

Annual Town Meeting  
**Monday, May 17, 2004**

The 212<sup>th</sup> Annual Town Meeting of the Inhabitants of the Town of Carver was held on Monday, May 17, 2004 at the Carver High School Auditorium at 7:00 P.M. pursuant to a Warrant of the Board of Selectmen dated May 10, 2004. The Meeting was called to order by the Moderator, Daniel B. Daly, there being a quorum 75 present. The total registered voters at this time were 219. The invocation was given by Rev. Robert Merritt, Board of Selectmen and Boy Scout Troop #48 who led the voters in the Pledge of Allegiance to the flag. The appropriate tellers were duly sworn to the faithful performance of their duties by the Moderator. The tellers were as follows:

Buz Artiano, Marilyn N. Barrington, Alan E. Dunham and Stephen C. Pratt

All members of the Capital Outlay and Finance Committee were introduced, as well as all Department Heads, Board of Selectmen, Town Administrator Rick LaFond, members of the School Dept and Town Counsel.

**Article 1.** To choose all necessary town officers to be voted for, all on one ballot, namely: One Selectman, One Town Clerk, One Treasurer/Tax Collector, One Assessor, Two Members of School Board, Two Members of Library Trustees, One Member of Board of Health, One Member Board of Public Works, and Three Constables, each for a term of three (3) years; One Member of Planning Board and One Member of the Housing Authority, each for a term of five (5) years. :

**Article 2.** Upon motion duly made and seconded and motion made by Francis Casey, Chairman Board of Selectmen, it was Unanimously Voted for the Town to hear the report of any standing committee and to abolish any special committee not submitting a report which is required to do so, unless otherwise voted, and to establish any new committee. Motion made and seconded by Ann-Marie Noyes to establish a new committee the (Government Study Committee) which will consist of 7 (seven) members. The committee to be appointed by the Board of Selectmen. It was Unanimously Voted.

**Article 3** Voted to defer to June 14, 2004

**Article 4.** Upon motion duly made and seconded and motion made by Paul Johnson, resident. This article was Unanimously DEFEATED. (Town Admin. need not be a resident)  
(By Petition)

**Article 5.** Upon motion duly made and seconded and motion made by Paul Johnson, resident. This article was DEFEATED (87 yes – 105 no ) (Chief of Police need not be a resident)  
(By Petition)

**Article 6.** Upon motion duly made and seconded and motion made by Paul Johnson, resident. This article was DEFEATED. ( Superintendent of the Schools need not be a resident)  
(By Petition)

**Article 7 and 8:** defer to June 14, 2004

**Article 9.** Upon motion duly made and seconded and motion made by Ann-Marie Noyes, Board of Library Trustees, it was Unanimously Voted for the Town to re-authorize the establishment of a Library Fines Revolving Account for the Library in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ to which shall be deposited monies from overdue fines, damaged and lost books levies and from which the director may make expenditures for the purpose of replacing damaged or lost materials; expenditure from such fund not to exceed Seven Thousand (\$7,000) Dollars.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 10.** Upon motion duly made and seconded and motion made by Robert Merritt, Selectmen it was Unanimously Voted for the Town to reauthorize the establishment of a Transportation Revolving Account for the Council on Aging in accordance with General Laws Chapter, 44 Section 53E ½; which authorization, in addition to items provided by said statute, shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance (but not including insurance of any of the Greater Attleboro Taunton Regional Authority (“GATRA”) vehicles used by the Council on Aging), and salaries and expenses for part-time employees used relative thereto, (2) that departmental receipts, consisting of reimbursement of GATRA of transportation expenditures, shall be credited to the revolving fund; (3) that the Council on Aging Director shall be authorized to expend from such fund; and (4) that the total amount which may be expended from such fund during fiscal year Two Thousand and Four shall be Fifty-Thousand (\$50,000) dollars in accordance with the contract between the town through its Council on Aging and GATRA;

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 11 & 12:** defer to June 14, 2004

**Article 13.** Upon motion duly made and seconded and motion made by Peter Cokinos, Department of Public Works, it was Unanimously Voted for the Town to transfer a sum of money established by the State, which may be used for State Aid Construction and Improvements under the acts of 2004 Chapter 90 apportionment to meet the States share of the cost of the work reimbursement received therefrom to be paid to the treasury.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 14.** Upon motion duly made and seconded and motion made by Peter Cokinos, Department of Public Works, it was Unanimously Voted for the Town to transfer the sum of Fifteen Thousand (\$15,000.00) Dollars from the Receipts Reserved for Appropriation accounts as follows:

Five Thousand (\$5,000.00) Dollars from Union Cemetery

Five Thousand (\$5,000.00) Dollars from Lakenham Cemetery

Five Thousand (\$5,000.00) Dollars from Central Cemetery

for the purpose of meeting the charges against the Cemetery Fund in the Town Treasury.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 15 through 29:** voted to defer to June 14, 2004

**Article 30.** Upon motion duly made and seconded and motion made by James Grimes, Board of Selectmen, it was Unanimously Voted for the Town to authorize the Board of Selectmen to enter into an agreement with the Town of Middleborough to provide for the purchase of water from the Town of Middleborough with respect to properties which currently receive water service from the Town of Middleborough on such terms and conditions as the Board of Selectmen approves.

