.L. c. 40A, § 3. The Town should consult closely with Town Counsel in applying Article 14 to ensure that the by-law amendments do not result in an unreasonable regulation of solar energy systems.

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

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Greg J. Corbo

MAXIMUM % OF LOT COVERED BY BUILDINGS	30	60	50	70	70	70	70	50	50	60	50	25
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^a Same as V (Comm.); ^b mix of HC and IA, IB; ^c IC same as HC since that is what the existing structures were under at the time of development; ^d Registered Marijuana Dispensaries, see Section 4950; ^e based on GBP

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

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

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

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

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

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

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

11 If a building contains more than two (2) stories, then this minimum requirement shall be increased by twenty-five (25) feet per story for each story that the building exceeds two stories in height up to a maximum setback requirement of two hundred (200) feet. For example, a building containing three (3) stories shall not be located closer than seventy-five (75) feet from the boundary line of the District and a building containing four (4) stories shall not be located closer than one hundred (100) feet from the boundary line of the District. Where a building or improvement is not divided into stories, a story shall be considered fifteen (15) feet in height.

Notwithstanding anything to the contrary in this Zoning Bylaw, Building Height shall mean the vertical distance measured from the mean finished grade of the ground adjoining the building or improvement to the highest point of such building or improvement, provided that steeples, cupolas, stage lofts, bulkheads, and other appurtenances above roof line shall not be considered as additional stories or considered in determining the height of a building or other improvement. Rooftop mechanicals and rooftop solar will be included in determining the overall height of the building.

12 Municipal Facilities may be increased to 40 feet in height provided they meet all public safety standards, except that a water tower owned or operated by the North Carver Water District shall be considered Municipal Facilities, and shall not exceed 175 feet in height within the GBP District provided they meet all public safety standards.

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

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

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

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

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

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

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

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

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

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

2350. Sight Obstruction

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

A True Copy, Attest:

A handwritten signature in black ink, appearing to read "Cara L. Dahill". The signature is written in a cursive style with a large initial "C" and "D".

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

FINAL VERSION OF BYLAW ARTICLE 11 DEFINITIONS HEIGHT OF CERTAIN ACCESSORY STRUCTURES

ARTICLE VI. DEFINITIONS

The intent of this section is to provide definitions for certain terms, words and/or series of words which are to be utilized in the interpretation of this by-law, whether or not the definition stated herein is contrary to common usage or contrary to the definition as contained in a dictionary.

For the purpose of this by-law and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein; words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended", or "offered", to be used or occupied; the words "building", "structure", "lot", "land", or premises shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is mandatory and directory, and "may" is permissive. Any word indicating gender, such as he or she, shall be construed to mean both genders.

Terms and words not defined herein but defined in the Commonwealth of Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either this by-law or the State Building Code shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the categories "Commercial" and "Industrial" shall be defined by the Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

The defined words and phrases are as follows:

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

Access Connection Any driveway, street, curb cut, turnout or other means of providing for the movement of vehicles to or from the public/private roadway network.

Accessory Apartment shall mean a dwelling unit of not more than 800 sq. ft., located in an existing residential structure in accordance with the provisions of Section 2260, herein.

Accessory Building or Structure shall mean a building or structure subordinate to a principal building or structure and customarily used to serve the purposes of that principal building. A building is accessory only where a principal building exists on the same lot. No accessory building or structure may be higher than twenty feet, or ten feet less than the height of the principal building or structure on the lot, whichever is greater **except that a structure or structures such as a water tower or tank used for potable water supply or fire protection purposes for a nonresidential use shall not be subject to such height limitation in the Green Business Park.** An accessory building serving the needs of residents of a dwelling may include the following:

a. Garage; tool shed; shop; well house; not exceeding a floor area of 700 square feet.

b. Barn or building used to house animals or poultry and not exceeding a floor area of 600 square feet.

Accessory Dwelling Units Above Commercial Developments shall mean an incidental residential unit(s) of a minimum of 1,000 sq. ft., located in a commercial building in accordance with the provisions of Section 2270, herein.

Accessory Use shall mean a use customarily incidental to and located on the same lot with the principal use. A use is accessory only where the principal use it serves exists on the same lot.

Adult Use: [The definition of adult use includes the following types of establishments.]

Adult Bookstore shall mean an establishment having as a substantial or significant portion of its stock in trade books, magazines, and other matters which are distinguished as characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

Adult Dance Club shall mean an establishment which, as its principal form of entertainment, permits a person or persons to perform in a state of nudity as defined in M.G.L. c. 272, § 31.

Adult Live Entertainment Establishment shall mean an enclosed building used for presenting live entertainment featuring nude or semi-nude dancing, or any other live entertainment distinguished by an emphasis on matters depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

Adult Motion Picture Theater shall mean an enclosed building or any portion thereof used for presenting material (motion picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L.c. 272, s.31.

Adult Video shall mean a video which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L.c 272, s 31.

Adult Video Store shall mean an establishment having as a substantial or significant portion of its stock in videos, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. c. 272, § 31.

Agricultural Use shall mean the raising of animals, fruits, vegetables, berries, nuts, or other food for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery, or greenhouse products, and ornamental plants and shrubs, or the raising of forest products under a planned program; or the primary and direct use in a related manner which is incidental thereto and represents a customary and necessary use in raising such products and preparing them for market.

Airport Any area of land designed and set aside for landing and take-off of aircraft, including all necessary facilities for housing and maintenance of aircraft.

Animal Clinic or Hospital shall mean a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

Assisted Elderly Housing shall mean a residential facility occupied by persons over the age of 55, their spouses or surviving spouses, including rooms occupied by resident staff personnel. Such a facility may include a full range of nursing care from total to partial assistance, and may provide food preparation services, limited residential food preparation areas, and common recreational, laundry, social, medical, religious, and service facilities for the exclusive use of the residents.

ATM shall mean a device whether attached to a structure or free standing, for the dispensing of money and the conducting of financial transactions. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

Bank shall mean an establishment for the conduct of financial transactions including the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

Bed and Breakfast shall mean a private owner-occupied residence in which lodging and breakfast are offered to transients for a fee. Such a facility shall not contain more than seven (7) rooms for rent.

Bedroom The term bedroom includes any room principally for sleeping purposes, which can be closed off by means of a door and includes a closet.

Billboard: Outdoor advertising on a board, poster, panel structure or device of any kind used or intended to be used for advertising or display painted thereon, or for the affixment, attachment or support of printed posters or other advertising matter, and constructed, erected and located on any premises or applied directly and or attached to a wall or placed on a roof of a building or structure not owned or occupied by the person for whose use such billboard is constructed, erected, located or attached, and when used for purposes other than advertising the business conducted on such premises or in such building or structure. Such outdoor advertising constructed, erected and located as aforesaid used for the purpose of advertising the business conducted on a premise or in a building or structure shall be deemed a sign.

Bituminous Concrete or Concrete Batching Plant shall mean a manufacturing facility where a hard strong building material is produced by mixing a cementing material (such as portland cement) and a mineral aggregate (such as sand and gravel) with sufficient water to cause the cement to set and bind the entire mass.

Body Piercing shall mean the puncturing or penetration of the skin of a person with presterilized single-use needles and the insertion of presterilized jewelry or other adornments thereto into the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piercing of the earlobe with presterilized single-use stud-and-clasp ear-piercing systems.

Buffer Strip or Buffer Zone shall mean an area of indigenous or planted vegetation which shall separate the structures and uses within a development from any adjacent properties and public ways. No vegetation shall be removed from this buffer zone after development, nor shall any building or structure be placed therein.

Building shall mean a structure adapted to permanent or continuous occupancy for assembly, business, professional, education, industrial, institutional, residential, or storage purposes, and the term "building" shall be construed as if followed by the words "or portion thereof".

Building Footprint shall mean the area enclosed by the structural foundation, not including stairwells or protruding windows.

Building Height shall mean the vertical distance from the mean finish grade of the ground adjoining the building at the street side to the highest point of the ridge.

Building, Principal shall mean the building in which is conducted the principal use of the lot on which said building is located.

Car Wash shall mean:

- a. An area of land and/or a structure with machine, or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing, of motor vehicles.
- b. A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

Campground, Net Usable Land Area (NULA) The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs, land actively mined, buffers, easements, slopes over 25%, land within a sixty-five (65) foot wetland buffer area to these regulated lands and any other land legally restricted from development.

Campground Roads

(1) Access — The way which leads from the street, as herein defined, to the main office/facility.

(2) Service — Ways serving the campsites and different areas within the campgrounds, main service being a two-way collector and minor service being a one-way minor.

