

RETURN OF SERVICE
APPROVAL
OF
GENERAL AND ZONING BY-LAWS

AUGUST 12, 2022
CARVER, MASSACHUSETTS

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

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

TOWN OF CARVER

OFFICIAL BULLETIN

Amendments to the Town of Carver **GENERAL BY-LAWS** adopted under **Articles 28 & 29** 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 August 11, 2022.

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

A true record, attest:

A handwritten signature in cursive script, appearing to read "Cara L. Dahill", written over a horizontal line.

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.

TOWN OF CARVER

OFFICIAL BULLETIN

Amendments to the Town of Carver **ZONING BY-LAW ARTICLES** adopted under **Articles 19 & 20** 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 August 11, 2022.

Any person claiming that the amendments to the zoning by-laws adopted under articles 19 & 20 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.

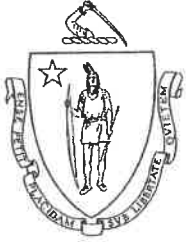
A COPY OF THE BY-LAWS/MAP MAY BE EXAMINED IN THE TOWN CLERK'S OFFICE.

A true record, attest:

A handwritten signature in black ink, appearing to read 'Cara L. Dahill', written over a horizontal line.

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.



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

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

August 11, 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 19, 20, 28, and 29 – We approve Articles 19, 20, 28, and 29 adopted at the Carver April 12, 2022 Annual Town Meeting.

Articles 10, 11, 12, 13, 14, 15, 16, 17, 26, and 38 - The Attorney General's deadline for a decision on Articles 10, 11, 12, 13, 14, 15, 16, 17, 26, and 38 is extended for an additional 60 days under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000. The agreement with Town Counsel for a 60-day extension is attached hereto. We will issue our decision on these Articles on or before **October 13, 2022**.

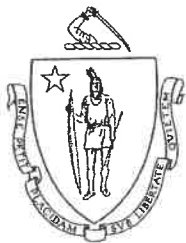
Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements 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 Gregg J. Corbo



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

August 11, 2022

Gregg J Corbo, Esq
Town Counsel, Town of Carver
101 Arch Street, 12th Floor
Boston, MA 01608

**Re: Extension of 90-day review period of Articles 10, 11, 12, 13, 14, 15, 16, 17, 26,
and 38
Carver Annual Town Meeting of April 12, 2022 --- Case # 10526**

Dear Attorney Corbo:

Pursuant to the requirements of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, the Attorney General and Town Counsel are authorized to extend the 90-day period provided for the Attorney General’s review of town by-laws for not more than an additional 90 days. This letter serves to satisfy the requirements of G.L. c. 40, § 32, as amended. In light of our need for time to further discuss the proposed by-laws’ consistency with state law, we hereby jointly agree to extend the Attorney General’s review period of Articles 10, 11, 12, 13, 14, 15, 16, 17, 26, and 38 for an additional 60 days. Our decision on Articles 10, 11, 12, 13, 14, 15, 16, 17, 26, and 38 will now be due on **October 13, 2022**.

Please sign this letter to reflect your agreement and return the signed letter to us. We will then file the letter with the Town Clerk, with a copy to you. Thank you for your accommodation in this matter.

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608

Gregg J Corbo, Esq/s/ (KEG)

08/11/22

Town Counsel

Date

FINAL VERSION OF BYLAW ARTICLE 28 TOWN ADMINISTRATOR
BYLAW CHANGE AS AMENDED

CHAPTER 3 TOWN ADMINISTRATOR

3.1 PURPOSE: To establish and define the position of Town Administrator

3.2 SUMMARY: The Town Administrator reporting directly to the Board of Selectmen, shall be the Administrative Officer for the Town of Carver and shall act as agent for the Board of Selectmen in overseeing the day -to-day operation of the Town's general government.

3.3 JOB DESCRIPTION

3.3.1 Appointment

3.3.1.1 The Select Board shall appoint a Town Administrator from a list prepared by a screening committee. **The Screening Committee shall be appointed by the Select Board for the purpose of identifying qualified candidates for the position. Whenever the office of Town Administrator is vacant or about to become vacant, the Select Board shall convene said Search Committee and establish rules and regulations for its work, including but not limited to the number of members who will serve and when its work is to be completed.**

3.3.1.2 The Select Board shall appoint the Town Administrator to serve for a term **not to exceed five (5) years** and shall fix compensation for such person, annually, within the amount appropriated by the Town. **At no time shall a contract be more than five (5) years; provided however that a contract of five years or less may be renewed for subsequent terms of five years or less by vote of the Select Board only in the last year of the contract.**

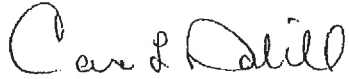
3.3.1.3 The Town Administrator shall be appointed on the basis of educational, executive, and administrative qualifications and experience.

3.3.1.4 **Whenever the office of Town Administrator is vacant or about to become vacant, the Select Board may appoint an Interim Town Administrator for an initial period not to exceed six (6) months. The Select Board may then appoint an Interim Town Administrator for successive periods as they deem necessary. The appointment of an Interim Town Administrator is not subject to the Screening Committee requirement set forth in Section 3.3.1.1 of this bylaw.**


3.3.1 Qualifications

3.3.1.1 The educational qualifications shall consist of a master's degree,

INTESTIMONY WHEREOF, I have hereunto set my hand and the official seal of the Town of Carver on this 28th day of April 2022.



Cara L. Dahill
Town Clerk CMC

TRUE COPY ATTEST

Town Clerk

not conflict with or negatively affect performance of the duties outlined in these bylaws or the employment agreement between the Town and the Town Administrator. These include, but are not limited to, elected and appointed positions in other municipalities or organizations, activities related to professional development such as attending conferences, attending or delivering courses, and remunerative activities undertaken outside of full-time hours devoted to the position of Town Administrator, or activities that are required under an existing contractual agreement the existence of which was communicated to the Select Board prior to appointment to the position of Town Administrator.

SELECT BOARD

INFORMATIONAL SUMMARY: The purpose of this change is to make clarifications in the bylaw concerning the procedures for appointment of the Town Administrator and Interim Town Administrator, the term of office for said positions and limitations on activities outside of working hours.

PROPOSED MOTION: Mark Townsend moved and was seconded that the Town approve Article 28 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board Part A: 5-0 Part B: 4-1 Part C: 5-0 Part D: 3-2

PROPOSED MOTION: Mark Townsend moves to amend to add new Section E as set forth on the Amendments to Motions handout

VOTE 28: 151 YES /24 NO MOTION TO AMEND PASSES

PROPOSED MOTION: Jennifer Pratt moved and was seconded that the Town amend Part A concerning membership of the screening committee.

Amendment: 3.1.1.1 Strike "The screening committee shall be appointed by the Select board" and replace with The Screening Committee shall consist of 9 members. The composition of the committee will be 1 member chosen by the respective board: 1 member of School Committee, 1 member of the Finance Committee, 1 member of the Planning Board, 1 member of the business community, a Carver resident(business stakeholder), 3 members at-large(Carver residents) to be appointed by the select board 2 public safety representatives who are not appointed by the Town Administrator who will be appointed by the select board.