Selectmen recommended: 5-0

Finance Committee: No-Action

**Article 31.** Upon motion duly made and seconded and motion made by James Grimes, Board of Selectmen, it was Unanimously Voted for the Town to authorize the Board of Selectmen to enter into an agreement with the Town of Middleborough to provide for the purchase of water from the Town of Middleborough with respect to properties believed to be owned and leased by Simeone Associates Limited Partnership and Manuel T Neves, Jr. and located on North Main Street and shown as Lots 1 and 1A on the Town of Carver Board of Assessors Map Number 26; Lot 4 on the Town of Carver Board of Assessors Map Number 18; and Lots 6-A and 8 on the Town of Carver Board of Assessors Map Number 22, on such terms and conditions as the Board of Selectmen approves.

Selectmen recommended: 5-0

Finance Committee: No-Action

**Article 32.** Upon motion duly made and seconded by James Grimes, Selectmen and motion to amend by Stephen Pratt, resident, it was Unanimously Voted for the Town to vote a resolution to develop a bylaw, the purpose of which shall be to determine whether the Town of Carver shall be the sole purveyor, seller, and/or supplier of water for municipal, residential, industrial, and commercial purposes.

Selectmen recommended: 5-0  
Finance Committee: No-Action

**Article 33.** Upon motion duly made and seconded and motion made by James Grimes, Board of Selectmen, it was Unanimously Voted for the Town to divert Thirty Five Thousand (\$35,000.00) Dollars annually from Board of Health trash collection fees in order to establish a “receipts reserved for appropriation” account pursuant to MGL Chapter 44 Section 53E for the purpose of funding a so-called “Financial Assurances Mechanism” to provide funding for the post-closure maintenance of the North Carver Landfill.

Selectmen recommended: 5-0  
Finance Committee: Unanimously

Article 34 through 42 voted to defer to June 14, 2004.

**Article 43.** Upon motion duly made and seconded and motion made by Kevin Walsh, Chairman Planning Board, it was a 2/3 vote (Yes 105 – No 22) for the Town to add the following new definitions in Article VI: Definitions of the Carver Zoning Bylaw

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

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

Selectmen recommended: No-Action  
Finance Committee: No-Action

**Article 44. Defeated.** ( amend the Zoning Bylaws by deleting “Family”, “Open Space” and “Setback” from the Article VI: Definitions of the Carver Zoning Bylaw in its entirety.

**Article 45 : Withdrawn** (add a new Section \_\_\_\_ in Chapter 9: Environment of the Town of Carver General Bylaws)

**Article 46. Defeated:** ( amend §2320 of Article II)

**Article 47. Defeated:** (amend §2320 of Article II)

**Article 48.** Upon motion duly made and seconded and motion made by Sharon Clarke, Zoning Board of Appeals, it was Unanimously Voted for the Town to amend §2260 of Article II by deleting same, and inserting the following:

**2260 . Accessory Apartments.**

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

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

**2262. Procedure.** The Zoning Board of Appeals may issue a Special Permit for an accessory apartment only within a single-family home. Each of the following conditions shall be met to qualify for an accessory apartment.

**2263. Requirements.**

- a. The gross floor area shall not be greater than or be limited to eight hundred (800) square feet.
- b. Once an accessory apartment has been added to a single-family residence, the accessory apartment shall never be enlarged beyond the eight hundred (800) square feet.
- c. The owner(s) of the residence in which the accessory unit is created must continue to occupy the single-family house as their primary residence. The Special Permit shall automatically lapse if the owner no longer resides at the home.
- d. The Special Permit, issued under this section shall specify that the owner must reside at the home. The owner shall provide to the ZBA a notarized letter stating that the owner does live at this home and that this is their primary residence which shall also be recorded at the registry of deeds with the decision, in the chain of title to the property.
- e. Any new outside entrance to serve an accessory apartment shall be located on the side or in the rear of the building.
- f. Only one (1) accessory apartment may be created within a single-family house or house lot.
- g. If the property is sold, and the new owner(s) wishes to continue the accessory apartment, they have must within thirty (30) days of the sale, re-file with the ZBA. This condition must also be listed as a condition in the final decision of the ZBA, at the time of approval.
- h. An accessory apartment may not be occupied by more than three (3) people.
- i. All parking to the single-family home and the accessory apartment shall be provided off-street.