(3) Emergency - Way to be used exclusively for emergency vehicles and gated if necessary

Cemetery shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Change or substantial extension of a nonconforming use shall mean change to a use that does not reflect the 'nature and purpose' of the use prevailing when the zoning by-law took effect; or change so as to create a difference in the quality or character, as well as the degree, of use; or change 'different in kind in its effect on the neighborhood'. See *Town of Bridgewater v. Chuckran*, 351 Mass. 20, 23 (1966).

Commercial Recreational Campground A parcel or contiguous parcels of land upon which campsites are located, established, and maintained for occupancy by campers or recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes from May 1 to November 1 for commercial purposes.

Commercial Recreation, Outdoors shall mean drive-in theatre, golf course/driving range, miniature golf course, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this By-law.

Contractor's Yard shall mean premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking or wheeled or portable equipment.

Copy Shop shall mean a place which provides photocopying, blueprinting or binding services to the public, but does not include printing presses or silk screening.

Craftsman/Tradesman shall mean retail and/or service provided by a worker who practices a trade or handicraft, one who creates or performs with skill or dexterity especially in the manual arts, such as a jeweler, cabinet maker, frame person.

Cranberry Receiving Station shall mean a facility for receiving, processing for storage, and storing of cranberries, including principal buildings, accessory buildings, structures and other land improvements relating to such a facility. Notwithstanding any other provision of this by-law, such a facility when located within the RA District, shall be situated on a parcel of not less than 100 acres, with minimum frontage of 300 feet, minimum front, side and rear yards of 100 feet, maximum building height of 2.5 stories and 40 feet, maximum lot coverage by buildings of 50%, driveways with a minimum width of 22 feet and a maximum width of 30 feet, and a buffer strip of not less than 100 feet in width along the perimeter of the parcel.

Cross Access: A service drive providing vehicular and pedestrian access between two or more contiguous sites so the driver need not enter the public street system.

Demonstration Tract shall mean cranberry cultural activities, forestry, wildlife, exhibition sawmill and similar activities, primarily intended for tourist or educational purposes.

Development Rights shall mean rights to develop a single-family house lot, expressed as the maximum number of lots permissible on a designated sending parcel(s) under the applicable zoning and subdivision rules and regulations in effect on the date of the transfer of development rights. Development rights (house lots) are computed on a one-for-one-basis. Determination of the maximum number of development rights (house lots) available for transfer shall be made by the Planning Board.

Directional Median Opening: An opening in a restrictive median which provides for the specific movements and physically restricts other movements. Directional median opening for two opposing left or "U-turn" movements along a road segment are considered one directional median opening.

Drive-Through Facility: A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations.

Driveway/ Curb Cut Spacing: The distance between connections, measured from the closest edge of pavement of the driveway or curb cut to the next closest edge of the pavement along the public/private roadway.

Duplex or Two-Family Dwelling: A building containing two (2) dwelling units attached, designed or arranged as separate housekeeping units within the dwelling.

Dwelling shall mean any building containing one or more dwelling units, but excluding mobile homes.

Dwelling, Detached Single-Family shall mean a dwelling containing not more than one (1) dwelling unit.

Dwelling, Two-Family shall mean a single building containing two (2) dwelling units.

Dwelling, Multi-Family shall mean a single building containing at least three (3) dwelling units, but not more than five (5) units.

Dwelling Unit shall mean a building or part of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit with its own cooking, living, sanitary and sleeping facilities.

Earth Removal shall mean the removal of clay, gravel, sand, sod, loam, soil, stone or other earth materials; provided, however, that the moving of earth materials under the provisions of a duly approved subdivision plan. Work necessary for the construction of streets and the installation of utilities; work in connection with the excavation and grading of land incidental to construction of a duly permitted structure; and work performed in normal cranberry related maintenance or

improvement of contiguous or non-contiguous land for agricultural purposes, shall not constitute earth removal.

Essential Services shall mean services provided by a public utility or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems; and collection, communication (but not including wireless communication systems), supply, or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

Façade shall mean the exterior surface of a building.

Family shall mean a number of individuals living and cooking together on the premises as a single unit.

Farm Stand shall mean a structure of semi-permanent or temporary type located in a district in which agricultural uses are allowed, from which raw products are offered for sale to the public.

Frontage shall mean the boundary of a lot coinciding with the street line, being an unbroken distance along a way currently maintained by the town, county, or state, or along ways shown on the Definitive Plans of approved subdivisions, through which actual access to the potential building site shall be required. A private way which has not been constructed as part of a subdivision approved in accordance with the subdivision control law may provide frontage only upon a determination by the Planning Board that it provides adequate access for fire, police, and emergency vehicles. Lot frontage shall be measured continuously along one street line between side lot lines, or, in the case of corner lots, between one side lot line and the mid-point of the corner. Lots with interrupted or discontinuous frontage must demonstrate that the required length along the street may be obtained from one (1) continuous frontage section, without any totalling of discontinuous frontage sections.

Gross Floor Area shall mean the floor area of all floors within the perimeter of the outside walls of the building under consideration without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Gross Living Area: The sum of the areas of each floor in a building measured from the exterior faces of exterior walls or from the center lines of party walls.

- (1) Gross living area includes the area at each floor in the structure except:
 - (a) Exterior decks and porches not enclosed by walls
 - (b) Unfinished cellar space
 - (c) Garage areas
 - (d) Stairwells
 - (e) Unfinished Attics

Hazardous Material: A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive or infectious characteristics may

reasonably pose a significant, actual, or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous" under Massachusetts General Laws (MGL) Chapters 21C and 21E using the Massachusetts Oil and Hazardous Material List (in 310 CMR 40.0000).

Hazardous Waste shall mean materials as defined and regulated by 310 CMR 30.00 et seq. (Massachusetts Hazardous Waste Management Regulations)

Heliport-Unlimited Use shall mean any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-downs areas, hangars, and other necessary buildings and open spaces.

Heliport-Limited Use shall mean any landing area used for the landing and taking off of helicopters, including necessary passenger and cargo facilities, fueling, and emergency service facilities.

Hospital shall mean:

- a. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in a surgery, obstetrics, and general medical practice.
- b. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel or Motel shall mean a building or group of buildings providing accommodations on a transient basis for compensation, not meeting the definition of "Non-family Accommodations". Accommodations having individual kitchen facilities (sink, range, and refrigerator) shall be considered dwelling units.

Impervious surface shall mean material covering the ground, including but not limited to macadam, concrete, pavement, and buildings, that does not allow surface water to penetrate into the soil (cranberry bogs are not considered impervious surfaces.)

Joint Access (or Shared Access): A driveway connecting two or more contiguous sites to the public/private street systems.

Junkyard or Automobile Graveyard shall mean the outdoor use of any area of any lot for the storage, salvage, keeping or abandonment of junk, scrap, or discarded materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel shall mean a single premises with a collection of up to five (5) dogs, three months or older, that are maintained for breeding, boarding, sale, training, hunting, or any other purpose.

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

Kennel, Commercial shall mean a single premises with a collection of eleven (11) or more dogs three months or older, that are maintained for any purpose, or where four (4) or more litters per year are raised, or where the boarding or grooming of dogs is performed as a business.

Kitchen Facilities A sink with plumbing, a stove or cooking range and refrigerator.

Landscaping business shall mean a business performing improvements to the grass, shrubs and/or trees of land, including pedestrian walkways, flowerbeds, ornamental objects, and other items.

Light Manufacturing: A use which accommodates low impact industrial development where little or no nuisance effects are generated.

Loading Space shall mean an off-street space for the regular receipt or distribution of materials or merchandise by vehicles to or from a building other than a single or two-family dwelling.

Lot shall mean a single area of land in one ownership defined by metes and bounds or boundary lines in a recorded deed or on a recorded plan. The lot shall only incorporate land in the Town of Carver.

Lot, Corner shall mean a lot in the Town of Carver at the junction of and fronting on two (2) or more intersecting streets.

Lot Line shall mean a line which separates one or more lots or a lot and a street.

Lot, Rear shall mean any lot in the Town of Carver meeting the requirements of Section 2340.

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

Lot Width shall mean the width of a lot in the Town of Carver, as measured at the front line of the principal building thereupon, or at such other location as may be designated by this by-law.

Major Commercial Project shall mean one or more buildings containing allowed or allowable nonresidential or nonagricultural uses with the following:

- a. 25,000 or more square feet of building floor space in the HC, IA and IB Districts;
- b. 10,000 or more square feet of building floor space in the GB District; or
- c. 2,000 or more square feet of building floor space in the V District

Major Recreational Equipment shall mean boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for the transportation of recreational equipment, whether occupied by such equipment or not.