VOTE 28: 130 YES/69 NO PASSES

Town Council Greg Corbo made note that the numbering must be corrected to reflect PART A 3.3.1.1 PART B 3.3.1.2

VOTE 28 MAIN MOTION AS TWICE AMENDED: 166 YES /28 NO

MOTION PASSES

April 28, 2022

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the Annual Town Meeting of the Inhabitants of Carver held on Tuesday April 19th 2022 at the Carver High School Auditorium at 6:00 P.M., pursuant to the Warrant of the Select Board dated April 5, 2022. The Meeting was called to order at 6:10 P.M. By the Moderator, Sean R. Clancey, there being a quorum of 150 present. The following Article was voted on:

ARTICLE 28: TOWN ADMINISTRATOR BYLAW CHANGE: To see if the Town will vote to amend Chapter 3.0 of the Town's General Bylaws as follows (with deletions shown in ~~striketrough~~ and additions shown in **bold**):

PART A: 3.1.1.1 The ~~Board of Selectmen~~ **Select Board** shall appoint a Town Administrator from a list prepared by a screening committee. **The Screening Committee shall be appointed by the Select Board for the purpose of identifying qualified candidates for the position. Whenever the office of Town Administrator is vacant or about to become vacant, the Select Board shall convene said Search Committee and establish rules and regulations for its work, including but not limited to the number of members who will serve and when its work is to be completed.**

PART B: 3.1.1.2 The ~~Board of Selectmen~~ **Select Board** shall appoint the Town Administrator to serve for ~~an indefinite~~ **a term not to exceed five (5) years** and shall fix compensation for such person, annually, within the amount appropriated by the Town. **At no time shall a contract be more than five (5) years; provided however that a contract of five years or less may be renewed for subsequent terms of five years or less by vote of the Select Board only in the last year of the contract.**

PART C: 3.3.1.4 **Whenever the office of Town Administrator is vacant or about to become vacant, the Select Board may appoint an Interim Town Administrator for an initial period not to exceed six (6) months. The Select Board may then appoint an Interim Town Administrator for successive periods as they deem necessary. The appointment of an Interim Town Administrator is not subject to the Screening Committee requirement set forth in Section 3.3.1.1 of this bylaw.**

PART D: 3.3.3.4 The Town Administrator shall devote full time to the office and shall not hold any other ~~public office,~~ **public office, elected or appointive office in the Town of Carver. nor engage in any business or occupation during such service, unless such action is approved in advance by the Board of Selectmen.** **The Town Administrator may engage in such part-time activities that are typically permitted to other appointed officials in the Town of Carver, if they do**

preferably in public or business administration, granted by an accredited degree-granting college or university. The professional experience shall include at least three (3) years of prior full-time compensated executive service in public or business administration; or

3.3.1.2 Five (5) years or more of such professional experience and a bachelor's degree in an appropriate discipline shall qualify any applicant.

3.3.1.3 A proven ability to relate to a variety of constituencies, included but not limited to town elected and appointed officials, committees and boards and the general public.

3.3.1.4 Demonstrated ability and experience with computers, in particular databases, spreadsheets and word processing.

3.3.2 Conditions:

3.3.2.1 A Town Administrator need not be a resident of the town or of the Commonwealth at the time of appointment, nor at any time during the period of such service.

3.3.2.2 The Town Administrator shall not have served in an elective office in the town government for at least twelve months prior to appointment.

3.3.2.3 The Town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

3.3.2.4 The Town Administrator shall devote full time to the office and shall not hold any other public office, elected or appointive, nor engage in any business or occupation during such service, unless such action is approved in advance by the Board of Selectmen.

3.3.2.5 The Board of Selectmen shall provide for an annual review of the job performance of the Town Administrator, which shall, at least in summary form, be a public record.

3.3.3.4 The Town Administrator shall devote full time to the office and shall not hold any other ; elected or appointive office in the Town of Carver. **The Town Administrator may engage in such part-time activities that are typically permitted to other appointed officials in the Town of Carver, if they do not conflict with or negatively affect performance of the duties outlined in these bylaws or the employment agreement between the Town and the Town Administrator. These include, but are not limited to, elected and appointed positions in other municipalities or organizations, activities related to professional development such as attending conferences, attending or delivering courses, and remunerative activities undertaken outside of full-time hours devoted to the position of Town Administrator, or activities that are required under an existing contractual agreement the existence of which was communicated to the Select Board prior to appointment to the position of Town Administrator.**

3.4 POWERS AND DUTIES

3.4.1. The Town Administrator shall be the chief administrative officer of the town, directly responsible to the Board of Selectmen for the administration of all town affairs for which the offices of Town Administrator is given responsibility by under this by-law. The powers and duties of the Town Administrator as in regard to the police department and the fire department shall be in accordance with MGL Chapter 41, Section 97A and MGL Chapter 48, Section 42 - both having been accepted by the Town of Carver. The powers and duties of the

Town Administrator shall include, but are not intended to be limited to the following:

3.4.2. Appointment Duties:

3.4.2.1. To appoint officers, members of boards and commissions as provided by by-law. Copies of the notices of all such proposed appointments shall be posted on the Town bulletin board when submitted to the Board of Selectmen. Such appointments shall become effective on the fifteenth (15th) day following the day on which such notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it.

3.4.2.2. The Town Administrator shall also appoint, on the basis of merit and fairness alone, and except as may otherwise be provided by general law or collective bargaining agreements:

- a. All town employees, including secretarial and clerical personnel; part time or full time, in consultation with the elected or appointed town officials to whom said employees report;
- b. All employees of appointed town multi-member bodies;
- c. One or more inspectors; and
- d. All other full time, part time or seasonal employees, except those of the police and call fire departments and the school committee.

3.4.3. Financial Management Duties:

3.4.3.1. To assure that full and complete records of the financial and administrative activities of the Town are kept and to render as often as may be required by the Board of Selectmen, but not less than once a year, a full report of all town administrative operations during the period reported on, which shall be made available to the public.

3.4.3.2. To prepare and present, an annual operating budget for the Town and present a capital improvement plan, prepared by the Capital Outlay Committee for the five (5) fiscal years next ensuing.

3.4.3.3. To be the chief procurement officer for the Town, in accordance with the provisions of Chapter 30B of MGL, and to appoint such assistant procurement officers as provided in Chapter 30B of MGL.

3.4.3.4. Inspect and submit warrants for payment to the Board of Selectmen.

3.4.4. Personnel Management Duties:

3.4.4.1. To be entrusted with the administration of the Town personnel system, including, but not limited to personnel policies and procedures, rules, and regulations including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the Town.

3.4.4.2. The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.

3.4.4.3. To negotiate, on behalf of the Board of Selectmen, all contracts and collective bargaining agreements involving any subject within the jurisdiction of the office of the Town Administrator, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment. All such contracts and agreements shall be subject to the approval of the Board of Selectmen.

3.4.5. Administrative Duties:

3.4.5.1. To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of Town Administrator is given authority, responsibility or control by this by-law.

3.4.5.2. To attend all regular and special meetings of the Board of Selectmen, unless unavoidable for reasonable cause, and shall have a voice, but not vote, in all of its proceedings.

3.4.5.3. To keep the Board of Selectmen fully advised as to the needs of the Town and recommend to the Board of Selectmen and to other elected Town officers and agencies for adoption such measures requiring action by them or by the Town Meeting as the Town Administrator may deem necessary or expedient.

3.4.5.4. The Town Administrator shall be responsible for the maintenance and repair, rental and use, of all town buildings and facilities placed under the Town Administrator's control by this by-law, by vote of the Town or otherwise.

3.4.5.5. To assure that a full and complete inventory of all property of the Town, both real and personal, is kept, including all property under the control of the school committee.

3.4.5.6. To see that the provisions of the General Laws, Town By-Laws and other votes of the Town Meeting and votes of the Board of Selectmen which require enforcement by Town Administrator are faithfully executed.

3.4.5.7. Keep records of his activities and render a full report to the Board of Selectmen when required.

3.4.5.8. To coordinate the activities of all Town agencies serving under the office of the Town Administrator and the office of the Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose the Town Administrator shall have authority to require the persons so elected, or their representatives to meet with the Town Administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the Town. The Town Administrator shall have the right to attend and speak at any regular meeting of any multiple member body.

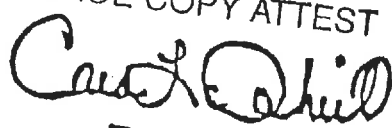
- 3.4.5.9. To seek and review by initiative or upon request of any town officer, those, state, federal, regional and all other grants which may be of benefit to the Town of Carver. The Town Administrator shall be the authority responsible for the reviewing and completing all applications for such grants, except as otherwise authorized by statutes. Once drafted, all grant applications shall be submitted to the Board of Selectmen for their approval and signature.
- 3.4.5.10. To be responsible for any and all dispositions of non-criminal citations issued in the Town of Carver. The Town Administrator will be responsible for assigning one or more assistant clerks as required.
- 3.4.5.11. To be responsible for the publication, maintenance and review of the Town By-Laws and of any duly authorized revisions, amendments, additions, or other changes pertaining thereto. Subsequent to enactment by the Town Meeting, copies of the revised by-laws shall be forwarded to the Attorney General of the Commonwealth for approval, and they shall be otherwise published, all as required by general laws. Copies of the revised by-laws shall be made available for distribution to the public.
- 3.4.5.12. To attend all sessions of all town meetings and answer questions raised by voters which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.
- 3.4.5.13. To inquire at any time, into the conduct and operation of office or performance of duties of any officer of employee, department, board, commission or other Town agency.
- 3.4.5.14. Receive and address citizen complaints and needs.
- 4.4.5.15. To perform any other duties as are required to be performed by the Town Administrator by by-law, administrative code, votes of the Town Meeting or votes of the Board of Selectmen, or otherwise.

