



COMMONWEALTH OF MASSACHUSETTS

**Town of Carver**

**2008 Annual Town Warrant**

Plymouth, ss. To either of the Constables of the Town of Carver.

**GREETING:**

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the Inhabitants of the Town of Carver qualified to vote in elections and in Town affairs to meet at the Carver High School, all three precincts in said Carver, on Saturday, the twenty-sixth day of April, 2008 at 8:00 o'clock A.M., then and there to act on the following Article, namely:

**Article 1.** To choose all necessary officers to be voted for all on one Ballot; Namely: Two Selectmen, One Member of the Board of Assessors, Two Members of the School Committee, Two Members of the Library Trustees, One Member of the Board of Public Works, One Member of the Board of Health all for a term of three (3) years; One Member of the Planning Board and One Member of the Redevelopment Authority both for a term of five (5) years.

The polls will be open until 6:00 o'clock P.M.

And you are further directed to notify said Inhabitants of said Town that as soon as the votes have been counted, the meeting will adjourn to May 20, 2008 at 7:00 o'clock P.M. and at that time will reconvene at said Carver High School, then and there to act on the following Articles, namely:

**Article 2.** To see if the Town will vote 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, or take any other action relative thereto.

**Article 3.** To see what action the Town will take with regard to fixing the salaries of Elected Town Officers in accordance with General Laws, Chapter 41, and Section 108 as amended, namely:

	<u>Current Salary</u>	<u>Proposed Salary</u>
Treasurer/Collector	\$ 70,393.54	\$72,170.33
Town Clerk	\$ 57,049.69	\$59,271.67
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
Board 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, each member	\$ 1,200.00	\$ 1,200.00

This Article is not an appropriation. Appropriations will be made within the respective department budgets.  
(By the Elected Officials)

**Article 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds or borrow sums of money as may be necessary to defray Town charges from July 1, 2008 to June 30, 2009 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, or take any other action relative thereto.

(By the Board of Selectmen and Finance Committee)

**Article 5.** To see if the Town will vote to transfer from available funds the sum of Twelve Thousand and Forty-Three Dollars and Fifty cents (\$12,043.50) to pay the following unpaid bills under the provisions of Chapter 240, §7 of the Acts of 1989, or take any other action relative thereto:

MIIA (Legal Deductible)	\$7,500.00
Attorney William Solomon (Cable)	\$4,543.50

(By the Board of Selectmen)

**Article 6.** To see what amount the Town will vote to raise and appropriate or transfer from available funds for the purpose of providing a cost-of-living increase for FY2009 for non-union employees, or take any other action thereto.

(By the Board of Selectmen)

**Article 7.** To see what amount the Town will vote to raise and appropriate or transfer from available funds for the purpose of funding a collective bargaining agreement with the Police Union.

(By the Board of Selectmen)

**Article 8.** To see what amount the Town will vote to raise and appropriate or transfer from available funds for the purpose of funding collective bargaining agreements with the DPW and Clerical Unions. (By the Board of Selectmen)

**Article 9.** To see if the Town will vote to raise and appropriate or transfer from available funds the amount of One Hundred Thirty Thousand Dollars (\$130,000.00) for the purpose of funding the three (3%) percent tax rebate program for FY2009, or take any other action relative thereto.

(By the Board of Selectmen)

**Article 10.** To see if the Town will vote to raise and appropriate or transfer from available funds, borrow or lease the following sums to purchase the following vehicles:

<u>Item</u>	<u>Amount</u>	<u>Actual/Estimate Lease Term *</u>
Ambulance	\$135,000.00	estimate/10 years
Two 77 Passenger School Buses	\$136,500.00	estimate/9 years
Wheel ChairAccess Mini Bus	59,000.00	estimate/7 years
20 Passenger Mini Van	45,000.00	estimate/5 years

\* Interest rate of 5%

or take any other action relative thereto.

(By the Capital Outlay Committee)

**Article 11.** To see if the Town will vote to take from available funds in the Board of Health Technical Review Account Sixteen Thousand Seven Hundred and Ten Dollars (\$16,710.00) to fund the purchase of the new Town of Carver Board of Health pick-up truck, or take any other action relative thereto.

(By the Board of Health)

**Article 12.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of two hundred and fifty thousand dollars (\$250,000) for a Feasibility Study focused on potential solutions to facility problems at the Governor John Carver School located at of 85 Main Street, a twenty-three acre parcel of land, which study and its contents are the subject of an agreement with the Massachusetts School Building Authority (MSBA) relative to an MSBA grant (a non-entitlement, discretionary program based on need as determined by the MSBA), provided that any costs that the Town of Carver may incur in excess of any MSBA grant that may be received shall be the sole responsibility of the Town of Carver; and, as funding therefor, to borrow said sum pursuant to M.G.L. c.44, §7 or any other enabling authority and to authorize the Treasurer with the approval of the Board of Selectmen to issue bonds and notes therefor; provided, however, that the appropriation authorized hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, §21C, Proposition 2½, so-called; and further that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received from the MSBA prior to the

issuance of bonds or notes as authorized hereunder, said sum to be expended by the Carver School Building Committee, or take any other action relative thereto

(By the Carver School Committee)

**Article 13.** To see if the Town will vote to raise and appropriate or take from available funds a sum of money not to exceed Thirty Thousand Dollars (\$30,000.00) for the purpose of purchasing personal protective gear for our firefighters, said sum to be expended by the Fire Chief, or take any other action relative thereto.

(By the Fire Chief)

**Article 14.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Thirteen Thousand Dollars (\$13,000.00) for the purpose of contracting conceptual design drawings and preliminary topographical and engineering surveys necessary for future grant submissions pertaining to the eventual construction of a new Fire Station and Police Station, or take any action relative thereto.