Manufacturing A use engaged in the basic processing and production of materials, or created from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

Maximum Groundwater Elevation shall mean the height of the groundwater table when it is at its maximum level or elevation. This level is usually reached during the months of December through April and allowances should be made therefore at other times of the year.

Miniature Golf shall mean a novelty version of golf played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges, and tunnels.

Mobile Home shall mean a dwelling unit on a chassis and containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation or permanent living quarters.

Mobile Home Lot shall mean a parcel of land within a mobile home park provided for a single mobile home.

Mobile Home Pad shall mean that area of a mobile home lot which has been reserved for the placement of a mobile home.

Mobile Home Park or Trailer Park shall mean any lot or tract of land of not less than twenty (20) acres, exclusive of roads and areas provided for recreation, services and other such permanent installation within the park, under single or common ownership or control, and which contains, or is designed, laid out or adopted to accommodate mobile homes occupied or intended for occupancy as living quarters.

Motor vehicle body repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicles, including fenders, bumpers and similar components of motor vehicle bodies, but not including the storage vehicles for the cannibalization of parts or fuel sales.

Motor Vehicle Service Station shall mean a building or part thereof with no more than two (2) service bays whose activity (whether or not an accessory use) is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing services or auto repair limited to: tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor adjustments.

Municipal Facilities shall mean facilities owned or operated by the Town of Carver.

Nonconforming Uses or Structures shall mean any structure or use of land lawfully existing at the effective date of this by-law or subsequent amendment which does not conform to one or more provisions of the by-law.

Non Exempt Educational Use One (1) space for each teacher and employee, plus one space for each 10 students

Nursery/Greenhouse shall mean the raising of trees (for transplanting), ornamentals, shrubs, flowers, ground cover or house plants for any commercial purpose.

Nursing Home shall mean any place or institution for the aged, infirmed, chronic or convalescent, whether conducted for charity or for profit, which is established to render domiciliary care, custody, treatment and/or lodging of three or more unrelated persons who require or receive assistance in ordinary daily activities of life, or who are confined to bed or chair. (This term includes boarding and rooming houses for aged people, convalescent homes, rest homes, homes for the aged or infirmed, convalescent homes for children, and the like; but does not include hospitals, clinics and similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.)

Office shall mean a place for the transaction of a professional service or business, not including the sale of articles at retail.

Open Space shall mean ground space other than that occupied by structures, walkways, drives, parking or other surfaces. Required yard setbacks may be included as open space if in conformance with the above specifications.

Overlay District shall mean a zoning district superimposed over an underlying district, superseding, where applicable, the less stringent requirements of the underlying district.

Personal Recreational Vehicles Motorized All-Terrain Vehicles (ATV's"); Quads, Dirt Bikes or other similar vehicles including motorcycles.

Place of Assembly shall mean a structure accommodating ten (10) or more persons, for recreational, for-profit educational, political, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers or private clubs conducted for or not for profit.

Principal Building or Structure shall mean any building or structure containing any principal use as indicated in Section 3580, except where such use is a home occupation. Where more than one principal use is conducted on a lot and such uses are in more than one building or structure, each building or structure shall be considered a principal building or structure.

Principal Use shall mean a main or primary use for which a structure or lot is used, occupied or maintained.

Print Shop shall mean a retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Private Club shall mean an organization catering to members and guests, for fraternal, recreational, social, or other purposes.

Privately Owned Wastewater Treatment Facility or PWTF any device or system owned by a private entity that is used for the treatment and disposal (including recycling and reclamation) of sewage and/or industrial wastewater. A Privately Owned Wastewater Treatment Facility includes the sewers, pipes, or other conveyances that convey the wastewater to the treatment facility.

Priority Development Site (PDS): Shall refer to a privately or publicly owned property that has been so designated by Carver Town Meeting and by the State of Massachusetts Interagency Permitting Board. Development upon such sites shall adhere to the provisions of the State of Massachusetts Chapter 43D Expedited Permitting Program. Several parcels or projects may be included within a single priority development site.

Publicly Owned Treatment Works or POTW any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature, which is owned by a local government unit. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Receiving Parcel(s) shall mean land that, through the granting of a special permit, may receive development rights from a sending parcel(s).

Reconstruction The rebuilding within the existing footprint of the existing structure; part of or the whole existing structure, as it sits on the lot.

Recreational Campsite A plot of ground within a recreational campground intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recreational tourist railroad shall mean a railroad used as a tourist attraction, with accessory uses, including, but not limited to, retail establishments selling convenience goods and restaurants.

Recreational Vehicle A vehicular type of unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Restaurant shall mean an establishment that serves food and beverages primarily to persons seated within the facility, including outdoor cafes.

Restaurant, Drive-in shall mean a restaurant where food or drinks are usually served to or consumed by persons while they are seated in their vehicles or off the premises.

Restaurant, Fast-food shall mean an establishment that offers quick food service, with a limited menu or items already prepared and held for service, or heated quickly by device, with orders generally not taken at table, and generally served in disposable wrapping or containers.

Retail shall mean the sale of commodities, primarily in small quantities, to the end consumer.

Retail Sales Establishment shall mean a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Sawmill shall mean a manufacturing facility housing a mill or machine used for sawing logs into lumber.

Self Storage Facility A building containing individual, compartmentalized and controlled access stalls, rooms or lockers or property that is leased, rented or owned by different individuals for the storage of individual possessions or personal property.

Sending Parcel(s) shall mean land from which development rights, as determined by the Planning Board, may be transferred to a receiving parcel(s).

Service Shops shall mean a facility providing service to the public for compensation, such as, but not limited to, dry cleaning, printing, and picture framing shops.

Setback shall mean the minimum horizontal distance between the street or front lot line and the building nearest the street or front lot line, such distance measured at a right angle to the street or front lot line.

Sign shall mean any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or

indirectly, a use conducted, goods, products services or facilities available, either on the lot or on any other premise, excluding window displays and merchandise.

Sign, Address shall mean a sign displaying the street number or name of the occupant of the premises or both.

Sign, Billboard shall mean a free-standing sign, not including a directory sign, larger than thirty-five (35) sq. ft. in gross area, or a wall sign covering more than ten percent (10%) of the area to which it is affixed.

Sign, Construction shall mean a non-premise sign identifying the contractor, architect, landscape architect, and/or engineer's name, address, and other pertinent information.

Sign, Directional on Public Property shall mean an off-premises sign, typically in the public right-of-way at an intersection, directing the public to a nearby business or event.

Sign, Directory shall mean a group of signs clustered together in a single structure or compositional unit of integrated and uniform design. A directory sign is used to advertise several occupants of the same building or building complex. It may be self-supporting or affixed to a wall.

Sign, Flashing shall mean a sign whose illumination is not kept constant in intensity at all times, when in use, and which exhibits changes in light, color, direction, or animation.

Sign, For Sale/Rent/Lease shall mean an on-premise sign advertising the property being sold or rented.

Sign, Free Standing shall mean a self-supporting sign not attached to any building, wall or fence, but in a fixed location. For purposes of this definition, this does not include, portable or trailer type signs, monument, or directory signs.

Sign, Illuminated shall mean any sign lit by electrical bulbs, fluorescent lights, or neon tubes. Neon tubes used as abstract, graphic, decorative, or architectural elements shall be considered to constitute an illuminated sign.

Sign, Externally Illuminated shall mean a sign lit by a source outside the sign and shining against the face of the sign.

Sign, Internally Illuminated shall mean a sign lit from within the sign, or from lights or tubes which comprise any part of the design or lettering of a sign, or which originates behind a sign so as to create an effect of originating within the sign.

Sign, Individual Letters or Symbols shall mean a sign created by separate symbols which are attached to an awning, marquee, building surface, wall, or sign board.

Sign, Marquee shall mean a sign attached to, painted on, or hung from an awning, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall.

Sign, Monument shall mean a sign which is an integrated part of an independent structure supported from grade to the bottom of the sign, with the appearance of having a solid base.

Sign, Moveable or Temporary shall mean a sign capable of being readily moved or relocated, including a banner, poster, or portable sign mounted on a chassis and wheels, and which is not included in the regular sign allotment for a business.

Sign Officer shall mean the Zoning Enforcement Officer.

Sign, Off-Premises shall mean any sign which is not on the premises of the business, including a billboard.

Sign, On-Premise Sign shall mean any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

Sign, Painted Wall shall mean a permanent mural or message painted directly onto a building surface.

Sign, Political shall mean a sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.

Sign, Projecting shall mean a sign which is affixed to a building which extends more than six (6) inches beyond the surface to which it is affixed.