3.5. **EFFECT:** To the extent that the provisions of this by-law modify or repeal existing by-laws of the Town of Carver, this by-law shall govern.

A True Copy, Attest:



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

TRUE COPY ATTEST

Town Clerk

FINALVERSION OF BYLAW ARTICLE 29 YARD SALE BYLAW
CHANGE AS AMENDED

8.3. FLEA MARKETS

8.3.1. All Flea Markets or Yard Sales held in the Town of Carver shall require a permit issued by the **Select Board**, at no charge.

A True Copy, Attest:



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

TRUE COPY ATTEST



Town Clerk

April 28, 2022

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the Annual Town Meeting of the Inhabitants of Carver held on Thursday April 19th 2022 at the Carver High School Auditorium at 6:00 P.M., pursuant to the Warrant of the Select Board dated April 5, 2022. The Meeting was called to order at 6:10 P.M. By the Moderator, Sean R. Clancey, there being a quorum of 150 present. The following Article was voted on:

ARTICLE 29: YARD SALE BYLAW CHANGE: To see if the Town will vote to amend Chapter 8.3 of the Town's General Bylaws as follows (with deletions shown in ~~strikethrough~~ and additions shown in **bold**):

8.3. FLEA MARKETS ~~OR YARD SALES~~

All Flea Markets ~~or Yard Sales~~ held in the Town of Carver shall require a permit issued by the ~~Board of Selectmen~~ **Select Board**, at no charge.

SELECT BOARD

INFORMATIONAL SUMMARY: The purpose of this is to remove yard sales from the bylaw this bylaw.

PROPOSED MOTION: Mark Townsend moved and was seconded that the Town approve Article 29 as set forth in the Warrant.

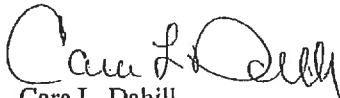
(Majority Vote Required)

Recommendation: Select Board 3-2

FINAL VOTE 29 : 161 YES / 27 NO MOTION PASSES

Motion was made and seconded to take a vote to see if we maintained quorum

INTESTIMONY WHEREOF, I have hereunto set my hand and the official seal of the Town of Carver on this 28th day of April 2022.



Cara L. Dahill
Town Clerk CMC

TRUE COPY ATTEST



Town Clerk

**FINAL VERSION OF BYLAW ARTICLE 19:ZONING BYLAW SECTION
3500, SIGNS:**

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 **Building Commissioner** 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 **Building Commissioner**
- 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.

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 **Building Commissioner**. 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 **Building Commissioner**. 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 **Building Commissioner** determines that the sign complies or will comply with all applicable provisions of this Sign By-Law.

3562. Fees. A schedule of fees of such permits may be established and amended from time to time by the **Building Commissioner**.

3563. Duration of Permits. The **Building Commissioner** 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.

A True Copy, Attest:



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

TRUE COPY ATTEST



Town Clerk

April 28, 2022

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the Annual Town Meeting of the Inhabitants of Carver held on Thursday April 14th 2022 at the Carver High School Auditorium at 7:00 P.M., pursuant to the Warrant of the Select Board dated April 5, 2022. The Meeting was called to order at 7:11 P.M. By the Moderator, Sean R. Clancey, there being a quorum of 150 present. The following Article was voted on:

ARTICLE 19: ZONING BY-LAW SECTION 3500, SIGNS: To see if the Town will vote to amend the Carver Zoning Bylaw, Section 3500, Signs, by replacing the Planning Board as the permitting authority with the Building Commissioner in Sections 3531(e); 3551(a); 3561(a); 3562; and 3563 and by deleting Sections 3551(d); 3561(b); 3561(c); and 3570 and by removing the authority of the Planning Board to issue Special Permits in certain circumstances, as shown below with deletions shown in ~~strike through~~ and additions shown in **bold**, or take any other action related thereto

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~~ **Building Commissioner** 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.

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.~~ **Building Commissioner**
- 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.~~

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.~~ **Building Commissioner** 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.~~ **Building Commissioner** 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~~ **Building Commissioner** 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.~~ **Building Commissioner**

3563. Duration of Permits. The ~~Planning Board~~ **Building Commissioner** 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.

**FINAL VERSION OF BYLAW ARTICLE 20: ZONING BY-LAW SECTION
2700 TRANSFER OF DEVELOPMENT RIGHTS BY-LAW AMENDMENT:**

2700. TRANSFER OF DEVELOPMENT RIGHTS

2710. Purpose and Intent. The purpose of this By-law is to allow the development rights from one property (the sending parcel) to be transferred to another property (the receiving parcel) while contemporaneously restricting the sending parcel from future development. The TDR program is consistent with the Carver Master Plan's goals.

The Transfer of Development Rights (TDR) By-law allows for the maintenance of low-density land uses, open spaces, historical features, critical environmental resources, and other sensitive features of the sending parcel to be preserved while providing compensation to the property owner, while also sending development to areas of town with adequate water service and transportation infrastructure for appropriate growth.

The purpose of the sending area is to further the conservation and preservation of natural and undeveloped areas, wildlife, flora, and habitats for endangered species; protection of ground water, surface water, as well as other natural resources; and the preservation of historical, cultural, archaeological, architectural, recreational, community character, and scenic values of Carver. As such, they are areas with one or more of the following attributes: location on a scenic road or vista; aquifer protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard Area or 500-year flood hazard area; adjacent to other preserved lands; significant wetland and bog areas; or areas with significant agricultural soils and practices; and areas that can host uses for passive recreation as defined per MGL 301 CMR 5.00.

The purpose the receiving area is to provide opportunity for economic growth; the provision of adequate capital facilities, including transportation, water supply, and solid, sanitary, and hazardous waste disposal facilities; the coordination of the provision of adequate capital facilities with the achievement of other goals; and the development of an adequate supply of affordable housing. As such, they are areas with one or more of the following attributes: connection or potential connection to water service; and proximity and access to arterial transportation routes.

2711 DEFINITIONS.

Sending Parcel(s) shall mean land from which development rights may be transferred to a receiving parcel(s). Receiving Parcel(s) shall mean land that may receive development rights from a sending parcel(s).

Transfer of Development Rights (TDR) shall mean the process by which a development right (house lot) can be severed and transferred from a sending parcel(s) in the mapped designated sending area to a receiving parcel(s) in the mapped designated receiving area.

~~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.~~

BUILDING
COMMISSIONER

INFORMATIONAL SUMMARY: The purpose for this change is to give the applicant more flexibility for attaining a sign permit. The applicant would need to file a building permit application with the Building Department and not have to wait for a Planning Board meeting that may happen twice a month. Also this would give the Planning Board more time for the planning duties that they are required to do. At their meeting on 11-23- 21, the Planning Board agreed to support this change.

PROPOSED MOTION: Bruce Maki moved and was seconded that the Town approve Article 19 as set forth in the Warrant.

(Two Thirds Vote Required)

Recommendation: Select Board – No Action Taken, Planning Board: 4-1

FINAL VOTE 19: 129 YES / 18 NO MOTION PASSES

INTESTIMONY WHEREOF, I have hereunto set my hand and the official seal of the Town of Carver on this 28th day of April 2022.



Cara L. Dahill
Town Clerk CMC

TRUE COPY ATTEST



Town Clerk

2715. **Applicability.** The provisions of Section 2700 shall apply to land identified as follows:

- a) **Sending areas.** Sending areas are those parcels or portions of parcels categorized as sending area on TDR Overlay Map. Any land that falls within the designated sending area on the map is part of the sending area and eligible to generate sending area development credits as part of the TDR program.
- b) **Minimum Sending Area.** A sending area must be a minimum of five acres. These five acres can be comprised of multiple adjacent parcels.
- c) **Receiving areas.** Receiving areas are those parcels or portions of parcels categorized as receiving area on TDR Overlay Map. Any land that falls within the designated receiving area on the map is part of the receiving area and eligible to receiving development credits as part of the TDR program.
- d) The minimum gross area of a receiving area shall be 5 acres, except for (a) receiving areas in the village district, and (b) receiving areas having frontage on Route 58, which have no minimum area.