(By the Police and Fire Station Planning Committee)

**Article 15.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money not to exceed 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 2009, or take any other action relative thereto.

(By the Board of Health)

**Article 16.** To see if the Town will vote to re-authorize the establishment of the following Revolving Accounts in accordance with Massachusetts General Laws, Chapter 44, §53E ½:

- Library Fine Revolving Account 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. Expenditures for Fiscal Year 2009 from such fund not to exceed Seven Thousand Dollars (\$7,000.00).

(By the Library Trustees)

- Transportation Revolving Account for the Council on Aging which 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 relate 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 shall be authorized to expend from such fund: and (4) that the total amount which may be expended from such fund during Fiscal Year 2009 shall be Ninety Thousand Dollars (\$90,000.00) in accordance with the contract between the Town through its Council on Aging and GATRA.

(By the Council on Aging)

- Earth Removal Inspection Fee Revolving Account for the purpose of making road repairs not to exceed One Hundred Thousand Dollars (\$100,000.00) for Fiscal Year 2009. Expenditures shall be under the direction of the Earth Removal Committee.  
(By the Earth Removal Committee)

- Wiring, Plumbing and Gas Permit Fee Revolving Account to use Seventy-Five Percent (75%) of Wiring, Plumbing, and Gas permit fees collected to pay the wages of those Inspectors. Expenditures for Fiscal Year 2009 from such fund not to exceed One Hundred Thousand Dollars (\$100,000). Expenditures shall be under the direction of the Building Commissioner, or take any other action relative thereto.

(By the Board of Selectmen)

- Marcus Atwood House Revolving Account for rental and other fees collected for the use of the Marcus Atwood House to be used for the ongoing maintenance and upkeep of the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees. Expenditures for Fiscal Year 2009 from such funds not to exceed Twelve Thousand Dollars (\$12,000.00)

(By the Marcus Atwood House Trustees)

**Article 17.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Twelve Thousand Dollars (\$12,000.00) for the purpose of continuing maintenance of the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees, or take any other action relative thereto.

(By the Marcus Atwood House Trustees)

**Article 18.** To see if the Town will vote to transfer from the School Committee property known as Benjamin Ellis School located at 247B Tremont Street, Map 8, Lot 8-0 for school purposes to the Board of Selectmen, and further to authorize the Board of Selectmen to dispose of such property or take any other action relative thereto.

(By the Board of Selectmen)

**Article 19.** To see if the Town will vote to amend the General Bylaws by adding the follow provisions:

## **CHAPTER 11 PRIVATE SYSTEMS**

### **11.1. DEFINITIONS**

When used in this Bylaw, the following terms shall have the following meanings:

**Person** shall mean every natural person, partnership, association or corporation, excluding the Town of Carver and the North Carver Water District and excluding a landlord supplying water to his tenant

**Private Water Supply System** shall mean any person engaged in the distribution and/or sale of water to another through pipes or mains

**Water Works** shall include dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including purification works, aqueducts, conduits, pipes and other works necessary for the conveyance of water.

## **11.2 PRIVATE WATER SUPPLY SYSTEM PERMIT**

No Person shall operate a Private Water Supply System within the Town of Carver without first receiving a permit from the Board of Selectmen. All applications for Private Water Supply System permits shall be in writing and shall be accompanied by a fee established to the Board of Selectmen. This Bylaw shall apply to any Private Water Supply System with a whole or part of its Water Works within the Town of Carver.

Or take any other action relative thereto.

(By the Board of Selectmen)

**Article 20.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of One Hundred Seventy-Five Dollars (\$175.00) to be expended to the Trustees for Plymouth County Cooperative Extension Service, and choose a Director in accordance with the provisions of the M.G.L. Chapter 128, §41 and 42, said expenditure to be under the direction of the Board of Selectmen, or take any other action relative thereto.

(By the Board of Selectmen)

**Article 21.** To see if the Town will vote to allow the Carver Conservation Commission to petition the Legislature of the General Court to allow the Conservation Commission to use up to Five Thousand Dollars (\$5,000.00) per year from the Commission's Conservation Fund for maintenance and care of Conservation Commission owned land; or take any other action relative thereto.

(By the Conservation Commission)

**Article 22.** To see if the Town will vote to transfer the sum of Nine Thousand Seven Hundred Two Dollars (\$9,702.00) from the sale of lots accounts in Central, Lakenham and Union Cemeteries and also vote to transfer the sum of Five Thousand Two Hundred and Ninety-Eight Dollars (\$5,298.00) from the perpetual care accounts in Central, Lakenham and Union Cemeteries for the purpose of meeting charges against the cemetery fund in the Town Treasury or take any other action relative thereto.

(By DPW Commissioners and Superintendent)

**Article 23.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Fifteen Thousand Dollars (\$15,000.00) 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 or take any other action relative thereto.

(By DPW Commissioners and Superintendent)

**Article 24.** To see if the Town will vote to transfer from available funds a sum of money established by the State which may be used for State Aid Construction and Improvements under the acts of 2008 Chapter 90 apportionment to meet the State's share

of the cost of the work reimbursement received there from to be paid to the Treasury, or take any other action relative thereto.

(By DPW Commissioners and Superintendent)

**Article 25.** To see if the Town will vote to raise and appropriate, or transfer from available funds or borrow the sum of Twenty-One Thousand Eight Hundred Seventy- Five Dollars (\$21,875.00) for the purpose of purchasing a new shelving unit in the Town Clerk's vault, or take any other action relative thereto.