**2264. Conditions of Issuance and Renewal of Special Permit.** A Special Permit for an accessory apartment is only good for three (3) years. Subsequent Special Permit issuance for existing accessory apartments shall be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory apartment has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial Special Permit application, and that the unit still meets the requirements of 2263.

**2265. Decision.** Special Permits for an accessory apartment may be issued by the Zoning Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located, and that all conditions as specified under section 2263 have been met and after consideration of the factor specified in Section 5300 of this Zoning By Law, governing Special Permits.

Selectmen recommended: No-Action  
Finance Committee: No-Action  
Zoning Board of Appeals: 4-0  
Planning Board: 4-0

**Article 49.** defer to June 14, 2004

**Article 50. Withdrawn.** (amend §3842 of Article III)

**Article 51. Defeated.** (amend §3860 of Article III)

**Article 52.** Upon motion duly made and seconded and motion made by Kevin Walsh, Chairman Planning Board, it was Unanimously Voted for the Town to amend §3941 of Article III by deleting same and inserting the following:

**3941.** Ten percent (10%) of the total number of dwelling units shall meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through, and homebuyers or renters selected by, the Carver Housing Authority, South Shore Housing Authority or other housing organization approved by the Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase / occupancy of unit. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development.

Selectmen recommended: No-Action  
Finance Committee: No-Action  
Planning Board: 4-0

**Article 53.** Upon motion duly made and seconded and motion made by Kevin Walsh, Chairman Planning Board, it was 2/3 Vote (Yes 156 – No 11) for the Town to amend §4158 of Article IV by deleting the word “may” in the sentence and substitute the word “shall.” To read as follows:

Where public water supply or public sewage system is available at or within the boundary of a mobile home park site, all permanent buildings within the site and all mobile home lots shall be required to be connected to such services.

Selectmen recommended: No-Action  
Finance Committee: No-Action  
Planning Board: 4-0

**Article 54.** Upon motion duly made and seconded and motion made by Kevin Walsh, Chairman Planning Board, it was Unanimously Voted for the Town to accept as a public way **Alexandra Lane**, as shown on the plan located in the Planning Board Office entitled “As-Built Plan, Alexandra Lane, Carver, Mass,” dated November 12, 2003, and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan.

Selectmen recommended: No-Action  
Finance Committee: No-Action  
Planning Board: 4-0

**Article 55. Defeated.** (add a new section 2600 in Article II: Use, Dimensional, and Timing Regulations of the Carver Zoning Bylaw)

**Article 56. Withdrawn.**(new definitions Article VI: Definitions of the Carver Zoning bylaw)

**57 through 59:** defer to June 21, 2004

**Article 60. Voted to defer to June 14, 2004.**

**Article 61 and 62 deferred to June 21, 2004.**

**Article 63. defer to June 14, 2004**

**Article 64 and 65. defer to June 21, 2004.**

**Article 66 through 70. Defer to June 14, 2004**

Upon motion duly made and seconded and motion made by Daniel B.Daly, Moderator, it was Unanimously Voted to adjourn at 11:30 PM.

A true record. Attest:

Jean F. McGillicuddy

Town Clerk, CMC/CMMC



Continuation of Annual Town Meeting  
Monday, June 14, 2004

The Continuation of the Annual Town Meeting of the Inhabitants of the Town of Carver was held on Monday, June 14, 2004 at the Carver High School Auditorium at 7:00 P.M. The Meeting was called to order by the Moderator, Daniel B. Daly, there being a quorum 75 present. The total registered voters at this time were 249. The tellers were as follows: Marilyn Barrington, Alan E. Dunham, Paul McDonald, and John Rinella.

**Article 3** Upon motion duly made and seconded and motion made by James Grimes, Board of Selectmen, it was So-Passed by Majority Vote for the Town to fix the salaries of Elected Town Officers in accordance with General Laws, Chapter 41, and Section 108 as amended:

	Current Salary	Proposed Salary
Treasurer/Collector	\$ 63,805.41	\$ 66,307.63
Town Clerk	\$ 49,228.40	\$ 51,407.43
Moderator	\$ 250.00	\$ 250.00
Chairman, Board of Selectmen	\$ 1,800.00	\$ 1,800.00
Board of Selectmen all other members (each)	\$ 1,550.00	\$ 1,550.00
Bd. Of Assessors, each member	\$ 1,500.00	\$ 1,500.00
Board of Public Works		
Each member	\$ 500.00	\$ 500.00
Planning Board,		
Each member	\$ 1,400.00	\$ 1,400.00
Board of Health, each member	\$ 1,400.00	\$ 1,400.00
Library, Trustees, each member	\$ 250.00	\$ 250.00
Chairman, School Committee	\$ 1,500.00	\$ 1,500.00
School Committee members		
Each member	\$ 1,200.00	\$ 1,200.00

This article is not an appropriation. Appropriation will be made within the respective department budgets.