2720. **Permitted Uses on Sending and Receiving Parcels**

- a) **Uses Permitted on Sending Parcels.** After development rights have been severed from a sending parcel and transferred to a receiving parcel or into the TDR credit bank, the following uses are the only uses permitted on the parcel:
 - i. Open space conservation.
 - ii. Passive recreation.
 - iii. Agricultural fields and support structures, with the exception of farmland workforce housing, which is not permitted.
- b) **Units Permitted on Receiving Parcels.**
 - i. Certain residential uses, limited to:
 1. Townhouse dwellings;
 2. Condominium dwellings;
 - ii. Commercial units.
 - iii. Mixed-use buildings with residential and commercial units.
- c) **Receiving parcel mixed-use commercial space requirement.** In each receiving area development, a minimum of twenty-five percent (25%) and a maximum of sixty six percent (66%) of all new constructed floor area must consist of commercial space. For the purpose of the TDR by-law, commercial space includes office space. This commercial space may be located within a stand-alone building that is fully occupied by commercial uses, or may be located in the same building as residential units. In cases where commercial uses and residential uses are located in the same building, commercial units must be located on the ground floor, with residences on the stor(ies) above.

2721. **Special Permit Requirement** .Properties within the designated sending and/or receiving areas may either be developed under existing By-laws and regulations or may file for a Transfer of Development Rights (TDR) Special Permit. A TDR Special Permit shall be required for the determination of sending area development rights; and a TDR Special Permit shall be required for the approval of receiving area development plan .**The TDR Special Permit requires sending area development potential and receiving area plans to be part**

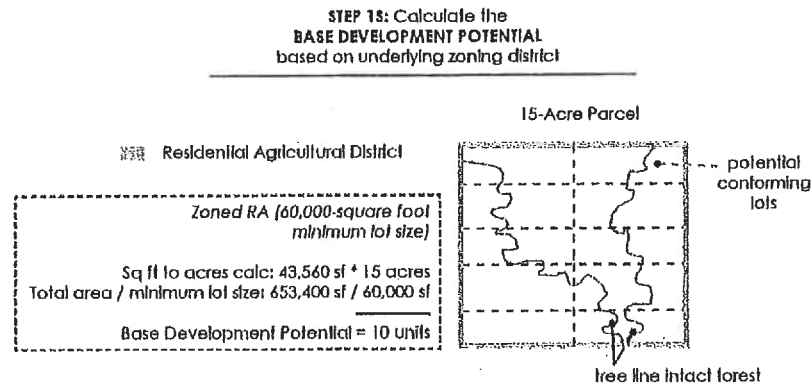
of a single application The Special permit shall require **an applicant to follow the steps described below, including the preparation of a preliminary plan** submittal for the sending parcel(s) as noted in Section 2730.

The Planning Board shall be the Special Permit Granting Authority for TDR special permit(s).

2722. Determination of Sending Area Development Credits. The total amount of development credits generated by a particular sending area parcel is a function of (1) the underlying zoning district density regulations; and (2) the TDR multiplier. To establish the development rights available for transfer, the sending parcel(s)'s owner shall undertake the following steps.

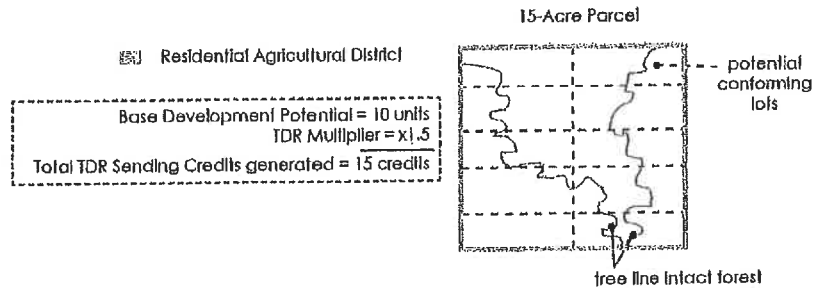
STEP 1S: Determine the base development potential. First the parcel(s) owner shall file a preliminary plan for the sending parcel(s) with the Planning Board. The preliminary plan with supporting information as deemed necessary by the Planning Board shall comply with all existing density and dimensional limitations of the base zoning district in effect at the time of application. The preliminary plan for the sending parcel(s) shall also comply with Planning Board's Rules and Regulations without the need for major waivers. The submitted preliminary plan defines the base development rights of the sending parcels by showing the number of units that could be achieved thereon in compliance with the established zoning district in which the parcel(s) are located.

Example:



STEP 2S: Apply the TDR multiplier. The base development rights (number of units) of the sending parcel(s) as established by the Planning Board from the Preliminary Plan shall be multiplied by 1.5, and this increased amount shall be the number of development rights available under a potential TDR application. Fractions of a unit shall be rounded down. For example, if the base development rights equal 10 units, $10 \times 1.5 = 15$ units available for a TDR application. If the base development rights equal 15 units, $15 \times 1.5 = 22.5$, which is rounded down to 22 units.

**STEP 2S: Calculate the
TOTAL TDR SENDING CREDITS
generated with the TDR Multiplier**



The Planning Board shall note the importance of the sending parcel in the Sending lot(s) Special Permit decision. The Planning Board shall note the total number of development rights generated by the sending area.

2725. Sending area land preservation requirements. Any lot or lots from the sending parcel(s) deemed to qualify for a transfer of development rights must, prior to any utilization of transferred development rights on a receiving parcel(s), be permanently and wholly restricted from future development by way of a permanent conservation restriction in accordance with Massachusetts General Law Chapter 184, Section 31-33, as most recently amended, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, or by being donated to the Town of Carver for conservation purposes or by being conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, and any other purposes set forth by the Planning Board. Draft restriction(s) or donation language on the sending lot(s) shall be submitted to the Planning Board with the application. The Planning Board shall require the restriction or donation language on the sending parcel(s) to be recorded at the Plymouth County Registry of Deeds/Land Court prior to the issuance of any building permit on the receiving parcel(s). On property which will be protected by way of a conservation restriction, a management plan(s) shall be provided to the Planning Board, which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with best management practices. Applicants cannot claim a portion of unused development potential on a sending area as a TDR credit. To qualify as a sending area, a parcel must remain wholly in a natural state

2726. All instruments implementing the Transfer of Development Rights shall be recorded in the manner of a deed(s) at the Plymouth County Registry of Deeds for both the sending and, when identified, the receiving parcel(s). The instrument evidencing such TDR's shall specify the map and lot numbers of the sending and receiving parcel(s).

2727. The Carver Town Assessor shall be provided by applicant, all pertinent information required by such Assessor to value, assess and tax the respective parcels at their fair market value as enhanced or diminished by the TDR's. This information shall include both the sending parcel(s) and, when identified, the receiving parcel(s) and shall be obtained from the clerk of the Plymouth County Registry of Deeds.

2728. The record owner of the sending parcel(s) or the receiving parcel(s) shall, within thirty days of the expiration of the appeal period from the special permit decision authorizing TDR's (or within thirty (30) days of the date on which the disposition of any such appeal is filed in the Town Clerk's office), record at the Registry of Deeds the special permit decision. Evidence of said recording shall be transmitted to the Planning Board within twenty (20) days of the recording of the special permit document with the Registry

of Deeds. Evidence to the Planning Board shall include the date of recording and the deed book and page at which the recording can be located.

2729. The record owner of the sending parcel(s) shall, prior to the issuance of any building permit for the receiving parcel(s) and only after discussion and written agreement with the Planning Board, record at the Registry of Deeds either: a Conservation Restriction as defined by M.G.L. c. 184 §31-33, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, prohibiting in perpetuity the construction, placement, or expansion of any new or existing structure or other development on said sending parcel(s); or a transfer of the deed of said sending parcel(s) to a nonprofit organization, the principal purpose of which is conservation of open space, or by being donated to the Town of Carver for conservation purposes. Evidence of said recording shall be transmitted to the Planning Board indicating the date of recording and the deed book and page number at which the recording can be located. The grant of the special permit to transfer development rights shall be expressly conditioned upon evidence of the recordation of such restriction or donation prior to the issuance of any building permit for the receiving parcel.