(By the Town Clerk)

**Article 26.** To see if the Town will vote to raise and appropriate, or transfer from available funds or borrow the sum of Twenty-Six Thousand Dollars (\$26,000.00) for the purpose of replacing four voting machines, or take any other action relative thereto.

(By the Town Clerk)

**Article 27.** To see if the Town will vote to transfer from available funds in the County Dog Fund Account the sum of Eight Thousand Seven Hundred Twenty-Eight Dollars and Twelve Cents (\$8,728.12) for the purpose of renovating and upgrading the mechanical systems of existing Town owned buildings thereby creating an Animal Control holding facility, said sum to be under the direction of the Superintendent of Buildings and Grounds, or take any other action relative thereto.

(By the Board of Selectmen)

**Article 28.** To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of Six Thousand Dollars (\$6,000.00) for the purposes of funding the DARE program, or take any other action relative thereto.

(By the Police Chief)

**Article 29.** To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of Three Hundred Dollars (\$300.00) to meet the expenses of the Town's Commission on Disability, said sums to be expended by the Commission on Disability or take any other action relative thereto.

(By the Commission on Disability)

**Article 30.** To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of One Thousand Dollars (\$1,000.00) for the purpose of meeting expenses of the Green Committee, said sums to be expended by the Green Committee, or take any action relative thereto.

(By the Green Committee)

**Article 31.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Five Hundred Dollars (\$500.00) for the purpose of meeting expenses associated with Old Home Day, said sums to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

(By the Board of Selectmen)

**Article 32.** To see if the Town will vote to appropriate Twelve Thousand Three Hundred and Fifty-Nine Dollars (\$12,359.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a records preservationist to repair, restore, and

preserve records in the Town Clerk's office dating back to the 1700's said sums to be expended under the direction of the Community Preservation Committee in consultation with the Town Clerk's office and the Board of Selectmen; or take any other action relative thereto.  
(By the Community Preservation Committee)

**Article 33.** To see if the Town will vote to appropriate Thirty-One Thousand Five Hundred Dollars (\$31,500.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a consultant to implement the Carver Affordable Housing Planned Production Plan and to follow the objectives as detailed in the application, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Planning Board and the Board of Selectmen; or take any other action relative thereto.  
(By the Community Preservation Committee)

**Article 34.** To see if the Town will vote to appropriate Thirty-Two Thousand Dollars (\$32,000.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire an engineer/architect who specializes in the preservation of historical structures to perform an assessment of the Town-owned Grange Hall (Lakenham Grange # 347) from an engineering and historical preservation perspective, to identify any structural defects, assess historic features, and to develop strategies in concert with the Lakenham Green Committee, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Historic Commission, Historic District Commission and the Board of Selectmen; or take any other action relative thereto.  
(By the Community Preservation Committee)

**Article 35.** To see if the Town will vote to appropriate Twenty-Five Thousand Dollars (\$25,000.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a landscape architect who specializes in the development of small parks and beach landscape design to perform a recreation assessment of the Town-owned Buckman Park and Buckman Beach, working with the area residents to assess their needs and desires for these properties and developing and drafting a landscape and recreation plan for this property, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Park Commissioners (DPW), the Carver Recreation Committee, the Carver Redevelopment Authority and the Board of Selectmen; or take any other action relative thereto.  
(By the Community Preservation Committee)

**Article 36.** To see if the Town will vote to appropriate Fifteen Thousand Dollars (\$15,000.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a landscape architect/consultant to prepare a Preservation Master Plan for the Town-owned Lakenham Green that will guide future said sums to be expended under the direction of the Community Preservation Committee in consultation with the Lakenham Green Committee, the Historic Commission, Historic District Commission and the Board of Selectmen; or take any other action relative thereto.  
(By the Community Preservation Committee)

**Article 37.** To see if the Town will vote to transfer Ninety-Five Thousand, One Hundred and Sixty Dollars (\$95,160.00) from the Affordable Housing Reserve of the Community Preservation Committee funds to assist in funding the construction of an affordable home by the Habitat for Humanity, all pursuant to a grant agreement with said



Habitat for Humanity and further, to authorize the Community Preservation Committee, in consultation with the Board of Selectmen to enter into a grant agreement with said Habitat for Humanity setting forth the terms and conditions upon which said sums may be expended, provided, however, that said grant agreement shall include a requirement that the Town of Carver be granted an affordable housing restriction on the property meeting the requirements of M.G.L. Ch. 184, and further, to authorize the Board of Selectmen to accept said restriction; or take any other action relative thereto.

(By the Community Preservation Committee)

**Article 38.** To see if the Town will vote to appropriate Thirty-Five Thousand Dollars (\$35,000.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to preserve the old belfry of the United Protestant Parish Church on Main Street in Carver with new architecturally-accurate replicas of the belfry, all pursuant to a grant agreement with said United Protestant Parish Church and further, to authorize the Community Preservation Committee, in consultation with the Board of Selectmen to enter into a grant agreement with said United Protestant Parish Church setting forth the terms and conditions upon which said sums may be expended, provided, however, that said grant agreement shall include a requirement that the Town of Carver be granted a historical preservation restriction in the property meeting the requirements of M.G.L. Ch. 184, and further, to authorize the Board of Selectmen to accept said restriction; or take any other action relative thereto.

(By the Community Preservation Committee)

**Article 39.** To see if the Town will vote to appropriate an amount not to exceed Fifty-Three Thousand One Hundred Seventy-Five Dollars (\$53,175.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues for the preservation of the existing roof, woodwork, and trim with new architecturally-accurate replicas of the existing for the Sunrise Church of God located at 169 Plymouth Street, North Carver, all pursuant to a grant agreement with said Sunrise Church of God and further, to authorize the Community Preservation Committee, in consultation with the Board of Selectmen to enter into a grant agreement with said Sunrise Church of God setting forth the terms and conditions upon which said sums may be expended, provided, however, that said grant agreement shall include a requirement that the Town of Carver be granted a historical preservation restriction in the property meeting the requirements of M.G.L. Ch. 184, and further, to authorize the Board of Selectmen to accept said restriction; or take any other action relative thereto.