Selectmen recommended: 5-0

Finance Committee: 4-0

**Article 4 - 6** defer to May 17, 2004

**Article 7.** Upon motion duly made and seconded and motion made by Francis Casey, Chairman Board of Selectmen, it was So-Passed by Majority Voted for the Town to raise and appropriate Twenty Five Million, Nine Hundred Twenty Four Thousand, Five Hundred Twenty One Dollars and Sixty-four cents (\$25,924,521.64) and transfer from Ambulance receipts, Two Hundred Seventy Thousand, One Hundred Ninety-Six (\$270,196.00) Dollars and transfer from Water Enterprise Thirty Five Thousand, Six Hundred (\$35,600.00) Dollars and transfer from Free Cash, Seven Hundred Twenty-Seven Thousand, Eight Hundred Thirty (\$727,830.00) Dollars and transfer from Septic Betterments, Eleven Thousand, One Hundred Dollars and Thirty-six cents. (\$11,100.36) and transfer from Stabilization, One Hundred Ten Thousand (\$110,000.00) Dollars, to defray Town charges from July 1, 2004 to June 30, 2005 as set forth in the budget contained in Recommendations of the Board of Selectmen and Finance Committee, which report is on file with the Town Clerk. (Total budget: \$27,079,248.00).

Selectmen recommended: 5-0

Finance Committee: 3-1-0

**Article 8.** Upon motion duly made and seconded and motion by Francis Casey, Chairman Board of Selectmen, it was So-Passed by Majority Vote for the Town to raise and appropriate Twenty Two Thousand, Six Hundred Ninety (\$22,690.00) Dollars and transfer Three Thousand Three Hundred Ten (\$3,310.00) Dollars from Health Insurance for the purpose of providing a cost-of-living increase for FY2005 for non-union employees.

**Article 9.** Defer to May 17, 2004

**Article 10.** Defer to May 17, 2004.

**Article 11.** Upon motion duly made and seconded and motion by Francis Casey, Chairman Board of Selectmen, it was Unanimously Voted for the Town to transfer from Overlay Surplus the sum of Seven Thousand (\$7,000.00) Dollars for the purpose of continuing maintenance on the Marcus Atwood House.

Selectmen recommended: 5-0

Finance Committee: 4-0

**Article 12.** Upon motion duly made and seconded and motion by Peter Cokinos, Department of Public Works, it was Unanimously Voted for the Town to transfer from Overlay Surplus the sum of Fifteen Thousand (\$15,000.00) Dollars for the purpose of Repairing Private Ways under Chapter 40, section 6N, as amended, of the Massachusetts General Laws, to be under the direction of the Department of Public Works.

Selectmen recommended: 5-0

Finance Committee: 4-0

**Article 13. & 14** defer May 17, 2004.

**Article 15.** Upon motion duly made and seconded and motion to amend by Peter Cokinos, Department of Public Works, it was Unanimously Voted for the Town to borrow the sum of Sixty Four Thousand Eight Hundred Ninety Two (\$64,892.00) Dollars to purchase a cab and chassis with a dump body for the Department of Public Works..

Selectmen recommended: 5-0

Finance Committee: 4-0-0

**Article 16.** Upon motion duly made and seconded and motion to amend by Peter Cokinos, it was Unanimously Voted for the Town to borrow the sum of Twenty-Eight Thousand (\$28,000.00) Dollars to purchase a snow blower and mower combination machine for the Department of Public Works.

Selectmen recommended: 5-0

Finance Committee: 4-0-0

**Article 17.** Upon motion duly made and seconded and motion to amend by Peter Cokinos, it was Unanimously Voted for the Town to borrow the sum of Thirty Five Thousand, Three Hundred and Three (35,303.00) Dollars to purchase a mechanics maintenance truck for the Department of Public Works.

Selectmen recommended: 5-0

Finance Committee: 4-0-0



**Article 18.** Upon motion duly made and seconded and motion by Gerry Farquharson, it was So-Passed (181 Yes – 39 No) for the Town to borrow the sum of Fifty Thousand (\$50,000.00) Dollars for the purpose of painting the exterior siding and trim of the public library. This will include pressure washing, scraping and caulking with two coats of paint. The building was last painted in 1998.

Selectmen recommended: 0-5 not to recommend

Finance committee: No Action

Capital Outlay: No Action

**Article 19.** Upon motion duly made and seconded and motion by Mary Kaminski, School Committee, it was Unanimously Voted for the Town to borrow the sum of One Hundred Twenty Eight Thousand Two Hundred Dollars (\$128,200.00) for the replacement of one of the HVAC units at the Primary School building, said sum to be expended by the Carver School Committee.