2730. Approval of Receiving Area Development Plan. To establish the development potential available on a receiving parcel(s), the owner shall follow the following steps to calculate the receiving area maximum development potential. After calculations are complete, the owner shall submit a development plan(s) for the receiving parcel(s). The development plan shall conform to all regulations applicable in the zoning district in which the receiving area is located, except density and dimensional requirements. **STEP 1R:** Establish the Net Usable Land Area. The receiving area's maximum development potential shall be established through a Net Usable Land Area (NULA) Plan for the entire receiving area(s), which shall be submitted to the Planning Board. The NULA is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area around these regulated lands. The remaining upland area is the NULA.

STEP 2R: Establish the receiving area's maximum development potential. The receiving area's maximum development potential is equal to three (3) times the NULA. The resultant figure is the number of units that can be developed on the receiving parcel(s). Fractions of a unit shall be rounded down. The total number of units allowed on the receiving parcel is equal to the receiving area maximum development potential calculation, with the exception of bonuses for any Exceptional Housing Need Overage as described below.

STEP 3R: Calculate the Affordable Housing Requirement. **For any receiving area development of five or more units, a minimum of 20% of the housing units constructed in a receiving area that generated from the application of TDR credits onto the receiving area shall qualify as affordable housing for low- and moderate-income households as qualified and required per Massachusetts Chapter 40B regulations. Unit calculations are rounded down to the nearest whole number.**

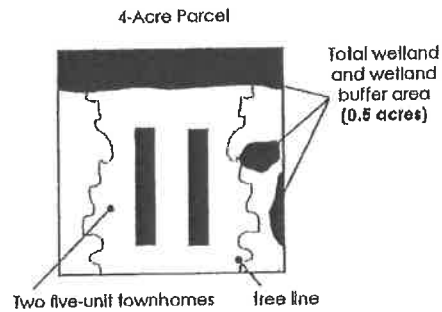
Example:

STEPS 1R, 2R and 3R: Calculate the Receiving Area Maximum Development Potential And Affordable Housing Requirement

Step 1R - NULA Calculation:
 Total Parcel Size = 4 Acres
 Wetland and Wetland Buffer Area = - 0.5 Acres
 NULA = 3.5 Acres

Step 2R - Receiving Area's Maximum Development Potential:
 3-Units Per Acre Density Multiplier = 3
 NULA = x 3.5 Acres
 Receiving Area Maximum Development Potential = 10 Units
 (10.5, rounded down)

Step 3R - 20% Affordable Housing Requirement:
 10 units * 0.20 = minimum of 2 affordable units



2740. Exceptional Housing Needs Overages. In one instance, it is possible for the total number of units on a receiving area parcel(s) to exceed the receiving area maximum development potential figure. Developments that add to Caver's supply of housing for seniors generate additional development potential overages on a receiving area parcel. Each transferred TDR credit that is to be used in the receiving area for either affordable housing that meets the requirements of Massachusetts Chapter 40B regulations that is also age-restricted housing may be multiplied by 1.5, allowing for additional TDR credit units to be applied and increasing the overall maximum permitted on the receiving parcel(s). Fractions of a unit shall be rounded down. Units constructed as a result of this allowed overage consume TDR sending credits, and cannot be constructed in absence of enough sending credits to cover the additional units.

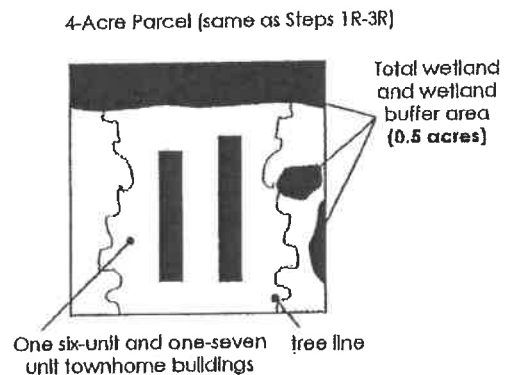
Example:

EXCEPTIONAL HOUSING NEEDS OVERAGE (optional)
 Apply MULTIPLIER FOR AFFORDABLE AND AGE-RESTRICTED TRANSFER CREDITS (1.5X)

Applicant decides to develop all 2 of the required affordable housing units as age-restricted units

TDR Credits to be developed as Age-Restricted and Affordable Housing Units = 2 Credits
 Exceptional Housing Needs Overage Multiplier = x1.5
 Age restricted affordable bonus = 3 units

Total Units Allowed on Receiving Parcel = 10 + 3 = 13 Units,
 Two of which are age-restricted affordable units

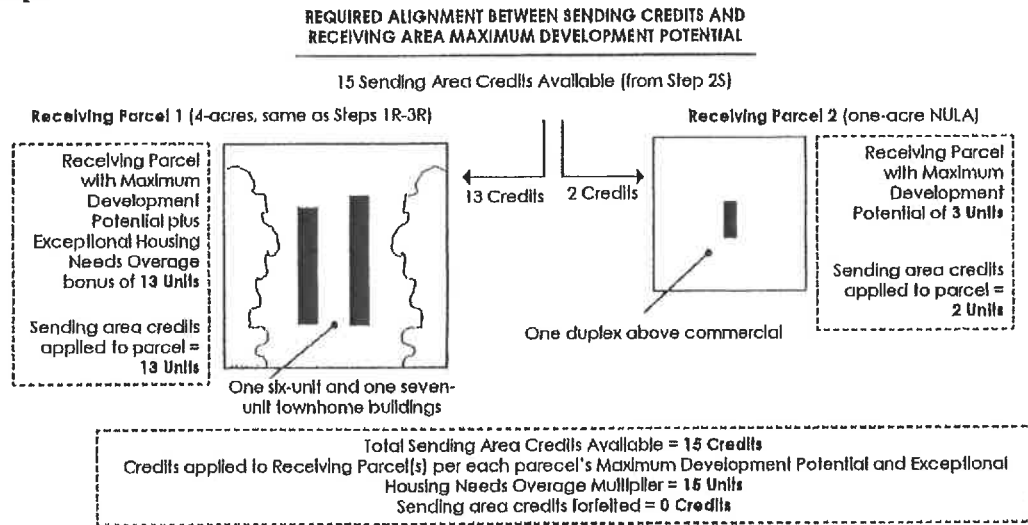


2750: Development Credits Equalization

The calculation of total sending area credits is a separate process from the determination of the maximum number of units that can be placed on a receiving parcel, the process for which is outlined below.

If the number of credits generated by a sending parcel(s) is less than or equal to the maximum number of units that can be placed on a receiving parcel in the current TDR project under review, the sending area credits can be transferred to the receiving parcel in question. If, however, the number of credits generated by a sending parcel exceeds the maximum number of units that can be placed on a receiving parcel in a current TDR project under review, the exceeding number of credits will be forfeited. Multiple receiving parcels can be proposed to accommodate sending area credits, but the maximum development potential calculated must be respected and not exceeded for each receiving parcel that is part of an individual TDR project special permit process.

Example:



2760: Dimensional Standards and Parking Requirements

The following Dimensional Standards shall apply:

Frontage: 40'

Front Setback: 30' from street layout line or edge of pavement, whichever is less

Rear Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.

Side Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.

Route 58 Setback: 40' (notwithstanding the foregoing)

Building to Building Setback: One-half (1/2) of the sum of the heights of the buildings, provided that the Fire Chief certifies that there is adequate fire access to all sides of each building.

Height: 35' or 3.5 stories (subject, however, to Footnote 8 in Section 2320)

The Planning Board shall have the authority to negotiate with the applicant to modify the dimensional standards the least amount required in order to ensure that the proposed development can fit on the receiving area parcel so that the receiving area maximum development potential and all allowed unit overages can be accommodated on the receiving parcel.

The Planning Board shall have the authority to modify the number of parking spaces otherwise required by Section 3300 if one or more of the units are age-restricted.