(By the Community Preservation Committee)

**Article 40.** To see if the Town will vote to appropriate One Hundred Fourteen Thousand Six Hundred Twenty-Five Dollars (\$114,625.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to continue funding the purchase of +/-98 acres of land known as the western portion of the Cole property as referred to as Parcel 1 in Article 1 at the Special Town Meeting held on December 11, 2006, which purchase was authorized thereunder, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Conservation Commission and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

**Article 41. Withdrawn - to be placed on STM Warrant**

**Article 42.** To see if the Town will vote to transfer a sum of money from the FY2009 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Historic Resources Reserve and Community Housing Reserve to meet the requirement that 10% of the Estimated Annual Fund Revenues be spent or set aside for future spending for each of the three purposes of the Community Preservation Act, or take any other action relative thereto.

(By the Community Preservation Committee)

**Article 43.** To see if the Town will appropriate a sum of money from the FY2009 Community Preservation Act Estimated Annual Fund Revenues that will bring the annual distribution total to 5% of the FY2009 Community Preservation Fund Estimated Annual Fund Revenues (an amount to be finalized by the Town Accountant) for the purpose of meeting annual operating expenses of the Community Preservation Committee. Funds not expended in the Fiscal Year shall be returned to the general Community Preservation Act account; or take any other action relative thereto.

(By the Community Preservation Committee)

**Article 44.** To see if the Town will vote to transfer a sum of money from the FY2009 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Unrestricted Reserve Account, or take any other action relative thereto.

(By the Community Preservation Committee)

**Article 45.** To see if the Town will vote to rescind the vote taken under Article 14 of the 2007 Annual Town Meeting and further too put in its place the following: to see if the Town will accept the provisions of M. G. L. Chapter 44, section 53E, to allow the establishment of an offset receipts account for the upkeep and maintenance of Town-owned cranberry bogs on the 221-acre Town-owned property known as the “Cole Property” and for the maintenance, up-grading, and construction of trails and general maintenance and land stewardship on said 221-acre Town-owned “Cole Property” and to appropriate a sum of money for such purposes, provided, however, that such costs be offset by the estimated receipts from fees charged to users of said Town-owned land and other revenue generated from cranberries and timber harvested on said Town-owned land, and that the amount appropriated shall not exceed the estimated amount approved, in advance of appropriation, by the Commissioner of Revenue or his designee, said expenditures to be under the joint jurisdiction of the Agricultural Commission and the Conservation Commission; or take any other action relative thereto.

(By the Agricultural Commission/Conservation Commission)

**Article 46.** To see if the Town will accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006 and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 0 Montello Street (Map 20, Lot 2-0) 160 North Main Street (Map 24, Lot 3-0); 0 Montello Street (Map 22, Lot 5-B, 5-C, 5-D, 5-E) as a Priority Development Site, or take any other action relative thereto.

(By the Board of Selectmen)

**Article 47.** To see if the Town will vote to amend the General By-Laws, Earth Removal, Section 9.1.0 as follows:

## 9.1 EARTH REMOVAL

### 9.1.1 PURPOSE

The purpose of this bylaw is to promote the health, safety, and general welfare of the residents of the Town of Carver, and to ensure that permanent changes in the surface contours of land resulting from the removal and ~~realignment~~ regrading of earth materials ~~is in the~~ will leave the land in a safe and convenient condition for appropriate reuse without requiring excessive and unreasonable maintenance or creating danger of damage to public and private property, as well as to provide that earth removal activities shall be conducted in a safe manner and with minimal detrimental effect upon the district in which the activities are located. This by law pertains to all commercial mining, agricultural excavation and excavation due to construction that is not exempt pursuant to Section 9.1.8 of this by law.

### 9.1.2 DEFINITIONS

~~A.~~ Earth: all forms of soil, including but not limited to clay, gravel, hard pan, loam, peat, rock, or sand.

~~B.~~ Lot/land: a single parcel of land lying in a single body and separated from the owner's or other party's contiguous land by property lines described in a recorded plan or deed.

~~C.~~ Removal: stripping, excavating, commercial mining, agricultural excavation, excavation due to construction or blasting earth and rearranging it on the same lot or carrying it away from that lot.

~~D.~~ Property line: a line separating one lot from another.

~~E.~~ Owner: the owner of the land from which earth is sought to be removed, including individual owners, realty trusts, companies and corporations, or other legal entities.

~~F.~~ Abutters and other parties in interest: abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the site as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or Town.

~~G.~~ Restoration: after an earth removal activity, returning the land contours to safe and usable condition and planting appropriate groundcover, or taking other measures pursuant to Section 9.1.5c of this by law.

Commercial Mining: The business of extracting ore, earth or minerals from the ground for sale or profit unless conditionally exempted under Section 9.1.8.

Agricultural Excavation: The process of removing earth or other materials that are necessary and incidental to prepare a site for specific agricultural use. Agricultural excavation may include the creation of wetland resource areas such as ponds, canals, cranberry bogs, and land subject to flooding as defined under the M.G.L. Ch. 131 §40 and as defined in Massachusetts Wetlands regulations 310 CMR 10.00.