Sign, Public Service shall mean a sign located for the purpose of providing directions towards or indication of use not readily visible from the street (e.g., restrooms, telephone, etc.)

Sign, Roof shall mean a sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

Sign, Traffic Flow shall mean an on-premises sign solely indicating ingress and egress placed at driveway locations, containing no advertising materials

Sign, Wall shall mean any sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

Sign, Window shall mean any sign which is painted or mounted onto a window pane, or which is hung within 12 inches of a window with the purpose or effect of identifying any premises from the sidewalk or street.

Solid waste shall mean unwanted or discarded solid material with insufficient liquid content to be free flowing, including without limitation rubbish, garbage, junk refuse and ash. The term does not include vegetative compost, tree stumps and brush under 200 cubic yards.

Special Permit shall mean a permit issued pursuant to G.L. c. 40A, s. 9 and this by-law. In accordance with case law, neither the Zoning Act nor the town zoning by-law gives an absolute right to a special permit. The special permit granting authority is not compelled to grant the permit; it has discretionary power in acting thereon.

Stacking Lane: An area of stacking spaces and driving lane provided for vehicles waiting for drive-through service that is physically separated from other traffic and pedestrian circulation on the site.

Stacking Space: An area within a stacking lane for vehicles waiting to order and/or finish a drive – through transaction.

Story shall mean the portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is four (4) feet six (6) inches or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

Street shall mean either (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and constructed or secured in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town, having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure shall mean anything constructed or erected, the use of which requires fixed location on the ground, including, but not limited to buildings, wireless communications facilities and equipment, swimming pools, satellite dishes, tennis courts, and animal enclosures.

Tattoo shall mean the indelible mark, figure, or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

Tattooing shall mean the means or method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin mucosa. This term includes all forms of cosmetic tattooing.

Tattoo Parlor shall mean an establishment which provides the service of tattooing by a qualified, licensed professional.

Townhouse shall mean a single building or group of buildings on a single lot, containing more than two (2) but not more than five (5) dwelling units per building, created in accordance with the provisions of Section 3900, herein.

Toxic or hazardous materials shall mean any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies and to human health, if such materials were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, virulent infectious wastes, pesticides, herbicides, solvents, thinners and other materials which are listed as U.S. Environmental Protection Agency Priority Pollutants.

Traffic Impact Study: A traffic study shall be prepared by a registered professional engineer experienced and qualified in traffic engineering. The study shall include the following information: existing and projected traffic conditions, peak hour and daily traffic generation, sight lines for all existing and proposed intersections, existing and proposed traffic controls for the impact area. The impact area includes all streets and intersections within 1000 feet of the project boundaries. The impact area may be adjusted by the Planning Board.

Trailer shall mean any of the various types of vehicles which generally depend for mobility on a motor vehicle and which are used for human habitation or for business purposes, and which is, has been, or can be mounted on wheels, including the type of vehicle commonly known as a mobile home, but excluding vehicles used only for transportation of materials, products, or animals.

Transfer of Development Rights (TDR) shall mean a development right (house lot) can be transferred from a sending parcel(s) in the sending area to a receiving parcel(s) in the receiving area. As part of the transfer of the development rights from the sending parcel either a conservation restriction shall be placed on the sending parcel or ownership of the sending parcel shall be donated to the Town of Carver for conservation purposes or its designee.

Truck Terminal shall mean land or buildings in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

Wholesale, warehouse, or distribution facility shall mean a structure used primarily for the storage of goods and materials, with or without wholesale sales.

Wireless Communications Facility shall mean fixtures and/or equipment used by a public utility or an FCC-licensed commercial entity for personal wireless service, or other wireless transmission and reception of radio signals including (a) reception and transmission equipment and fixtures such as antennae, communications dishes, and similar devices, and (b) monopoles that are erected and used primarily to support such reception and transmission equipment. A wireless communications facility may include accessory mechanical, electronic, or telephonic equipment necessary to operate such facility; provided, however, that such facility shall be a transmission and reception substation, not a principal facility for conducting a communications business.

Yard shall mean an open space on a lot unoccupied and unobstructed by any building or structure, except the following: fences, walls, poles, posts, paving, and other customary yard accessories, ornaments, and furniture; or, in front yards only, eaves, steps, and non-covered porches.

Yard, Front shall mean a yard extending between lot side lines across the lot adjacent to the front lot line.

Yard, Rear shall mean a yard extending between lot side lines adjacent to the rear of the lot.

Yard, Side shall mean a yard extending along each side line of a lot between front and rear yard.

A True Copy, Attest:
















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

ARTICLE 12 REZONE FROM HIGHWAY COMMERCIAL (HC) to GREEN BUSINESS PARK (GBP) DISTRICT.

To see if the Town will vote to amend the Carver Zoning Bylaw and Zoning Map by rezoning, from Highway Commercial (HC) to Green Business Park (GBP), a parcel of land located off Park and Montello Street, consisting of approximately 7.48 acres, and identified on the Assessors Maps as Map 20, Lot 14 [Kuhn, 0 Cobbs Pond]; **a copy of said map** having been filed with the Town Clerk or take any other action relative thereto.



ZONING

- | | |
|---|---|
|  Residential Agricultural |  General Business |
|  Tourist Commercial |  Green Business Park |
|  Village Business |  Highway Commercial |
|  Village District |  Industrial "A" |
|  Airport District |  Industrial "B" |
|  Route 44 |  Industrial "C" |
|  Spring Street Innovation District | |

**FINALVERSION OF BYLAW ARTICLE:12 ACCESS DRIVEWAYS-
NONRESIDENTIAL PREMISES**

3350. Driveway Design. Access driveways to nonresidential premises shall be **a minimum of** 12 feet wide for one-way traffic and **a minimum of** 24 feet for two-way traffic.

3351. Curb cuts shall be clearly defined with curbing. The number of curb cuts shall be minimized. Where possible, access shall be provided onto side streets rather than major roadways. Curb cuts shall be no closer than seventy-five (75) feet to existing curb cuts, and seventy-five (75) feet to intersecting roadways.

3352. To the extent feasible, lots and parking areas shall be served by common private access ways, in order to minimize the number of curb cuts. Such common access ways shall be in conformance with the functional standards of the Subdivision Rules and Regulations of the Planning Board for road construction, sidewalks, and drainage. Proposed documentation (in the form of easements, covenants, or contracts) shall be submitted with the application, demonstrating that proper maintenance, repair, and apportionment of liability for the common access way and any shared parking areas has been agreed upon by all lot owners proposing to use the common access way, and that the common access way shall be permanently available to uses on adjacent or nearby lots. Common access ways may serve any number of parcels deemed appropriate by the Planning Board.

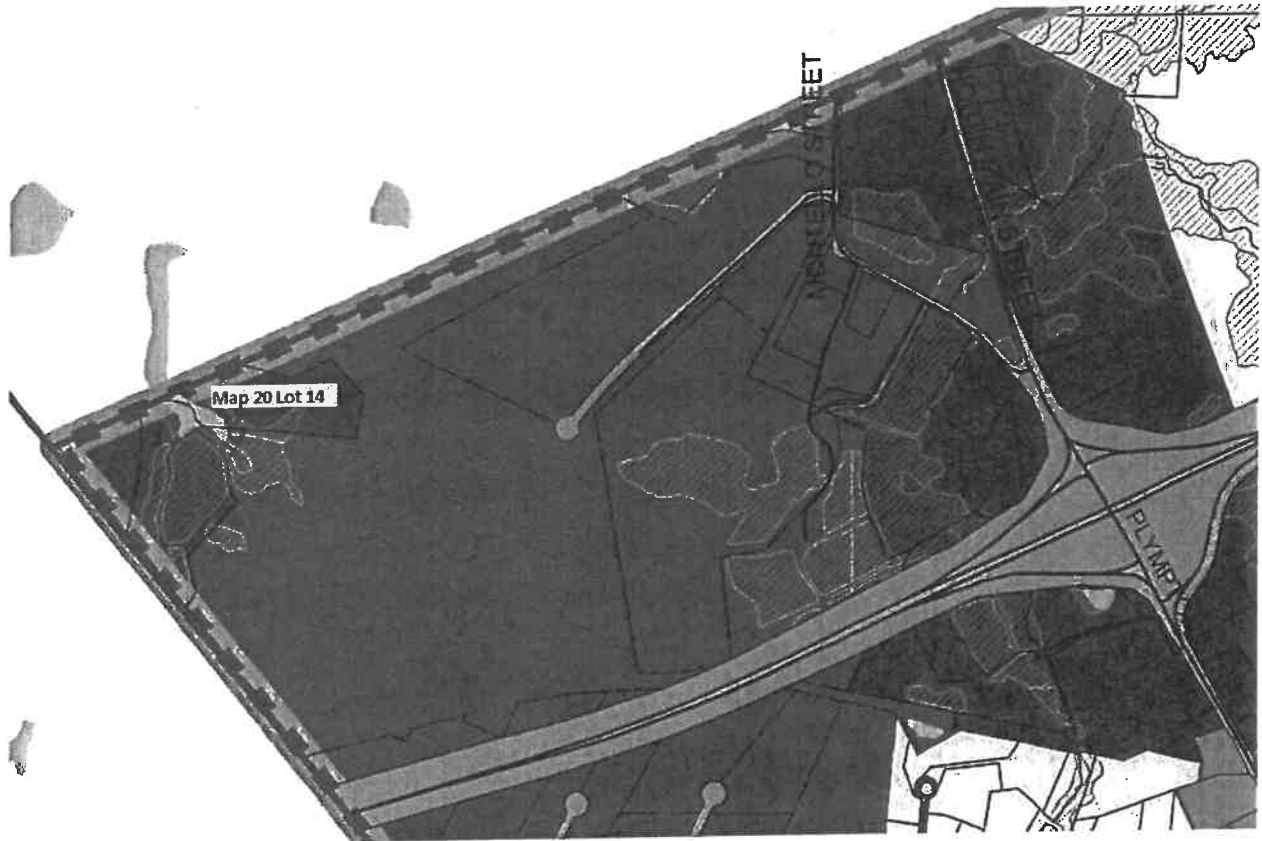
A True Copy, Attest:










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







ARTICLE 13 REZONE FROM HIGHWAY COMMERCIAL (HC) to GREEN BUSINESS PARK (GBP) DISTRICT.

To see if the Town will vote to amend the Carver Zoning Bylaw and Zoning Map by rezoning, from Highway Commercial (HC) to Green Business Park (GBP), a parcel of land located off Park and Montello Street, consisting of approximately 7.48 acres, and identified on the Assessors Maps as Map 20, Lot 14 [Kuhn, 0 Cobbs Pond]; **a copy of said map** having been filed with the Town Clerk or take any other action relative thereto.



ZONING

-  Residential Agricultural
-  Tourist Commercial
-  Village Business
-  Village District
-  Airport District
-  Route 44
-  Spring Street Innovation District

-  General Business
-  Green Business Park
-  Highway Commercial
-  Industrial "A"
-  Industrial "B"
-  Industrial "C"

FINAL VERSION OF BYLAW ARTICLE 14: GROUND MOUNTED SOLAR VOLTAIC INSTALLATIONS

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) defined as those with a minimum nameplate capacity of 250 kW or greater or covering 1 acre or more of land, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of LSGMSPI proposed to be constructed or materially altered after the effective date of this section. To the extent that any particular provision of this bylaw is determined to be invalid, such invalidation shall not affect the validity of any other provision.

Approved by AGO as amended 9/16/2022:

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 by right and customarily accessory and incidental to permitted principal uses: 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:

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

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

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

3580.23. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the LSGMSPI, which shall include measures for

maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. A ground fuels maintenance plan shall be submitted during the site plan review process and be approved by the Fire Chief. The approved plan shall become a condition of the general site maintenance requirements outlined in section 3580.40.

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

3580.25. Dimension and Density Requirements.

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.

3580.25.1 to allow reduced setbacks for large-scale ground –mounted solar photovoltaic installations (“LSGMSPI”) to a minimum of 50 feet, provided standard setbacks and screening requirements are waived in writing by all direct abutters in a

Residential-Agricultural (RA) zoning district. An affidavit signed by all owners of record of all direct abutters within a Residential –Agricultural (RA) zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.

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

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

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

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

3580.26. Design Standards

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

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

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

3580.26.4. Hazardous Materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous

Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000, and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the LSGMSPI, including the photovoltaic panels or transformer (s), then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

3580.30. Safety and Environmental Standards.

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

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

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

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

3580.40. Monitoring and Maintenance.

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

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

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

3580.50. Abandonment or Decommissioning

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

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

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

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

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

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

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

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

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

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

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

Residential - Agricultural	SMART/Dual Use Array			
	Array Height	Setback	% Screening in Setback	Abutters Notification
	8'+	200*	100**	300'

* Planning Board may reduce setbacks, but in no instance shall setbacks be less than 25' when abutting a Residential/Agricultural district.

** 100% screening shall be attained from the greater of abutting street grade or yard grade. Topographical situations may require flexibility in either setback or screening decisions.

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

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

A True Copy, Attest:



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

FINAL VERSION OF BYLAW ARTICLE 15: AMEND SECTIONS 3166 AND 3347 – SITE PLAN REVIEW PERFORMANCE AND PARKING LOT LIGHTING STANDARDS

3100. SITE PLAN REVIEW

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

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

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

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

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

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

3120. Procedures

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

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

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

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

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

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

3130. Submittals

3131. Plans subject to this section shall show:

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

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

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

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

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

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

3160. Performance Standards. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision

for utilities and stormwater drainage consistent with the requirements found in Section 4200: Utilities. New building construction or other site alteration shall be designed so as to:

3161. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
3162. Maximize pedestrian and vehicular safety both on the site and egressing from it;
3163. Minimize obstruction of scenic views from publicly accessible locations;
3164. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
3165. Minimize glare from headlights through plantings or other screening;
3166. Minimize lighting intrusion through use of such devices as cut-off luminaires confining direct rays to the site, with fixture mounting not higher than 11 feet in pedestrian areas; and 15 feet in parking lots, **except as otherwise provided under Section 3347.**
3167. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways. The front building facade facing a street shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Not more than 50 feet of a building front shall be in the same vertical plane. A main business entrance to each ground floor business, identified by the larger doors, signs, canopy or similar means of highlighting, shall be located in the front of the building. Building fronts shall contain windows covering at least 15% of the facade's surface. Windows shall be highlighted with frames, lintels and sills or equivalent frame features. Windows and doors shall be arranged to give the facade a sense of balance and symmetry.
3168. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; in accordance with Section 4300, Water Resource Protection.
3169. Comply with all applicable provisions of this Zoning By-law and other Town regulations, including but not limited to, Section 3200, General Landscaping Requirements, and Section 3300, Townwide Parking and Loading Requirements.
3170. Approval: Site plan approval shall be granted upon determination of the board that the requirements of this Section 3100, Site Plan Review, and all other applicable requirements have been satisfied. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to ensure that the performance standards are met. Site plan approval shall lapse after 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.

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

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

3200. GENERAL LANDSCAPING REQUIREMENTS

3210. Purpose. This section 3200 is designed to accomplish the following objectives:

3211. To provide a suitable boundary or buffer between residential uses and districts and nearby nonresidential uses;

3212. To define the street edge and provide visual connection between nonresidential uses of different architectural styles;

3213. To separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots;

3214. To provide visual relief to parking lots and protection from wind in open areas;

3215. To preserve or improve the visual and environmental character of Carver, as generally viewed from residential or publicly accessible locations; and

3216. To offer property owners protection against diminution of property values due to adjacent nonresidential use.

3220. Applicability: The requirements of this section shall apply to any nonresidential use and any multi-family dwelling of three (3) or more units.

3230. Landscaping Requirements Along Roadways and Property Lines:

3231. Roadways/Front Property Lines: The roadway/front property line landscaped buffer is intended to contribute to the creation of tree-lined roadways and shall create a strong impression of separation between the street and the developed area of the site without necessarily eliminating visual contact between them. Planted buffer areas shall be established adjacent to any public road, and shall be continuous except for approved access

ways. The roadway/front property line shall have shade trees planted at least every thirty-five (35) feet along the roadway. Planted buffer areas along roadways/front property lines shall be of the following minimum depth in each district, as measured from the layout of the roadway:

IA or B	HC	GB	V
30 feet	20 feet	20 feet	10 feet

3232. Side and Rear Property Lines. Side and rear property line landscaped buffers are intended to promote proper visual separation and adequate buffering between adjoining properties. Planted buffer areas along side and rear property lines shall be of the following minimum depth in each district:

IA or B	HC	GB	V
20 feet	10 feet	10 feet	0 feet

3233. Property lines bordering residential uses. Wherever a nonresidential use or multi-family dwelling is located on a lot which abuts or is across a street from land developed or zoned for residential use, a landscaped buffer shall be provided and maintained on the nonresidential/multi-family lot along the bordering lot line in order to minimize the visual effect of all the nonresidential/multi-family use on the adjacent land. Planted buffer areas along property lines bordering residential districts or uses shall be of the following minimum depth in each district:

IA or B	HC	GB	V
100 feet	50 feet	50 feet	10 feet

The bordering residential buffer shall supercede the applicable front, side or rear property line buffer required by Sections 3231 and 3232.