The Receiving Area Development Plan shall show all existing legal restrictions, easements or limitations on development. **The receiving parcel(s) shall have public water and public septic services available or said services shall be provided privately by the developers part of the TDR special permit development approval.** Packaged treatment plans can meet this requirement.

2770. TDR Special Permit Criteria. A TDR special permit may be granted by the Planning Board for the receiving parcel(s) upon its written determination that the benefits of the proposed transfer of development rights to the receiving parcel(s) outweigh the detrimental impacts of the development in the

receiving area, the surrounding neighborhood, and the Town. The Board shall review and establish the positive finding for each of the following criteria:


- a) The development complies with the Carver Master Plan and Open Space and Recreation Plan;
- b) The development preserves or provides one or more of the following: water source protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard Area or 500-year flood hazard area; adjacency to other preserved lands; significant wetland areas; significant agricultural soils and practices; or scenic vistas;
- c) The development provides adequate water and sanitary facilities;
- d) The development design is appropriate to the natural topography, soils and other characteristics of the site and to the visual character of its surroundings;
- e) Projected traffic generation from development onto local roads and intersections is within the capacity of the road network and does not create any safety concerns. If deemed necessary by the Planning Board a traffic study and/or mitigation improvements may be required to address capacity, safety and access management issues;
- f) The design and layout of streets, parking and loading of the development is acceptable to the Planning Board.

2780. Governance: Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in M.G.L. c. 40A, §.9. The Planning Board as S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in MGLc.40A.

A True Copy, Attest:



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

TRUE COPY ATTEST

Town Clerk

April 28, 2022

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the Annual Town Meeting of the Inhabitants of Carver held on Thursday April 14th 2022 at the Carver High School Auditorium at 7:00 P.M., pursuant to the Warrant of the Select Board dated April 5, 2022. The Meeting was called to order at 7:11 P.M. By the Moderator, Sean R. Clancey, there being a quorum of 150 present. The following Article was voted on:

ARTICLE 20: ZONING BY-LAW SECTION 2700 TRANSFER OF DEVELOPMENT RIGHTS BY-LAW AMENDMENT: To see if the Town will vote to amend the Carver Zoning Bylaw, Article Section 2700 as shown below and including a TDR Overlay Map (Appendix F) , with additions shown in **bold** and deletions in ~~strike through~~, or take any other action related thereto:

2700. TRANSFER OF DEVELOPMENT RIGHTS

2710. Purpose and Intent. The purpose of this By-law is to allow the development rights from one property (the sending parcel) to be transferred to another property (the receiving parcel) while contemporaneously restricting the sending parcel from future development. The TDR program is consistent with the Carver Master Plan's goals.

The Transfer of Development Rights (TDR) By-law allows for the maintenance of low-density land uses, open spaces, historical features, critical environmental resources, and other sensitive features of the sending parcel to be preserved while providing compensation to the property owner, while also sending development to areas of town with adequate water service and transportation infrastructure for appropriate growth.

The purpose of the sending area is to further the conservation and preservation of natural and undeveloped areas, wildlife, flora, and habitats for endangered species; protection of ground water, surface water, as well as other natural resources; and the preservation of historical, cultural, archaeological, architectural, recreational, community character, and scenic values of Carver. As such, they are areas with one or more of the following attributes: location on a scenic road or vista; aquifer protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard Area or 500-year flood hazard area; adjacent to other preserved lands; significant wetland and bog areas; or areas with significant agricultural soils and practices; and areas that can host uses for passive recreation as defined per MGL 301 CMR 5.00.

The purpose the receiving area is to provide opportunity for economic growth; the provision of adequate capital facilities, including transportation, water supply, and solid, sanitary, and hazardous waste disposal facilities; the coordination of the provision of adequate capital facilities with the achievement of other goals; and the development of an adequate supply of affordable housing. As such, they are areas with one or more of the following attributes: connection or potential connection to water service; and proximity and access to arterial transportation routes.

2711 DEFINITIONS.

Sending Parcel(s) shall mean land from which development rights may be transferred to a receiving parcel(s).

Receiving Parcel(s) shall mean land that may receive development rights from a sending parcel(s). Transfer of Development Rights (TDR) shall mean the process by which a development right (house lot) can be severed and transferred from a sending parcel(s) in the mapped designated sending area to a receiving parcel(s) in the mapped designated receiving area.

272015. Applicability. The provisions of Section 2700 shall apply to land identified as follows:

- a) **Sending areas.** Sending areas are those parcels or portions of parcels categorized as sending area on TDR Overlay Map. Any land that falls within the designated sending area on the map is part of the sending area and eligible to generate sending area development credits as part of the TDR program.
- b) **Minimum Sending Area.** A sending area must be a minimum of five acres. These five acres can be comprised of multiple adjacent parcels.
- c) **Receiving areas.** Receiving areas are those parcels or portions of parcels categorized as receiving area on TDR Overlay Map. Any land that falls within the designated receiving area on the map is part of the receiving area and eligible to receiving development credits as part of the TDR program.
- d) **The minimum gross area of a receiving area shall be 5 acres, except for (a) receiving areas in the village district, and (b) receiving areas having frontage on Route 58, which have no minimum area.**

2720. Permitted Uses on Sending and Receiving Parcels

- a) **Uses Permitted on Sending Parcels.** After development rights have been severed from a sending parcel and transferred to a receiving parcel or into the TDR credit bank, the following uses are the only uses permitted on the parcel:
 - i. Open space conservation.
 - ii. Passive recreation.
 - iii. Agricultural fields and support structures, with the exception of farmland workforce housing, which is not permitted.
- b) **Uses Permitted on Receiving Parcels.**
 - i. Certain residential uses, limited to:
 1. Townhouse dwellings;
 2. Condominium dwellings;
 3. Multi-family dwellings containing no more than eight dwelling units per building
 - ii. Commercial uses.
 - iii. Mixed-use buildings with residential and commercial uses.
- c) **Receiving parcel mixed-use commercial space requirement.** In each receiving area development, a minimum of twenty-five percent (25%) and a maximum of sixty six percent (66%) of all new constructed floor area must consist of commercial space. For the purpose of the TDR by-law, commercial space includes office space. This commercial space may be located within a stand-alone building that is fully occupied by commercial uses, or may be located in the same building as residential units. In cases where commercial uses and residential uses are located in the same building, commercial units must be located on the ground floor, with residences on the stor(ies) above.

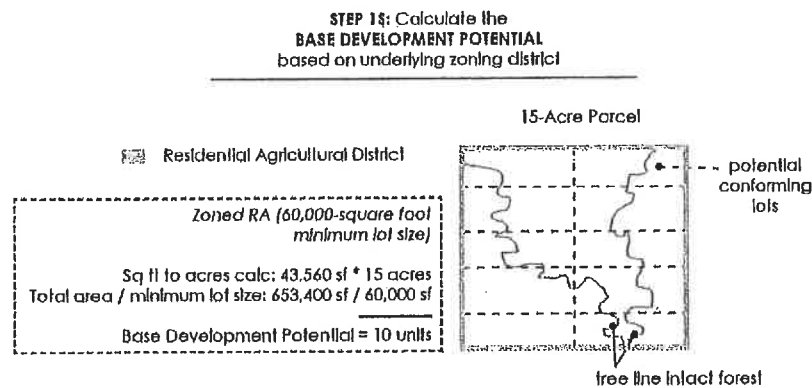
2721. Special Permit Requirement. Properties within the designated sending and/or receiving areas may either be developed under existing By- laws and regulations or may file for a Transfer of Development Rights (TDR) Special Permit. A TDR Special Permit shall be required for the determination of sending area development rights and for the approval of receiving area development plan. **The TDR Special Permit requires sending area development potential and receiving area plans to be part of a single**

application. ~~The two Special Permits may be combined into one single concurrent Special Permit or may be filed separately.~~ The Special Permit shall ~~determination of development rights shall~~ require an applicant to follow the steps described below, including the preparation of a preliminary plan submittal for the sending parcel(s). The Planning Board shall be the Special Permit Granting Authority for TDR special permit(s).

2722. Determination of Sending Area Development Credits. The total amount of development credits generated by a particular sending area parcel is a function of (1) the underlying zoning district density regulations; and (2) the TDR multiplier. To establish the development rights available for transfer, the sending parcel(s)'s owner shall undertake the following steps.