#### 9.1.3 EARTH REMOVAL COMMITTEE

9.1.3a. There is hereby established a seven (7) member Earth Removal Committee (E.R.C.). All members must be residents of the Town of Carver. The E.R.C. will consist of three (3) representatives of the Board of Selectmen at which no time shall more than two (2) of the Board of Selectman's representatives be actual members of the Board of Selectman, and four (4) additional members to be appointed by the Town Administrator subject to Section 9.1.3b and endorsed by the Board of Selectmen.

When the E.R.C. is established, one member shall be appointed for a term of one year, one member for a term of two years, and two members for a term of three years, and their successors shall be appointed for terms of three years.

9.1.3b. The membership of the E.R.C. shall be made up as follows:

- Three (3) representatives of the Selectmen;

- Two (2) members from three (3) nominees submitted by the Cape Cod Cranberry Growers Association;

- One (1) member from nominees submitted by the Carver Board of Health.

- One (1) member of the trucking industry, nominated by the E.R.C.

In the absence of nominees from one or more of these groups, the Town Administrator shall choose members without designation. In no case shall more than two of the appointed members represent the same trade, profession, occupation, or business interest. All members shall serve without compensation and must be endorsed by the Board of Selectman.

9.1.3c. No committee action shall be taken without a quorum of four (4) members, (except to continue a hearing in the absence of a quorum), and no decision shall be made without the vote of a majority of the members present.

9.1.3d. The committee shall meet, at a minimum, once a month at a place and time to be determined by the committee.

#### 9.1.4 EARTH REMOVAL PERMIT REQUIREMENTS

9.1.4a. Except as provided otherwise in this By-law (see Section 9.1.8), no earth shall be removed from any lot in the Town of Carver without the issuance of a permit from the E.R.C.

9.1.4b. Before a permit for earth removal can be issued or denied, application shall be submitted on such forms or in such manner as the E.R.C. may specify in its rules and regulations. The regulations adopted shall include, but are not limited to: the method of application, filing fees, required exhibits, site plans, site plan review fees, monitoring fees, bond requirements, and the means of compliance, inspection and administration. This By-Law shall be effective notwithstanding the absence or invalidity of rules adopted by the E.R.C.

9.1.4c. An expedited permit, as outlined in the E.R.C.'s Rules and Regulations, may be issued by the E.R.C provided that the proposed excavation is more than 1000 cubic yards per year, and less than 5,000 cubic yards per year. If deemed necessary by the E.R.C., an expedited permit may be required to have a Public Hearing as outlined in Section 9.1.6 of this by law.

#### 9.1.5 SITE PLAN

9.1.5a. A site plan shall be submitted in the quantities and in the form required by the rules and regulations of the E.R.C. Such plan shall be submitted by the E.R.C. to the Planning Board, Agricultural Commission, Conservation Commission, Board of Health, Board of Selectmen, and Fire Department, Police Department, D.P.W., Board of Assessors and other officers and official boards of the Town for review and comment, as the E.R.C. may direct. A plan shall also be filed with the Town Clerk

9.1.5b. The site plan shall be prepared by a registered professional Engineer.

9.1.5c. The plan shall include, but not be limited to, pertinent information on the following: lot boundaries, names of abutting owners and other parties in interest, streets contiguous to the site, vegetation, existing and proposed roadways, existing and proposed buildings, location of sources of water, wetlands, primary recharge areas, the Natural Heritage & Endangered Species Program Priority Habitat of Rare and Endangered Species, sewage disposal, parking, loading areas, easements and rights-of-way, walls, fences, ditches, streams, ponds, and known permanent monuments, and other cross-sections, profiles, and contour maps needed to describe the proposal. The site plan shall show existing intermediate and final ground levels with those of adjacent properties and shall indicate natural surface water flows and drainage ditches if any. The site plan shall also show groundwater elevations before and after removal. The E.R.C. may require drainage computations based on D.E.P. drainage program TR-55 and a sediment control plan for during and after the operation with phasing as required. These computations shall indicate 10 and 100-year storm effects. The plan shall also show a fully complete restoration plan which complies with sound engineering practices and either the Natural Resources Conservation Service Conservation Practice Standard "Land Reclamation, Currently Mined Land", Code 544 or the Natural Resources Conservation Service Conservation Practice Standard "Critical Area Planting" Code 342, as determined by the E.R.C.. These requirements are on file at the Board of Selectmen's Office and the Town Clerk's Office.

9.1.5d. In certain instances as outlined in Section 9.1.4c of this By-Law, the applicant shall be allowed to submit an abbreviated application instead of the full application and site plan described above. The E.R.C. shall specify the exact form of the abbreviated application in its rules and regulations. The abbreviated application shall include, but is not limited to:

the name of the owner, the location of construction, the volume of earth to be removed, the rate and time frame of removal, the removal contractor and the time frame of restoration. The application shall be designed in such a way that the applicant can file without assistance from an engineer or other professional. Within 60 days of the filing, the E.R.C. may notify the applicant that the circumstances of the project warrant a full permit application.

#### 9.1.6 PUBLIC HEARING

9.1.6a. The E.R.C. shall, within 65 days after the filing of a full or abbreviated application hold a public hearing on said application. No permit shall be issued or denied until the public hearing has been held. Notification of the public hearing shall be advertised for two consecutive weeks in a newspaper generally circulated in Town beginning at least 14 days before such hearing, and by written notice to the Board of Health, Board of Selectmen, Board of Assessors, Agricultural Commission, Conservation Commission, Planning Board, Police, and Department of Public Works. The applicant shall notify all abutters and other parties in interest of the hearing by certified mail and present receipts to the E.R.C. Advertising and related expenses shall be borne by the applicant, in addition to filing fees.

#### 9.1.7 EARTH REMOVAL PERMIT CONDITIONS

9.1.7a. The E.R.C. shall determine that the proposal generally conforms to the principles of good engineering, sound planning, correct land use, and provides for the proper and reasonable reuse of available topsoil if appropriate.