Selectmen recommended: 5-0

Finance Committee: Unanimously

Capital Outlay: Unanimously

**Article 20.** Upon motion duly made and seconded and motion made by Mary Kaminski, School Committee, it was Unanimously Voted for the Town to borrow the sum of One Hundred Two Thousand One Hundred Ninety Nine Dollars (\$102,199.00) and to trade in up to two (2) surplus vehicles for the purpose of purchasing and equipping two (2) mini-buses and two (2) mini-vans for the School Department, said sum to be expended by the Carver School Committee.

Selectmen recommended: 5-0

Finance Committee: Unanimously

Capital Outlay: Unanimously

**Article 21.** Upon motion duly made and seconded and motion made by Mary Kaminski, School Committee, it was Unanimously Voted for the Town to borrow the sum of Sixty Thousand Two Hundred Thirty Three Dollars (\$60,233.00) for the purpose of upgrading the telephone and voice mail systems for the School Department, said sum to be expended by the Carver School Committee.

Selectmen recommended: No-Action

Finance Committee: Unanimously

Capital Outlay: Unanimously

**Article 22.** Upon motion duly made and seconded and motion to amend by Dana Harriman, Fire Chief, it was Unanimously Voted for the Town to transfer Thirty Six Thousand, Five Hundred (\$ 36,500.00) Dollars. Ten Thousand (\$10,000.00) Dollars from grant services article, Seven Thousand, Two Hundred Eight Dollars and fourteen cents (\$7,208.14) balance of FY-02 police collective bargaining article, Eight Thousand One Hundred Eighty Five and fifty cents (\$8,185.50) balance of the Engineering for a new Nutrition Center article, Seven Thousand Seven Hundred Eight-Two and Sixty cents (\$7,782.60) Dollars balance of FY03 collective bargaining article and Three Thousand Three Hundred Twenty Three Dollars and Seventy-Six cents (\$3,323.76) from FY04 non-union raises. A total of (\$36,500.00) Dollars for the purpose of partial funding the first year of a Length of Service Awards Program for the Call Firefighters of Carver, said sum to be expended by the Fire Chief.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 23.** Upon motion duly made and seconded and motion to amend by Craig Weston, Deputy Fire Chief, it was a 2/3 vote (171 Yes – 36 No) for the Town to borrow a sum of money not to exceed Thirty Eight Thousand (\$38,000.00) Dollars for the purpose of purchasing a replacement 4 wheel drive cruiser for the Fire Department, said sum to be expended by the Fire Chief.

Selectmen recommended: 2 for – 3 against

Finance Committee: Unanimously not to approve

Capital Outlay: Unanimously to borrow

**Article 24.** Upon motion duly made and seconded and motion to amend by Craig Weston, Deputy Fire Chief, it was Unanimously Voted for the Town to borrow the sum of Twelve Thousand, Five Hundred (\$12,500.00) Dollars for the purpose of upgrading the radio system for the Department of Public Works, said sum to be expended by the Fire Chief.

Selectmen recommended: 5-0

Finance Committee: Unanimously

Capital Outlay: Unanimously

**Article 25. Withdrawn** (upgrading a radio system) (By Planning Board, Board of Assessors, Building Commissioner and Conservation Commission)

**Article 26.** Upon motion duly made and seconded and motion made by Kevin Walsh, Chairman Planning Board, it was Unanimously Voted for the Town to transfer from Overlay Surplus sum of up to Eight Thousand (\$8,000.00) Dollars to create an updated Zoning Map, with legal descriptions of all zoning districts to establish an official “Zoning Map of the Town of Carver, 2004”, and create a Zoning District overlay for computer mapping to be used with GIS.

Selectmen recommended: 5-0

Finance committee: Unanimously

Conservation: Unanimously

**Article 27.** Upon motion duly made and seconded and motion by Francis Casey, Chairman Board of Selectmen it was So-Passed by Majority Vote for the Town to transfer from Overlay Surplus, the sum of up to Sixty Thousand (\$60,000.00) Dollars to write a “Water Resources Plan,” said plan to be in two Phases. Phase I will identify unprotected water resources in the Town of Carver in order to make Carver eligible for State and Federal funding for land acquisition to protect the Town’s valuable resources and the region’s sole source aquifer; Phase II will identify methods of supplying water to critical areas in Town, for example, village districts, key industrial and commercial areas, and critical residential areas.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 28. Withdrawn** (for the purpose of purchasing land for the establishment of two (2) Class II municipal wellheads)

**Article 29. Withdrawn** (reimbursed from the Water Enterprise Fund, for the purchase and construction of a one million gallon per day water storage tower)

Article 30 through 33 – defer to May 17, 2004

**Article 34. Withdraw** (replacing and upgrading computers)

**Article 35.** Upon motion duly made and seconded and motion to amend made by Francis Casey, Chairman Board of Selectmen, it was Unanimously voted for Town to transfer from Overlay Surplus, the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars for the purpose of upgrading the town's application software (financial management, treasurers receipts, tax billing, etc..)