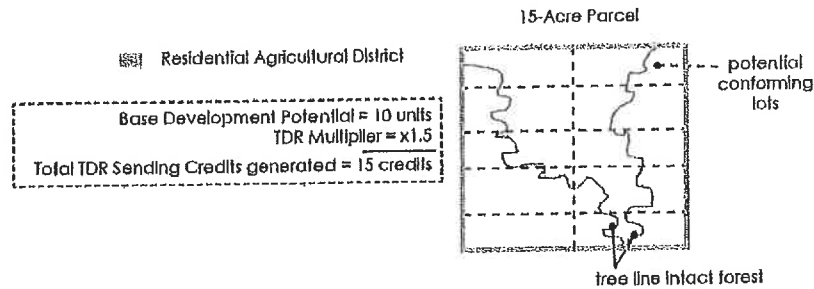
STEP 1S: Determine the base development potential. First the parcel(s) owner shall file a preliminary plan for the sending parcel(s) with the Planning Board. The preliminary plan with supporting information as deemed necessary by the Planning Board shall comply with all existing density and dimensional limitations of the base zoning district in effect at the time of application. The preliminary plan for the sending parcel(s) shall also comply with Planning Board's Rules and Regulations without the need for major waivers. The submitted preliminary plan defines the base development rights of the sending parcels by showing the number of units that could be achieved thereon in compliance with the established zoning district in which the parcel(s) are located.

Example:



STEP 2S: Apply the TDR multiplier. The base development rights (number of units) of the sending parcel(s) as established by the Planning Board from the Preliminary Plan shall be multiplied by 1.5, and this increased amount shall be the number of development rights available under a potential TDR application. Fractions of a unit shall be rounded down. For example, if the base development rights equal 10 units, $10 \times 1.5 = 15$ units available for a TDR application. If the base development rights equal 15 units, $15 \times 1.5 = 22.5$, which is rounded down to 22 units.

**STEP 28: Calculate the
TOTAL TDR SENDING CREDITS
generated with the TDR Multiplier**



The Planning Board shall note the importance of the sending parcel in the Sending lot(s) Special Permit decision. The Planning Board shall note the total number of development rights generated by the sending area.

2724. ~~Subsequent to the issuance of a certificate of development rights to the owner of a sending parcel(s), and prior to the approval of a transfer of the development rights to a receiving parcel(s), said certificate shall be assignable as a matter of right by a recordable document from the assignor to the assignee. The assignee shall, within fourteen (14) days of recordation of an assignment, transmit to the Planning Board a certified copy of the same, in order to enable the Planning Board to keep current its certificate ledger. The assignment of a certificate of development rights shall not be deemed to be a transfer of these development rights.~~

2725. Sending area land preservation requirements. Any lot or lots from the sending parcel(s) deemed to qualify for a transfer of development rights must, prior to any utilization of transferred development rights on a receiving parcel(s), be permanently and wholly restricted from future development by way of a permanent conservation restriction in accordance with Massachusetts General Law Chapter 184, Section 31-33, as most recently amended, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, or by being donated to the Town of Carver for conservation purposes or by being conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, and any other purposes set forth by the Planning Board. Draft restriction(s) or donation language on the sending lot(s) shall be submitted to the Planning Board with the application. The Planning Board shall require the restriction or donation language on the sending parcel(s) to be recorded at the Plymouth County Registry of Deeds/Land Court prior to the issuance of any building permit on the receiving parcel(s). On property which will be protected by way of a conservation restriction, a management plan(s) shall be provided to the Planning Board, which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with best management practices. Applicants cannot claim a portion of unused development potential on a sending area as a TDR credit. To qualify as a sending area, a parcel must remain wholly in a natural state.

2726. All instruments implementing the Transfer of Development Rights shall be recorded in the manner of a deed(s) at the Plymouth County Registry of Deeds for both the sending and, when identified, the receiving parcel(s). The instrument evidencing such TDR's shall specify the map and lot numbers of the sending and receiving parcel(s).

2727. The Carver Town Assessor shall be provided by applicant, all pertinent information required by such Assessor to value, assess and tax the respective parcels at their fair market value as enhanced or diminished by the TDR's. This information shall include both the sending parcel(s) and, when identified, the receiving parcel(s) and shall be obtained from the clerk of the Plymouth County Registry of Deeds.

2728. The record owner of the sending parcel(s) or the receiving parcel(s) shall, within thirty days of the expiration of the appeal period from the special permit decision authorizing TDR's (or within thirty (30) days of the date on which the disposition of any such appeal is filed in the Town Clerk's office), record at the Registry of Deeds the special permit decision. Evidence of said recording shall be transmitted to the Planning Board within twenty (20) days of the recording of the special permit document with the Registry of Deeds. Evidence to the Planning Board shall include the date of recording and the deed book and page at which the recording can be located.

2729. The record owner of the sending parcel(s) shall, prior to the issuance of any building permit for the receiving parcel(s) and only after discussion and written agreement with the Planning Board, record at the Registry of Deeds either: a Conservation Restriction as defined by M.G.L. c. 184 §31-33, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, prohibiting in perpetuity the construction, placement, or expansion of any new or existing structure or other development on said sending parcel(s); or a transfer of the deed of said sending parcel(s) to a nonprofit organization, the principal purpose of which is conservation of open space, or by being donated to the Town of Carver for conservation purposes. Evidence of said recording shall be transmitted to the Planning Board indicating the date of recording and the deed book and page number at which the recording can be located. The grant of the special permit to transfer development rights shall be expressly conditioned upon evidence of the recordation of such restriction or donation prior to the issuance of any building permit for the receiving parcel.

2730. Approval of Receiving Area Development Plan. To establish the development potential available on a receiving parcel(s), the owner shall follow the following steps to calculate the receiving area maximum development potential. After calculations are complete, the owner shall submit a development plan(s) for the receiving parcel(s). The development plan shall conform to all regulations applicable in the zoning district in which the receiving area is located, except density and dimensional requirements.

STEP 1R: Establish the Net Usable Land Area. The receiving area's maximum development potential shall be established through a Net Usable Land Area (NULA) Plan for the entire receiving area(s), which shall be submitted to the Planning Board. The NULA is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area around these regulated lands. The remaining upland area is the NULA.

STEP 2R: Establish the receiving area's maximum development potential. The receiving area's maximum development potential is equal to three (3) times the NULA. The resultant figure is the number of units that can be developed on the receiving parcel(s). Fractions of a unit shall be rounded down. The total number of units allowed on the receiving parcel is equal to the receiving area maximum development potential calculation, with the exception of bonuses for any Exceptional Housing Need Overage as described below.

STEP 3R: Calculate the Affordable Housing Requirement. **For any receiving area development of five or more units, a minimum of 20% of the housing units constructed in a receiving area that generated from the application of TDR credits onto the receiving area shall qualify as affordable housing for low- and moderate-income households as qualified and required per Massachusetts Chapter 40B regulations. Unit calculations are rounded down to the nearest whole number.**

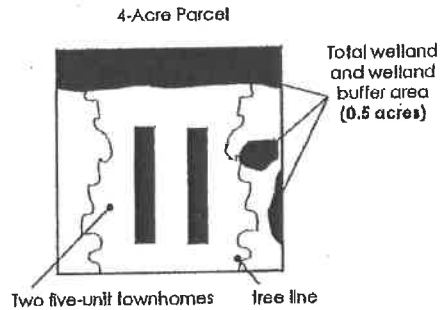
Example:

STEPS 1R, 2R and 3R: Calculate the Receiving Area Maximum Development Potential And Affordable Housing Requirement

Step 1R - NULA Calculation:
 Total Parcel Size = 4 Acres
 Wetland and Wetland Buffer Area = - 0.5 Acres
 NULA = 3.5 Acres

Step 2R - Receiving Area's Maximum Development Potential:
 3-Units Per Acre Density Multiplier = 3
 NULA = x 3.5 Acres
 Receiving Area Maximum Development Potential = 10 Units
 (10:5, rounded down)

Step 3R - 20% Affordable Housing Requirement:
 10 units * 0.20 = minimum of 2 affordable units



27AB40. Exceptional Housing Needs Overages. In one instance, it is possible for the total number of units on a receiving area parcel(s) to exceed the receiving area maximum development potential figure. Developments that add to Caver's supply of housing for seniors generate additional development potential overages on a receiving area parcel.