9.1.7b The E.R.C. shall require that a Review and Inspection account be established by the applicant, as outlined in the E.R.C. rules and regulations, to cover all costs for review of the proposal by a Registered Engineer or other expert as the E.R.C. sees fit and chosen by the E.R.C. This account shall also be established to cover the cost of monitoring the project by an agent of the committees choosing.

9.1.7c A fifty (50) foot undisturbed buffer along all property lines must be maintained at all times. The E.R.C. may in certain instances provide relief from this restriction, if the applicant shows a significant hardship and /or shows that the proposed excavation would not have a detrimental impact on the abutting property.

9.1.7d The E.R.C. shall set hours of operation, specify special truck routes, require bonds for restoration, road repair or other purposes, require monitoring fees, and impose safety-related conditions. The board shall establish provisions for monitoring the permitted earth removal activity on a regular basis, and may, to the extent permitted by law, enter the premises at any time to inspect for compliance with the conditions set forth in the permit. ~~The board shall also determine that the applicant has the means to implement the proposal if the permit is granted, and to restore the site to an appropriate condition including grading, loaming, seeding, or other alternative landscaping be required as a condition to the permit.~~

9.1.7e A bond or other performance guarantee acceptable to the E.R.C. shall be established by the E.R.C. based on the estimated cost of restoration for the project may be deemed appropriate and shall be held by the Town of Carver until all work has been

completed and conditions of the special permit have been met. The E.R.C. shall require the applicant to submit status reports every 90 days to the E.R.C. on an appropriate form as outlined in the E.R.C. rules and regulations and shall require the site to be inspected by the E.R.C. authorized agent and a report filed to the E.R.C. at the end of every 12 month period.

9.1.7f In the event that the subject property is not used for said agricultural purposes after the removal, the E.R.C. may require that a bond or other performance guarantee acceptable to the E.R.C., pursuant to Section 9.1.7e, be provided, based on the estimated cost of restoration that is consistent with NRCS Conservation Practice Standard "Land Reclamation, Currently Mined Land," Code 544.

9.1.7g Applications for permits may be granted, denied, or granted in part and denied in part. The E.R.C. shall have 45 days to render a decision after the last session of the public hearing closes, provided that any continuation of the hearing beyond the date and time noticed in the advertised hearing notice shall be announced at the hearing for a date, time, and place certain. The conditions of the permit, including the expiration date, shall be clearly set forth on the permit. The E.R.C. shall file its decision with the Town Clerk and notify the applicant of its decision within 21 days after the decision is made at a Public Meeting of the E.R.C.

~~9.1.7g Failure of the E.R.C. to notify the applicant shall be deemed denial of the application on the 21st day following the close of the hearing.~~

9.1.7h No permit shall be issued for a period in excess of 12 months. However, permits ~~may~~ shall be extended beyond 12 months ~~only~~ if the E.R.C. is satisfied with all quarterly reports regarding the project and that the work is carried out under the plans, specifications, and conditions previously approved after public hearing, and does not entail earth removal of a larger quantity or from a larger land area than allowed in the original permit. No project may be extended beyond a five (5) year period without a full hearing of the E.R.C.

#### 9.1.8 EARTH REMOVAL CONDITIONAL EXEMPTIONS

An earth removal permit shall not be required for the following activities, provided the operation does not constitute a nuisance or danger to the public, and conforms to accepted engineering and/or agricultural practices:

~~A. Earth removal involving less than 100 cubic yards in one calendar year;~~  
~~B. Removal performed under the provision of a duly approved subdivision plan where the volume of earth removed does not exceed 1000 cubic yards times the number of acres within the limits of construction;~~

A. Earth removal involving less than 200 cubic yards for a single or two family lot or less than 1000 cubic yards for an industrial, multi-family and/or commercial project.

B. Removal necessary for the reconstruction of existing streets and the installation of utilities;

~~D. Removal necessary for construction under the provision of a valid building permit, where the volume of earth removed does not exceed 5000 cubic yards times the number of acres within the limits of construction;~~

C. Removal performed in connection with any Town, state and/or federal projects;

D. Removal necessary for normal cranberry related activities or other agricultural uses as defined under M.G.L. c131, s 40, 310 CMR 10.04 (a) Land in agricultural use, (b) Normal maintenance of land in agricultural use, and (c) normal improvement of land in agricultural use. This agricultural-related work is further defined as earth necessary to maintain or improve the applicants/owner's contiguous or non-contiguous land for agricultural purposes, and does not include the removal of earth for sale, trade or other considerations. This practice must use best management practices as outlined in the Natural Resources Conservation Service Conservation Practice Standard "Land reclamation, Currently Mined Land", Code 544 or the Natural Resources Conservation Service Conservation Practice Standard "Critical Area Planting" Code 342, as determined by the E.R.C.. Notification of this practice must be given to the E.R.C. in a timely manner. This also includes the removal of earth for sale, trade or other considerations, under this section, less than 1,000 cubic per year.