Selectmen recommended: 5-0

Finance Committee: 4-0

**Article 36.** Upon motion duly made and seconded and motion made by Francis Casey, Chairman Board of Selectmen, it was Unanimously Voted for the Town to adopt the provisions under M.G.L Chapter 44: Section 53D to create a Recreation and Park self-supporting service revolving fund for the benefit of the Carver Youth Needs Program.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 37. Withdrawn** (establish the position of Deputy Police Chief, exempting this position from the provision of MGL Chapter 31 (Civil Service))

**Article 38.** Upon motion duly made and seconded and motion made by Francis Casey, Chairman Board of Selectmen, it was Unanimously Voted for the Town to appropriate all funds available in the Earth Removal Inspection Fees Receipts Reserved for Appropriation Account for road repairs in accordance with **Article 26** of the 2003 ATM Warrant. Said expenditure to be under the direction of the DPW Commissioners.

Selectmen recommended: 5-0

Finance Committee: 4-0

**Article 39.** Upon motion duly made and seconded and motion made by Francis Casey, Chairman Board of Selectmen, it was Unanimously Voted of the Town to transfer from overlay surplus the amount of Ten Thousand Nine Hundred Seventy-Two Dollars (\$10,972.00) to fund the Carver Visiting Nurse Division of Partners Home Care, Inc.'s budget for professional services for the fiscal year July 2004 - June, 2005.

Selectmen recommended: 5-0

Finance Committee: 3-1-0

**Article 40.** Upon motion duly made and seconded and motion made by Francis Casey, Chairman Board of Selectmen, it was Unanimously Voted for the Town to transfer the sum of One Hundred Seventy-Five (\$175.00) Dollars from Overlay Surplus in the Treasury to be expended by the Trustees for Plymouth County Cooperative Extension Service and choose Dorothy Angley, as Director in accordance with the provisions of the General Laws of Massachusetts, Chapter 128, Section 41 and 42, said expenditure to be under the direction of the Selectmen.

Selectmen recommended: 5-0

Finance Committee: No Action

**Article 41. Defeated** (Community Preservation Act)

**Article 42. Withdrawn** (Community Preservation Committee)

**Article 43 through 48:** Defer to May 17, 2004

**Article 49.** Upon motion duly made and seconded and motion made by Kevin Walsh, Chairman Planning Board, it was Unanimously Voted for the Town to amend S3350 of Article III by deleting same and inserting the following:

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

Selectmen recommended: No Action

Finance Committee: No Action

Planning Board: 3-1

**Article 50 - 56:** defer to May 17, 2004

**Article 57 - 59:** defer to June 21, 2005

**Article 60.** Defeated (rescind the acceptance of the provisions of MGL Chp. 59, S 58, the 3% discount law)

**Article 61.** defer to June 21, 2004.

**Article 62.** defer to June 21, 2004

**Article 63. Defeated.** (An Act Returning Tax Title Properties to Productive Use)

**Article 64.** defer to June 21, 2004

**Article 65.** defer to June 21, 2004.

**Article 66.** Upon motion duly made and seconded and motion made by Craig Weston, Deputy Fire Chief, it was Unanimously Voted for the Town to accept Chapter 46 Section 12 of the acts of 2003 Section 12 which reads: The definition of “Employee” in section 2 of Chapter 32B of the M.G.L., as so appearing, is hereby amended by inserting after the first sentence the following sentence:-A member of a call fire department or other volunteer emergency service agency serving a municipality shall be considered an employee, if approved by vote of the municipal legislative body, and the municipality shall charge such individual 100 percent of the premium.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 67.** Upon motion duly made and seconded and motion made by Robert Merritt, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Overlay Surplus the sum of Three Thousand Dollars (\$3,000.00) to contract with Womansplace for services provided to victims/survivors of sexual assault.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 68.** Upon motion duly made and seconded and motion made by Robert Merritt, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Overlay Surplus the sum of Three Thousand (\$3,000.00) Dollars to support legal services for Cape Cod and Islands, Inc.’s continued free legal services in civil matters to low-income families and their children.

Selectmen recommended: 5-0

Finance Committee: Unanimously

**Article 69.** Upon motion duly made and seconded and motion made by Robert Merritt, it was Unanimously Voted for the Town to transfer from the Overlay Surplus the sum of Three Thousand (\$3,000.00) Dollars to support the Plymouth Area Coalition for the Homeless, Inc. in their service to homeless families.