Each transferred TDR credit that is to be used in the receiving area for either affordable housing that meets the requirements of Massachusetts Chapter 40B regulations that is also age-restricted housing may be multiplied by 1.5, allowing for additional TDR credit units to be applied and increasing the overall maximum permitted on the receiving parcel(s). Fractions of a unit shall be rounded down. Units constructed as a result of this allowed overage consume TDR sending credits, and cannot be constructed in absence of enough sending credits to cover the additional units.

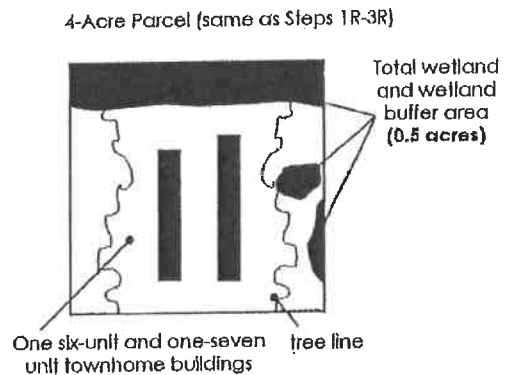
Example:

EXCEPTIONAL HOUSING NEEDS OVERAGE (optional)
 Apply MULTIPLIER FOR AFFORDABLE AND AGE-RESTRICTED
 TRANSFER CREDITS (1.5X)

Applicant decides to develop all 2 of the required affordable housing units as age-restricted units

TDR Credits to be developed as Age-Restricted and Affordable Housing Units = 2 Credits
 Exceptional Housing Needs Overage Multiplier = x1.5
 Age restricted affordable bonus = 3 units

Total Units Allowed on Receiving Parcel = 10 + 3 = 13 Units,
 Two of which are age-restricted affordable units

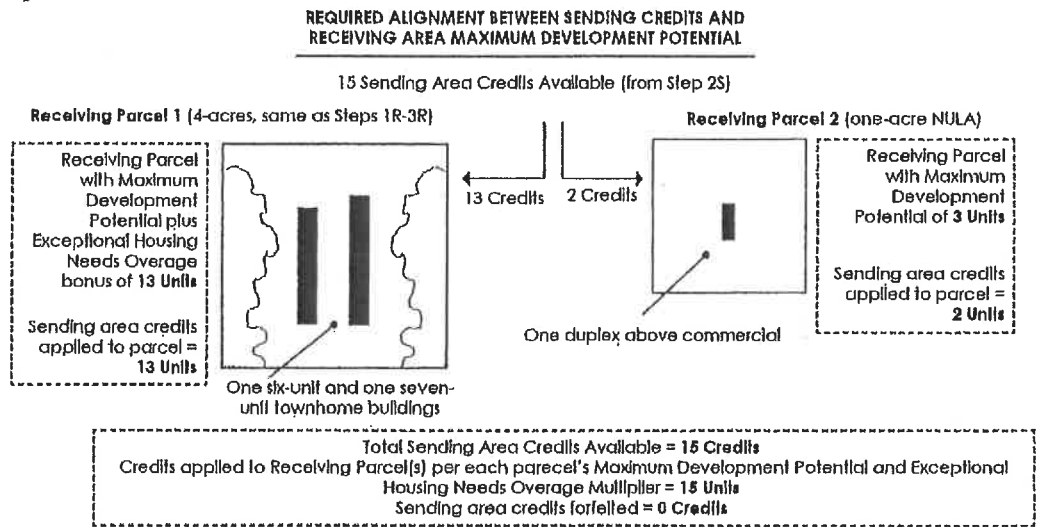


27BB50: Development Credits Equalization

The calculation of total sending area credits is a separate process from the determination of the maximum number of units that can be placed on a receiving parcel, the process for which is outlined below.

If the number of credits generated by a sending parcel(s) is less than or equal to the maximum number of units that can be placed on a receiving parcel in the current TDR project under review, the sending area credits can be transferred to the receiving parcel in question. If, however, the number of credits generated by a sending parcel exceeds the maximum number of units that can be placed on a receiving parcel in a current TDR project under review, the exceeding number of credits will be forfeited. Multiple receiving parcels can be proposed to accommodate sending area credits, but the maximum development potential calculated must be respected and not exceeded for each receiving parcel that is part of an individual TDR project special permit process.

Example:



2760: Dimensional Standards and Parking Requirements

The following Dimensional Standards shall apply:

Frontage: 40'

Front Setback: 30' from street layout line or edge of pavement, whichever is less

Rear Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.

Side Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.

Route 58 Setback: 40' (notwithstanding the foregoing)

Building to Building Setback: One-half (1/2) of the sum of the heights of the buildings, provided that the Fire Chief certifies that there is adequate fire access to all sides of each building.

Height: 35' or 3.5 stories (subject, however, to Footnote 8 in Section 2320)

The Planning Board shall have the authority to negotiate with the applicant to modify the dimensional standards the least amount required in order to ensure that the proposed development can fit on the receiving area parcel so that the receiving area maximum development potential and all allowed unit overages can be accommodated on the receiving parcel.

The Planning Board shall have the authority to modify the number of parking spaces otherwise required by Section 3300 if one or more of the units are age-restricted.

The Receiving Area Development Plan shall show all existing legal restrictions, easements or limitations on development. The receiving parcel(s) shall have public water and public septic services available or said services shall be provided as part of the TDR special permit development approval. Packaged treatment plans can meet this requirement.

275070. TDR Special Permit Criteria. A TDR special permit may be granted by the Planning Board for the receiving parcel(s) upon its written determination that the benefits of the proposed transfer of development rights to the receiving parcel(s) outweigh the detrimental impacts of the development in the

receiving area, the surrounding neighborhood, and the Town. The Board shall review and establish the positive finding for each of the following criteria:

- a) The development complies with the Carver Master Plan and Open Space and Recreation Plan;
- b) The development preserves or provides one or more of the following: water source protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard Area or 500-year flood hazard area; adjacency to other preserved lands; significant wetland areas; significant agricultural soils and practices; or scenic vistas;
- c) The development provides adequate water and sanitary facilities;
- d) The development design is appropriate to the natural topography, soils and other characteristics of the site and to the visual character of its surroundings;
- e) Projected traffic generation from development onto local roads and intersections is within the capacity of the road network and does not create any safety concerns. If deemed necessary by the Planning Board a traffic study and/or mitigation improvements may be required to address capacity, safety and access management issues;
- f) The design and layout of streets, parking and loading of the development is acceptable to the Planning Board.

276080. Governance: Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in M.G.L. c. 40A, §.9. The Planning Board as S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in MGLc.40A.

PLANNING BOARD

INFORMATIONAL SUMMARY: Refer to APPENDIX G for Planning Board Amendments. The new TDR Bylaw and Map better defines the areas and requirement for the transfer of development rights providing compensation to the property owner and allowing for the maintenance of low-density land uses, open spaces, historical features, critical environmental resources, and other sensitive features by sending those development rights to areas of town with adequate water service and transportation infrastructure for appropriate growth.

PROPOSED MOTION: I move that the Town approve Article 20 as set forth in the Warrant.
(Two Thirds Vote Required)

Recommendation: Select Board – No Action Taken, Planning Board: 5-0 As

Amended

Motion was made by Robert Belbin and seconded to amend and remove the Carver Sportsman's Club propertyMap75 Lot 1 from the TDR overlay map.

VOTE 20: 96 YES /53 NO MOTION TO AMEND PASSES

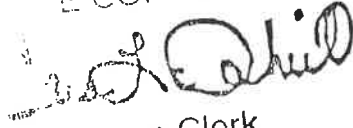
FINAL VOTE 20: 121 YES / 29 NO MOTION PASSES

INTESTIMONY WHEREOF, I have hereunto set my hand and the official seal of the Town of Carver on this 28th day of April 2022.



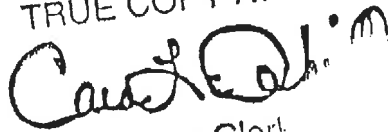
Cara L. Dahill
Town Clerk CMC

E COPY ATTEST



Town Clerk

TRUE COPY ATTEST



Town Clerk