~~G. Any other earth removal projects need to come before the Earth Removal Committee for determination~~

#### 9.1.9 GENERAL PROVISIONS

9.1.9a. If the E.R.C. believes that there is a violation of approved plans, specifications and conditions, or believes that the actual conditions or operations on the premises constitute a nuisance or public danger, the E.R.C. shall order the operator to immediately cease and desist specific activities or the entire operation, pending a review at a posted public meeting after at least 48 hours notice thereof to the operator, which meeting shall be held ~~not~~ within 7 days following the initial E.R.C. order. If the violation is immediately brought into compliance, as determined by the E.R.C. and/or their agent, then no public hearing will be necessary. However, the applicant shall have the right to request a public hearing at any time during the review of any purported violation of approved plans. If, after review, the E.R.C. is satisfied that the alleged violation, nuisance, or public danger was corrected or unfounded, it shall revoke or revise its cease and desist order as appropriate. If after such review the E.R.C. finds that the permit conditions may be inadequate to protect the public interest and to carry out the purpose of this By-Law, or that a conditionally exempt earth removal activity may require the imposition of conditions to protect the public interest, it shall schedule a public hearing upon the same notice and hearing requirements as for an original permit. Seven (7) days after the operator receives certified mail notice, the E.R.C. may revise, revoke, or continue the permit or permit conditions after such hearing, or may impose permit conditions on a previously exempt operation.

9.1.9b. All existing earth removal operations shall comply with this By-Law ~~within~~ after sixty days of the effective date of the Annual Town Meeting vote hereof, or prior to the applicant's annual review which ever comes later and no further earth shall be removed after that date without a permit hereunder. The Earth Removal Committee shall hear and decide all applications from existing earth removal operations before the expiration of sixty



days following the effective date of this By-law, if a complete application thereof is received by the Earth Removal Committee within thirty days following said effective date.

9.1.9c. The Enforcement Officer for the provisions of this By-Law shall be the E.R.C. or their designee of the Town of Carver. ~~The penalty for violating any provisions of this By-Law shall be up to Three Hundred Dollars (\$300.00) for each offense. The Enforcement Officer shall assess this penalty. Each day of operation in violation of the By Law is to be considered an offense~~

9.1.9d. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall be punished by a fine of not more than \$100.00 each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9.1.9e. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40 §21D and Section 10.4 of the Town of Carver Bylaws, in which case Zoning Enforcement Officer of the Town shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$500.00. The penalty for the 3rd and subsequent violations shall be \$1,000.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9.1.9f. If any earth shall be removed without obtaining earth removal permit or otherwise in violation of this section, the E.R.C. may order the restoration of the property involved in accordance with the provisions of this section. Such an order of restoration will not constitute a waiver of any other fines or penalties for such violations. Anyone aggrieved by such order may within seven days of the receipt thereof may request a hearing before the E.R.C. to be held within 30 days. At such hearing the Board may modify, rescind, or uphold its order. The Board's order, if not appealed within seven days of receipt, or as modified, rescinded, or upheld after hearing shall be deemed final action by the E.R.C.

9.1.9h. The provisions of this By-Law are severable; and if any provision or application of such provision to any person or circumstance is held invalid or unconstitutional, this shall not affect the remaining provisions.

(By Earth Removal Regulations By Law Committee)

**Article 48.** To see if the Town will vote to amend Article VI of the Zoning By-Laws by inserting the following definitions:

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

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

Priority Development Site (PDS): Shall refer to a privately or publicly owned property that has been so designated by Carver Town Meeting and by the State of Massachusetts

Interagency Permitting Board. Development upon such sites shall adhere to the provisions of the State of Massachusetts Chapter 43D Expedited Permitting Program. Several parcels or projects may be included within a single priority development site.

and by amending the following definitions:

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

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

or take any other action relative thereto.

(By the Planning Board)

**Article 49.** To see if the Town will vote to amend Article III, Section 3100 of the Town of Carver Zoning By-Laws by deleting Section 3123 in its entirety and adding the following, or take any other action relative thereto:

#### 3100 SITE PLAN REVIEW

3123. For site plan review of a use or structure available by special permit where the Planning Board serves as the special permit granting authority, the board shall consolidate the site plan review into the special permit procedures and the timetable for decision shall conform thereto.

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

(By the Planning Board)

**Article 50.** To see if the Town will vote to amend Section 3500 of the Town of Carver Zoning By-Laws by deleting Section 3522 (f) in its entirety and inserting the following, or take any other action relative thereto:

#### 3500 SIGNS

##### 3522. Prohibited Signs

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.

(By the Planning Board)

**Article 51.** To see if the Town will vote to amend Article III, Section 3900 of the Town of Carver Zoning By-Laws by inserting the following, or take any other action relative thereto:

#### 3900 TOWNHOUSE DEVELOPMENT

3945. Duplexes and/or two family dwellings shall be allowed in a Townhouse Development and shall adhere to all requirements as set forth in this by law. At no time shall more than 25% of the total number of units proposed in a Townhouse development be comprised of duplexes or two family structures.

(By the Planning Board)

**Article 52.** To see if the Town will vote to amend Article II, Section 2320 of the Zoning By-laws as follows:

Modify the Table of Dimensional Requirements to read as follows:

**2320. Table of Dimensional Requirements.**

REQUIREMENT	RA	HC	GB	V (Res.)	V (Com.)	IA	IB	AP
MIN. LOT SIZE <sup>4 5 10</sup> (X 1000 square feet)	60	60	40	<b>20</b>	30	60	60	40
FRONTAGE (feet)	150	250	200	<b>50</b>	100	175	175	150
FRONT SETBACK (feet) <sup>6</sup>	50	40	40	<b>20</b>	15	50 <sup>7</sup>	<b>50<sup>7</sup></b>	40
REAR YARD (feet)	50	40	25	<b>20</b>	15	30	30	30
SIDE YARD (feet)	30	40	25	<b>10</b>	15	30	30	30
MAX. BUILDING HEIGHT (feet) <sup>8</sup>	35	40	40	<b>35</b>	30	40	40	<b>40</b>
MAX. BUILDING HEIGHT (stories)	2.5	3	2.5	2.5	2.5	2.5	2.5	-- <sup>9</sup>
MINIMUM LOT WIDTH at building line (% of frontage in district)	80	80	80	80	80	80	80	80

<sup>6</sup> Front setbacks shall be measured from the street layout line.