Selectmen recommended: 5-0

Finance Committee: 4-0

**Article 70.** Upon motion duly made and seconded and motion made by Robert Merritt, it was Unanimously voted for the Town to transfer from Overlay Surplus the sum of One Thousand Nine Hundred Forty Nine Dollars and Eighty- two cents (\$1,949.82) and from Free Cash, Five Hundred Fifty Dollars and Eighteen cents (\$550.18) for a total of Two Thousand Five Hundred Dollars (\$2,500.00) to support the South Shore Community Action Council for services to the low-income and elderly families residents in the Town of Carver.

Selectmen recommended: 5-0

Finance Committee: Unanimously

Upon motion duly made and seconded and motion made by Daniel B. Daly, Moderator, it was Unanimously Voted to adjourn at 10:30 PM.

A true record. Attest:

Jean F. McGillicuddy, Town Clerk  
CMC/CMMC

## **Continuation Annual Town Meeting**

**June 21, 2004**

The meeting was called to order at 7:00 PM by the Moderator, Daniel B. Daly with a quorum of 75 present. The total registered voters at this time were 84. The following articles were voted on:

**Article 57.** Upon motion duly made and seconded and motion to amend by Bryan Lauzon, Planning Board, it was So-Passed by a 2/3 Vote (55 Yes – 13 No) for the Town to add a new Section 2700 in Article II of the Carver Zoning Bylaw.

### **TRANSFER OF DEVELOPMENT RIGHTS**

#### **2700. Transfer of Development Rights**

**2710. Purpose and Intent:** The purpose of this bylaw is to allow the development potential from one property (sending parcel) to be transferred to another property (receiving parcel). 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 owner. The TDR program is consistent with the Carver Master Plan to further the conservation and preservation of natural and undeveloped areas, wildlife, flora, and habitats for endangered species; protection of groundwater and surface water, as well as other natural resources; balanced 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; the development of an adequate supply of affordable housing; and the preservation of historical, cultural, archaeological, architectural, and recreational values.

**2720. Applicability:** The provisions of Section 2700 shall apply to land identified as follows:

Receiving areas: Areas designated as receiving areas on the map entitled “Town of Carver Transfer of Development Rights Overlay Map.”

Sending areas: Areas designated as sending areas on the map entitled “Town of Carver Transfer of Development Rights Overlay Map.”

2721. Properties within the designated sending and/or receiving areas may either be developed under existing by-laws and regulations or may file a Transfer of Development Rights (TDR) Special Permit. Applicants seeking a TDR special permit shall own or represent both the proposed sending and receiving areas.

**2730. Determination of Development Rights:** To establish the development rights available for transfer, the applicant 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 limitations in effect at the time of application. The preliminary plan for the purpose of establishing the development rights of the sending parcel(s) shall also comply with Planning Board’s Rules and Regulations.

2731. The applicant shall provide a written report to the Planning Board that identifies the special importance of the sending parcel(s) to remain in a natural state because they contain one or more of the following features: visual prominence, potential vista impairment, ecological significance, fragility, special importance as farmland, value for recreation, and/or future Town water supply.

2732. The Planning Board in the Preliminary Plan decision shall note the special importance of the sending parcel. The development rights (number of lots) of the sending parcel(s) as established by the Planning Board from the Preliminary Plan shall be multiplied by 1.25. The Planning Board shall note in the Preliminary Plan decision the number of lots available under a potential TDR application. If the Special Permit is approved, the density allowed on the Receiving Parcel may be increased beyond the zoning requirements that would otherwise apply, in order to utilize the development rights that are being transferred from the Sending Parcel.

2733. Any lot or lots (from the sending parcel(s)) deemed to meet the standard of qualifying for a transfer must be permanently 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 or donated to the Carver Conservation Commission. 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 Registry of Deeds/Land Court prior to the conveyance of any building lot on the receiving parcel(s). On property that 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 (BMPs).

2734. All instruments implementing the Transfer of Development Rights shall be recorded in the manner of a deed(s) in the Plymouth Registry of Deeds for both sending and receiving parcel(s). The instrument evidencing such TDRs shall specify the map and lot number of the sending parcel(s) and the map and lot of the receiving parcel(s).

2735. The clerk of the Registry of Deeds shall transmit to the applicable town assessor(s) for both the sending parcel(s) and receiving parcel(s) 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 TDRs.

2736. The record owner of the sending parcel(s) shall, within forty-five (45) days of receipt of a special permit authorizing TDRs, record at the Registry of Deeds either: a Conservation Restriction as defined by G.L. c. 184 §§31-33 running in favor of the Town prohibiting, in perpetuity, the construction, placement, or expansion of any new or existing structure or other development; or transferring of the deed to the Conservation Commission on said sending parcel(s). Evidence of said recording shall be transmitted to the Planning Board indicating the date of recording and deed book and page number at which the recording can be located. The grant of the special permit to transfer development rights shall be conditioned upon such restriction or donation, and no special permit for a transfer of development rights shall be effective until the restriction or donation noted above has been recorded at the Registry of Deeds.