3240. Landscaping Requirements for Parking Areas:

3241. Parking lot interior landscaping: Interior parking lot landscaping shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site. Parking areas with more than 10 spaces shall contain 150 square feet of planted areas for every 1000 square feet of parking proposed, appropriately situated within the parking area. All interior parking lot landscaping shall occur in landscaped islands containing at least 150 square feet of unpaved area and measuring at least 10 feet across. A landscaped island may be up to thirty-three percent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas. The distance from one landscaped island to next or to the perimeter of the parking lot shall be no more than 180 feet.

3242. Parking lot perimeter landscaping: Perimeter parking lot landscaping shall create visual screening of automobile parking areas, create summer shade along paved surfaces and reduce wind velocity across open lot areas. Buffer strips shall be located along the

perimeter of at least three sides of all parking lots with more than 10 spaces, and shall meet the following specifications:

Number of Spaces in Lot	Depth of Buffer Strip
Up to 10	10 feet
11 – 24	10 feet plus one foot for each space in excess of 10 spaces
25 or more	25 feet

If the parking perimeter buffer requirements conflict with roadway/property line buffer requirements, the larger requirement shall apply.

3243. All interior and perimeter parking lot landscaped areas shall be suitably protected by raised curbing to avoid damage to the plant materials by vehicles and by snowplows and to define the edge of the landscaped area.

3250. Landscaping Requirements for Buildings and Screening of Unightly Features:

3251. Landscaped areas at least ten (10) feet in depth shall be provided adjacent to buildings on every side of the building that has a public entrance, and shall contain trees and shrubs.

3252. Unightly features such as loading areas, storage areas, refuse storage and disposal areas, service areas and mechanical or utility equipment shall be screened from view, to the extent feasible, from all public ways; and from adjacent properties, by the use of planted buffers, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

3260. Planting Requirements: All landscaping and buffers shall consist of grass, shrubs and trees of a species common to the area and appropriate for their intended purpose. "Such plants shall not be deemed invasive species by the Massachusetts Department of Agricultural Resources." Such plantings shall be provided and maintained by the owner of the property used for nonresidential/multi-family purposes. The buffer area may contain walks, sewerage, and wells, but no part of any building structure, or space intended for or used as a parking area, driveway, or drive through may be located within the buffer area.

The side/rear property line, bordering residential, and parking lot perimeter buffers, may include plantings, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees. Shrubs and hedges shall be

at least two and half (2.5) feet in height at the time of planting, and have a spread of at least eighteen (18) inches.

3261. Grass is preferable to mulch where practical.

3262. Wherever possible, the planting and screening requirements of this section shall be met by the retention of existing vegetation and topography. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

3270. Coordination with Site Plan Approval: The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section 3100.

3280. Maintenance of Landscaped Areas: The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth.

3300. TOWNWIDE PARKING AND LOADING REQUIREMENTS

3310. General. Adequate off-street parking for non-residential uses must be provided to service all parking demand created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Such parking shall be on the same premises as the activity it serves, or within 200 feet on a separate parcel, which may be jointly used with other premises for this purpose, provided that the continued joint use of such parcel be ensured through an agreement recorded in the Registry of Deeds.

3320. Reduction of Parking Requirement by Special Permit. Notwithstanding the provisions of Section 3330, the Planning Board may, by special permit, reduce the number of parking spaces required for nonresidential uses upon its determination that the intended use of the premises can be adequately served by fewer spaces. The Planning Board may consider on-street parking available near the premises as a factor in making this determination.

3330. Table of Parking Requirements. Parking shall be provided in accordance with the following schedule. Any computation resulting in a fraction of a space shall be rounded to the highest whole number.

Principal Use	Minimum Number of Parking Spaces
PRINCIPAL USE	PARKING
A. RESIDENTIAL	
Detached single family dwelling	2 for each dwelling unit
Flexible development	1 for each dwelling unit up to 50 units and 1.5 for each dwelling unit in excess of 50
Conservation subdivision	2 for each dwelling unit up to 50 units and 1.5 for each unit dwelling in excess of 50
Townhouse development	2 for each dwelling unit
B. EXTENSIVE USES AND COMMUNITY FACILITIES	
Airport	1 per 500s.f. of gross floor area
Religious or educational use exempted by G.L. c.40A, s.3	1 per 8 occupants + 1 per 2 employees
Educational use not exempted by G.L. c.40A, s.3	1 per 8 occupants + 1 per 2 employees
Agricultural use not exempted by G.L. c.40A, s.3	Not Applicable
Cranberry receiving station	As may be determined by the building commissioner
Child care facility or day care facility exempted by G.L. c.40A, s.3	1 per 8 occupants + 1 per 2 employees
Municipal facilities	Based on Occupancy Load, 1 space for every 3 people
Essential services	Based on Occupancy Load, 1 space for every 3 people
Cemetery	1 per 8 occupants + 1 per 2 employees
Earth removal	Not Applicable
Mobile home park	2 for each dwelling unit, plus one space per each five homes
Non Exempt Educational Use	1 space for each teacher and employee, plus 1 space for each 10 students
C. COMMERCIAL	
Office	1 per 250 s.f. of gross floor area
Motor vehicle services station	4 spaces for every service bay/plus employees
Retail sales or rental without display outdoors	1 per 250 s. f. of gross floor area

Retail sales or rental with display outdoors	1 per 250 s.f. of gross floor area
Retail sales with manufacturing or assembly in a building less than 20,000 s.f. building footprint	1 per 500 s.f. of gross floor area
Establishment for the sale or consumption of alcoholic beverages, with or without entertainment, including clubs, whether for profit or not for profit	1 space for each 4 seats plus employees
Junkyard or automobile graveyard	Not Applicable
Hospital or sanitarium	1 space for each 3 beds plus 1 for each 50 s.f. of outpatient facilities plus employees; plus 1 for each 400 s.f. net floor space of medical office buildings related to hospitals
Convalescent or nursing home, or assisted elderly housing	1 space for each 6 beds plus employees
Hotel or motel	(Hotel) 1 space for each 3 sleeping rooms/plus employees (Motel) 1 space for each unit/plus employees
Service shop	1 for each 400 square feet of gross floor space
Fast food or drive in restaurant	1 space for each 300 s.f. of gross floor space
Animal hospital or Hobby or Commercial Kennel	1 space for each 400 s.f. of gross floor space
Drive in service at facility other than restaurant or bank	Not Applicable
Landscaping business	1 for each 400s.f. of gross floor space
Car wash	Spaces for employees
Commercial recreation outdoors	Based on Occupancy Load, 1 space for every 2 people
Major commercial project	1 for each 300 s.f. of gross floor space
Tattoo parlor/body piercing	1 for each 400 s.f. of gross floor space
Adult Use	1 space for each 4 seats plus employees
School or day care facility	1 per 4 occupants plus 1 per 2 employees
General Retail	1 per 250 square feet of gross floor area
Retail sales accessory to industrial use	1 per 500 square feet of gross floor area
Printing and Publishing	1 per 500 square feet of gross floor area
Medical Office	1 per 150 square feet of gross floor area

General Office	1 per 250 square feet of gross floor area
Restaurants, not including fast-food or drive-in restaurant	1 per two seats plus 1 per two employees
Research and Development, Manufacturing, or Industrial	1 per 500 square feet of gross floor area, or 1 per employee, whichever is greater.
Warehousing and storage	1 per two employees but not less than 1 space per 5,000 square feet of area devoted to indoor or outdoor storage.
Inns and Bed & Breakfasts	1 per sleeping room plus 1 per 2 employees
Church, Library, Museum or similar place of assembly	1 per 8 occupants plus 1 per 2 employees
Bank, including free standing ATM and drive in facilities	1 per 175 square feet of gross floor area
Gasoline service station	2 per service bay plus 1 per employee
Self Storage Facility	1 off-street parking space shall be provided for each employee at the largest shift, plus 1 space for every 10,000 sq ft of gross floor area
D. INDUSTRIAL	
Light manufacturing in a building with less than 20,000s.f. building footprint	1 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Light manufacturing in a building with more than 20,000 s.f. building footprint	2 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Manufacturing, processing, assembly or fabrication in a building with less than 20,000s.f. building footprint	3 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Manufacturing, processing, assembly or fabrication in a building with more than 20,000s.f. building footprint	4 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Wholesale, warehouse or distribution facility in a building with less than 20,000 s.f. building footprint	1 space for each 2 employees in the maximum working shift; others as may be determined by the building commissioner
Wholesale, warehouse or distribution facility in a building with more than 20,000 s.f. building footprint	2 spaces for each 2 employees in the maximum working shift; others as may be determined by the building commissioner
Bituminous concrete or concrete batching plant	As may be determined by the building commissioner

Contractors yard	1 space for each 2 employees in the maximum working shift
Sawmill	Based on Occupancy Load, 1 space for every 3 people
Truck, bus or freight terminal	Based on Occupancy Load, 1 space for every 3 people

3340. PARKING LOT DESIGN

3341. To the extent feasible, required parking areas shall not be located forward of any building front line on the lot.

a. Notwithstanding the above, in any district except for RA, V, and PTCD, the Planning Board may grant permission in the course of site plan review to locate not more than eight (8) parking spaces in front of the principal building, where such location promotes a better site layout. As condition of such permission, the board may require that provisions be made for a common access way linking the property with existing or future adjacent uses.

3342. Parking spaces shall be at least 10'x 18'.

3343. The Planning Board may require the paving of all parking areas, except those serving residential premises.

3344. In parking areas with eight or more spaces, individual spaces shall be delineated by painted lines, wheel stops, or other means.

3345. For parking areas of fifteen (15) or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per five (5) parking spaces or fraction thereof, but not more than fifteen (15) bicycles. Such bicycle rack(s) may be located within the parking area or in another suitable location as deemed appropriate by the Planning Board.

3346. Parking lot aisles shall be designed in conformance with the following:

Parking Angle	Minimum Aisle Width (one-way traffic)	Minimum Aisle Width (two-way traffic)
0 degrees (parallel)	12 feet	20 feet
30 degrees	13 feet	20 feet
45 degrees	14 feet	21 feet
60 degrees	18 feet	23 feet
90 degrees	24 feet	24 feet

3347. All artificial lighting shall be not more than twenty (20) feet in height in pedestrian areas, and twenty (20) feet in parking lots, **except that site lighting poles in the GBP**

Zone may be no more than 40 feet in height, and shall be arranged and shielded so as to prevent direct glare from the light source onto any public way or any other property **except at driveways and access ways where illumination is desirable for public safety purposes**. . All parking facilities which are used at night shall be lighted as evenly and fully as possible. The Planning Board shall require the applicant to provide the type and wattage of all proposed lighting for the parking areas.

3348. Parking facilities shall provide specially designated parking stalls for the physically handicapped in accordance with the Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts Department of Public Safety or any agency superseding such agency. Handicapped stalls shall be clearly identified by a sign stating that such stalls are reserved for physically handicapped persons. Said stalls shall be located in that portion of the parking facility nearest the entrance to the use or structure which the parking facility serves. Adequate access for the handicapped from the parking facility to the structure shall be provided.

3350. Driveway Design. Access driveways to nonresidential premises shall be 12 feet wide for one-way traffic and 24 feet for two-way traffic.

3351. Curb cuts shall be clearly defined with curbing. The number of curb cuts shall be minimized. Where possible, access shall be provided onto side streets rather than major roadways. Curb cuts shall be no closer than seventy-five (75) feet to existing curb cuts, and seventy-five (75) feet to intersecting roadways.

3352. To the extent feasible, lots and parking areas shall be served by common private access ways, in order to minimize the number of curb cuts. Such common access ways shall be in conformance with the functional standards of the Subdivision Rules and Regulations of the Planning Board for road construction, sidewalks, and drainage. Proposed documentation (in the form of easements, covenants, or contracts) shall be submitted with the application, demonstrating that proper maintenance, repair, and apportionment of liability for the common access way and any shared parking areas has been agreed upon by all lot owners proposing to use the common access way, and that the common access way shall be permanently available to uses on adjacent or nearby lots. Common access ways may serve any number of parcels deemed appropriate by the Planning Board.

3360. Loading Requirements. Adequate off-street loading facilities and space shall be provided to service all needs created by construction whether through additions, change of use, or new structures. Facilities shall be so sized and arranged that no vehicle need regularly to back onto or off of a public way, or be parked on a public way while loading, unloading, or waiting to do so. Such areas shall be landscaped in accordance with Section 3240. Loading spaces shall be at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than one thousand three hundred (1,300) square feet which includes access and maneuvering space, used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Planning Board during Site Plan Review to no less than six hundred (600) square feet which

includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area set forth above.

A True Copy, Attest:

A handwritten signature in black ink, appearing to read "Cara L. Dahill". The signature is written in a cursive, flowing style.

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

FINAL VERSION OF BYLAW ARTICLE 16: AMEND SECTION 3521.
PERMITTED SIGNS FOR GREEN BUSINESS PARK (GBP) DISTRICT:

3500. SIGNS

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

3520. General Regulations

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

VILLAGE AND AGRICULTURAL/ RESIDENTIAL DISTRICTS#

Sign	Permitted	Max. Number	Max Area	Max Height	Clearance/ Setback
Address*	Yes	1 per building	2 square feet	4 feet	Setback at least 3 feet from right of way
Traffic Flow*	Yes	Unlimited	3 sq. feet per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	4 sq. ft. for the name of the building; 2 sq. ft. for each business	5 feet	
Freestanding*	Yes	1 per single-occupancy commercial building	4 square feet	5 feet	
Marquee/ Canopy	Yes	1 per business	4 square feet; letters may not exceed 12" in height	Lowest point of the roof	10 foot clearance above sidewalk
Monument	No	1 per single-occupancy commercial building or business park			

Wall	Yes	1 per business*	10% of wall area	Lowest point of the roof	Shall not project more than 6" from building
Window	Yes	1 per business	30% of the window area		
Individual letters or symbols	No				
TOTAL OF ALL SIGNS		2 per business	8 sq. ft. per business		

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

GENERAL BUSINESS AND SPRING STREET INNOVATION DISTRICT (SSID)

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

HIGHWAY COMMERCIAL/INDUSTRIAL/GREEN BUSINESS PARK DISTRICTS

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

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

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

3522. Prohibited Signs

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

- j. Individual freestanding signs are not permitted for multiple-occupancy commercial buildings. All information relating to establishments within the building or complex must be contained within one directory sign permitted for the entire premises.

3530. Standards.

3531. Illumination Standards.

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

3532. Placement Standards.

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

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

3534. Materials Standards.

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

3535. Color Standards.

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

3536. Measurement of Sign Area.

- a. Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
- b. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building.
- c. For a sign consisting of individual letters or symbols attached to, painted, or carved or engraved on a surface, building wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- d. The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- e. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

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

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

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

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

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

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

3542. Nothing in this Sign By-Law shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs may be replaced, providing that such replacement makes structure conforming as to height, setback, and other requirements.

3543. A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent

exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.

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

3550. Additional Regulations For Specific Types Of Signs

3551. Directional Signs on Public Property

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

3552. Moveable or Temporary Signs (and/or moveable). Such signs are prohibited except as follows:

Type	Duration	Max. Size	Permit Required
Charitable or Civic Events	Week prior to event	80 square feet	no
Commercial	30 days; twice yearly	32 square feet	yes
Construction	6 months	12 square feet	no
For Sale/Rent/Lease	Till 30 days after sale or lease	6 square feet	no
Grand Opening Banner	21 days	32 square feet	no
Holiday displays: Banners & Bunting	4 separate 30 consecutive day periods in each calendar year	as appropriate (shall consist of cloth, canvas, vinyl or the like)	no
Political - unlighted	30 days prior; 7 days after election *	6 square feet	no
Yard Sale	5 days prior	2 square feet	no

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

3553. Projecting Signs

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

3554. Public Service Signs

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

3560. Administration

3561. Sign Permits

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

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

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

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

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

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

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

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

3571. Signs are compatible with surrounding Neighborhood.

3572. Signs are not considered visual pollution.

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

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

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

A True Copy, Attest:



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

FINAL VERSION OF BYLAW ARTICLE 17: AMEND SECTION 2230. USE REGULATION SCHEDULE -INDUSTRIAL- ALLOW PRIVATELY OWNED WASTEWATER TREATMENT FACILITIES AS AN ACCESSORY USE:

PART A AMEND 2230

2200. USE REGULATIONS

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Use Regulation Schedule", or in Section 2240, "Accessory Buildings and Uses", unless exempted by Section 2250, or by statute. Uses not expressly provided for herein are prohibited.