**2740. Approval of Receiving Area(s):** After the Planning Board has determined the development rights available to be transferred the applicant shall submit the development plan(s) for the receiving parcel(s). The parcel shall show all legal restrictions, easements or limitations on the development. The receiving parcel(s) shall have water and septic services available or said services shall be provided as part of the TDR special permit development plan approval.

**2750. Criteria:** TDR special permits may be granted by the Planning Board upon its written determination that benefits of the proposed transfer of development rights to the receiving parcel(s) outweigh the detrimental impacts on the town and neighborhood. The Board shall review and make a positive finding on each of the following criteria:

2751. Complies with Master Plan and Open Space and Recreation Plan;

2752. The sending parcel preserves or provides one or more of the following: natural areas, wildlife, flora, and habitats for endangered species; protection of ground water, surface water, as well as other natural resources, visual or vista importance, farmland and/or recreation opportunities;

2753. The development provides adequate water and sanitary facilities;

2754. The development design is appropriate to the natural topography, soils and other characteristics of the site;

2755. The development design integrates into existing village or expansion area as mapped in the Carver Master Plan;

2756. Projected traffic generation from development onto local roads and intersections is within the capacity of road network and does not create any safety concerns;

2757. The design and layout of streets, parking and loading of the development is acceptable to the Planning Board.

**2760. Governance:** Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in M.G.L. Chapter 40A, Section 9. The Special Permit Granting Authority shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in M.G.L. Chapter 40A.

Selectmen recommended: No-Action

Finance Committee: No-Action

Planning Board: 4-0

**Article 58.** Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board it was Unanimously Voted for the Town to add the following new definitions Article VI: Definitions of the Carver Zoning Bylaw:

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

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

**Sending parcel(s):** Land from which development rights, as determined by the Planning Board, may be transferred to a receiving parcel(s).

**Receiving parcel(s):** Land that, through the granting of a special permit, may receive development rights from a sending parcel.

Selectmen recommended: No-Action

Finance Committee: No-Action

Planning Board: 4-0



**Article 59.** Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was a 2/3 vote (Yes- 74 No-2) for the Town to accept the codified “Town of Carver Zoning By-Law” to establish a point of reference (bench mark) for any amendments hereafter.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: 4-0

**Article 60.** Defer to June 14, 2004

**Article 61.** Upon motion duly made and seconded and motion by Michael O’Donnell, Acting Police Chief, it was Unanimously Voted for the Town to accept the provisions of Massachusetts General Law Chapter 40, Section 8G relative to mutual aid agreements between police departments.

Selectmen recommended: 5-0

Finance Committee: No-Action

**Article 62.** Upon motion duly made and seconded and motion by Michael O’Donnell, Acting Police Chief, it was Unanimously Voted for the Town to accept to the General By-Laws an article prohibiting the use of a Motor Vehicle, as defined by section 1, Chapter 90 of the Massachusetts General Laws on a frozen surface of any pond, lake, river, brook, stream, or other permanent or semi-permanent body of water in the Town of Carver. Said By-Law shall read:

a) No motor vehicle, as defined by section 1, chapter 90 of the Massachusetts General laws, shall be driven, towed, or pushed upon a frozen surface of any pond, lake, river, brook, stream or other permanent or semi-permanent body of water to which the public has a right of access and which is situated within the boundary lines of the Town of Carver. Any owner or operator of such vehicle refusing to remove such vehicle from such frozen surface after being ordered to do so by a police officer shall be subject to immediate arrest without a warrant and said vehicle shall be towed there from at the expense of the owner.

b) Any violation of this section shall be punishable by a fine not exceeding two hundred dollars (\$200.00).

c) This section shall not apply to such vehicle as shall be designated by the Board of Selectmen, police chief, fire chief, or commissioner of public works as emergency vehicles when operated by duly authorized personnel in the course of an official emergency operation. This section shall not apply to motorized equipment used for the maintenance and harvest of the cranberry industry.

Selectmen recommended: No-Action

Finance Committee: No-Action

Planning Board: 4-0

**Article 63.** Defer to June 14, 2004

**Article 64. Withdrawn** (an act relative to joint purchase of health Insurance)

**Article 65.** Upon motion duly made and seconded and motion by Rick LaFond, Town Administrator, it was Unanimously Voted for the Town to accept the provisions of MG.L. Chapter 32B § 18: an act which would require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town.

Selectmen recommended: 5-0

Finance Committee: No-Action

**Article 66 through 70:** Defer to June 14, 2004

Upon motion duly made and seconded and motion made by Daniel B. Daly, Moderator, it was Unanimously Voted to adjourn the meeting at 8:50 P.M.

A true record. Attest:

Jean F. McGillicuddy, Town Clerk

CMC/CMMC