Symbols employed below shall mean the following:

- Y A permitted use.
- N An excluded or prohibited use.
- SP A use authorized under special permit from the Board of Appeals as provided under Section 5300.
- SP* A use authorized under special permit from the Planning Board as provided under Section 5300.
- SP# A use authorized under special permit from the Board of Selectmen as provided under Section 5300.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Use Regulation Schedule

Principal Use	USE REGULATION SCHEDULE										
	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID
A. RESIDENTIAL											
Detached single-family dwelling	Y	N	Y	N	Y	N	N	N	N	N	N
Conservation subdivision	SP*	N	N	N	N	N	N	N	N	N	N
Duplex and Two Family Dwelling	SP*	N	SP*	SP*	SP*	N	N	N	N	N	N
Planned Neighborhood Development	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Townhouse Development	SP*	SP*	SP*	N	SP*	N	N	N	N	N	N
Mixed Use Structures	N	N	Y	Y	Y	N	N	N	Y	N	SP*

Dwelling units above commercial or office uses	N	N	SP*	SP* ⁶	SP* ⁶	N	N	N	SP*	N	SP*
Agricultural use exempted by G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Agricultural use not exempted by G.L. c. 40A, s. 3	SP	N	Y	Y	Y	N	Y	Y	Y	Y	N
Cranberry receiving station	SP	N	SP*	N	N	N	Y	Y	Y	Y	N
Child care facility or day care facility exempted by GL c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Municipal facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Airport	N	N	N	N	N	N	N	N	N	Y	N
Heliport	N	N	N	N	N	N	SP*	SP*	N	SP*	N
Cemetery	SP	N	SP	N	SP	N	N	N	N	SP	N
Earth Removal+	Y	N	Y	N	N	N	Y	Y	N	Y	N
Mobile Home Park	SP	N	N	N	N	N	SP	SP	N	SP	N

⁶ see Section 2273

Principal Use	USE REGULATION SCHEDULE										
	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID
B. COMMERCIAL											
Office, including medical office	N	Y	Y	Y	SP*	Y	Y	N	Y	SP*	Y
Bank, including free-standing ATM & drive-in facilities	N	Y	Y	Y	SP*	Y	SP*	N	SP*	SP*	SP*
Retail sales with manufacturing or assembly in a building less than 20,000 sq. ft. building footprint.	N	Y	SP*	Y	SP*	Y	SP*	SP*	N	SP*	SP*
Retail sales or rental less than 80,000 square feet in gross floor area for a single structure without display outdoors	N	Y	Y	N	SP*	Y	SP*	N	N	N	SP*
Retail sales or rental less than 80,000 square feet in gross floor area for a single structure with display outdoors	N	Y	SP*	N	N	SP*	SP*	N	N	N	SP*
Retail sales or rental less than 25,000 sq. ft. in gross floor area for a single structure without display outdoors	N	Y	SP*	Y	N	Y	SP*	N	N	N	SP*
Retail sales or rental less than 25,000 sq. ft. in gross floor area for a single structure with display outdoors ¹	N	Y	SP*	Y	N	Y	SP*	N	N	N	SP*
Motor vehicle service station	N	SP*	SP*	SP*	N	N	Y	N	N	N	N
Motor vehicle repair shop	N	SP*	SP*	SP*	N	N	Y	N	N	N	N
Establishment for the sale or consumption	N	SP	SP	SP	SP	N	SP	SP	N	SP	SP

of alcoholic beverages, with or without entertainment, including clubs, whether for profit or not for profit											
<u>B. COMMERCIAL</u>	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID
Junkyard or automobile graveyard	N	N	N	N	N	N	N	N	N	N	N
Hospital or sanitarium	N	Y	SP	N	N	Y	SP	N	N	N	SP
Convalescent or nursing home, or assisted elderly housing	SP	Y	SP	N	N	N	SP	N	N	N	Sp
Hotel or motel	N	Y	SP*	N	N	Y	SP*	N	N	N	SP
Bed and Breakfast	SP*	N	Y	Y	SP*	N	N	N	N	N	SP
Print shop	N	Y	SP*	Y	N	Y	Y	N	Y	N	Y
Craftsman/Tradesman	N	Y	Y	Y	Y	Y	N	N	Y	N	Y
Essential services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Service shop	N	Y	Y	Y	Y	N	N	N	Y	N	Y
Restaurant, not including fast-food or drive-in restaurant	N	Y	Y	Y	SP*	SP*	SP*	N	N	SP*	Y
Fast-Food or drive-in restaurant	N	SP*	SP*	SP*	SP*	N	N	N	N	SP*	SP*
Places of assembly	N	SP*	SP*	N	SP*	N	SP*	N	N	N	N
Animal Hospital or Hobby or Commercial Kennel ²	SP*	SP*	SP*	SP*	SP*	SP*	Y	SP*	N	N	SP*
Drive-in service at facility other than restaurant or bank	N	SP*	SP*	SP*	SP*	SP*	SP*	N	SP*	SP*	SP*
Adult Use	N	N	N	N	N	N	SP	SP	N	N	N
Landscaping business ³	SP*	N	SP*	N	SP*	N	Y	N	N	N	N

Nursery/Greenhouse	Y	N	Y	SP*	SP*	N	Y	Y	Y	N	N
Car wash	N	N	SP*	N	N	N	Y	N	N	N	N
Commercial recreation, outdoors ³	SP*	N	SP*	N	N	N	SP*	N	N	N	N
Major Commercial Project	N	SP*	SP*	N	SP*	SP*	SP*	SP*	N	SP*	SP*
Tattoo Parlor/Body Piercing	N	SP*	N	N	N	N	SP*	SP*	N	N	N
Non-Exempt educational use	N	Y	N	SP*	N	Y	SP*	SP*	N	N	Y

Principal Use	USE REGULATION SCHEDULE											
	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID	
C. INDUSTRIAL												
Light manufacturing in a building with less than 20,000 sq.ft. building footprint	N	N	N	N	N	Y	Y*	Y*	N	SP*	Y	
Light manufacturing in a building with more than 20,000 sq.ft. building footprint	N	N	N	N	N	Y	SP*	Y	Y	N	Y	
Manufacturing, processing, assembly, or fabrication in a building with less than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	SP*	SP*	N	N	N	
Manufacturing, processing, assembly, or fabrication in a building with more than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	SP*	SP*	N	N	N	

Wholesale, warehouse, or distribution facility in a building with less than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	Y	Y	Y	SP*	SP*
Wholesale, warehouse, or distribution facility in a building with more than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	SP*	SP*	N	SP*	SP*
Bituminous concrete or concrete batching plant	N	N	N	N	N	N	N	SP*	N	N	N
Contractor's yard	N	N	N	N	N	SP*	SP*	SP*	Y	N	SP*
Sawmill ⁴	SP	N	SP*	N	N	SP*	SP*	SP*	N	N	N
Truck, bus or freight terminal	N	N	N	N	N	SP*	SP*	SP*	N	SP*	N
Auto Body Shops	N	N	N	N	N	N	Y	Y	N	N	N
Self-Storage Facility	N	N	N	N	N	Y	Y	N	N	Y	N
Research and Development facilities, not limited to Renewable or Alternative Energy research and development facilities	N	N	N	N	N	Y	Y	Y	Y	N	Y

<u>C.</u> <u>INDUSTRI</u> <u>AL</u>	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSI D
Manufacturing, processing, assembly, or fabrication of alternative energy components	N	N	N	N	N	Y	N	N	Y	N	Y
Publicly Owned Treatment Works or POTW	N	N	N	N	N	Y	Y	Y	N	N	Y
Privately Owned Wastewater Treatment Facility or PWTF ⁵	N	N	N	N	N	SP*	SP*	SP*	N	N	SP*
Large-scale ground mounted solar photovoltaic installations	SP*	N	N	N	N	SP*+ +	SP*	SP*	SP*	SP*+ +	N
Battery Storage	SP* Y	SP* Y	SP* Y	SP* Y	SP* Y	SP*Y	SP* Y	SP* Y	SP* Y	SP*Y	SP* Y

+ Allowed by right with approval by the Earth Removal Committee under the General Bylaws.

++ Denotes Large Scale Ground Mounted Solar Photovoltaic limited to 15% maximum area within the underlying zoning district

+++ See Section 4950

¹ Outdoor displays and sales of flowers and plants are allowed by special permit in the Village District.

² The raising, breeding, and training of dogs that qualifies as agricultural use under G.L.c. 40A Section 3 shall be allowed on parcels of more than 5 acres in any district. See Section 6.1 of the General By-laws

³ Minimum sites of 5 acres in RA district

⁴ Minimum sites of 5 acres in RA District

⁵ Does not include package treatment plants as accessory uses to subdivision, commercial or industrial development

A True Copy, Attest:

A handwritten signature in black ink, appearing to read "Cara L. Dahill". The signature is written in a cursive, flowing style.

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