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

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

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

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

(By the Planning Board)

**Article 53.** To see if the Town will vote to amend Article II, Section 2230 of the Zoning By-Laws as follows:

Modify the uses in the Principal Use Table to read as follows:

2230. Use Regulation Schedule:

PRINCIPAL USE C. COMMERCIAL	RA	HC	GB	V	IA	IB	AP
Service Shop	N	Y	Y	Y	N	N	N

PRINCIPAL USE D. INDUSTRIAL	RA	HC	GB	V	IA	IB	AP
Auto Body Shops	N	N	N	N	Y	Y	N

(By the Planning Board)

**Article 54.** To see if the Town will vote to amend Article II, Section 2700 of the Zoning By-Laws (Transfer of Development Rights) by deleting Section 2740 in its entirety and adding the following, or take any other action relative thereto:

2740: Approval of Receiving Area Development Plan. After the Planning Board has determined the development rights available to be transferred, the applicant 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. The minimum area of a receiving area shall be 10 acres, except for (a) receiving areas in the village district, and (b) receiving areas having frontage on or access from Route 58. The maximum area of a receiving area shall be 60 acres, except for land within the PND overlay district. The receiving area must either have (a) frontage on Route 58 or (b) an express appurtenant access easement from Route 58.

The base density of the receiving area (before the TDRs are transferred) shall be established by having a Net Usable Land Area (NULA) plan for the entire receiving area(s) submitted to the Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area to these regulated lands. The remaining upland area is the NULA. The base number of units that could be developed on the receiving parcel(s) equals six (6) times the NULA. Fractions of a unit shall be rounded down.

Each transferred TDR that is to be used on the receiving area for either (a) age-restricted housing or (b) affordable housing may be multiplied by 1.5. Fractions of a unit shall be rounded down. Each transferred TDR that is to be used on the receiving area for both (a) age-restricted housing and (b) affordable housing may be multiplied by 2.0 instead of 1.5. Fractions of a unit shall be rounded down.

The base number of units that could be developed on the receiving parcel(s) plus the number of TDRs available to be transferred (as calculated under Section 2730 and

under the above provisions of this Section 2731) shall be the total number of units allowed on the receiving parcel(s).

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 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 following Building Types shall be used:

Single-family dwelling

Two-family dwelling

Townhouse dwellings

Multi-family dwelling containing no more than eight dwelling units

Mixed use project, provided that first story is used for commercial purposes and upper story (ies) is (are) used for residential purposes

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.

(By the Planning Board)

**Article 55.** To see if the Town will vote to amend Article II, Section 2800 of the Zoning By-Laws (Planned Neighborhood Development (PND) Overlay District), or take any other action relative thereto.

(a) deleting therefrom the third sentence of Section 2832, which currently reads as follows:

“Public open space/park is required in all planned neighborhood developments and does not count toward the three required land uses.”

and

(b) substituting therefor the following sentence:

“A minimum of 15% of the overall PND acreage as public open space/park is required in all planned neighborhood developments and does not count toward the three required land uses.”

(c) deleting therefrom Section 2851, which currently reads as follows:

“Section 2851. Green/Square and other Open Spaces. At least 20% of the land area within a PND shall be open space. Open space shall be permanently protected from future development via a deed restriction or donation to the Town of Carver or donation to a nonprofit organization. Within the 20% open space requirement, there shall be a minimum of one (1) acre of open space suitable for active and/or passive recreation for every 20 acres within the PND. Land for active/passive recreation may be provided in one or more parcels, provided each parcel contains a minimum of 10,000 sq. ft.”

and

(d) substituting therefor the following Section 2851:

“2851. Green/Square and other Public Open Spaces. A public green/square shall be required within a PND. The green/square shall be a minimum of one (1) acre in size and shall be designed as a pedestrian friendly park. The green/square shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. The green/square shall be easily accessible to pedestrians and shall be properly maintained. The green/square shall be used solely for active and passive recreation purposes and shall be open to the public.”

(e) deleting therefrom the first sentence of Section 2852, which currently reads as follows:

“At least fifteen percent (15%) of all dwelling units constructed in each phase of a planned mixed-use development shall meet the State’s affordable housing requirements for low to moderate income.”

and

(f) substituting therefor the following sentence:

“At least fifteen percent (15%) of all dwelling units constructed in a planned mixed-use development shall meet the State’s affordable housing requirements for low to moderate income.”

(By the Planning Board)

**Article 56.** To see if the Town will vote to amend Article II, Section 2900 of the Town of Carver Zoning By-Laws by deleting Article II, Section 2900 in its entirety and inserting the following:

2900. BED AND BREAKFAST

2910. Purpose. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Carver by providing detailed review of the design and layout of Bed and Breakfast facilities, which have a

substantial impact upon the character of the Town of Carver and upon adjacent properties, utilities and services therein.

2920. Powers and Administrative Procedures. A Special Permit may be granted for a bed and breakfast. Such Special Permit granted shall be valid for one year from the date of issuance. Such Special Permit may be renewed, provided however, the premises are first inspected by the Building Commissioner and found to be in compliance with the above stated requirements and any other applicable ordinances, rules, regulations, laws or restrictions. The Planning Board may issue the permit for a Bed and Breakfast upon such conditions and limitations as are consistent with the zoning ordinance. In addition to such conditions and limitations, the permit for a bed and breakfast shall contain the following information: (i) number of rooms to be rented; (ii) signage requirements; (iii) off-street parking requirements; (iv) statement that only breakfasts and dinner may be served on the premises. The Bed and Breakfast may be specially permitted where the Planning Board determines that:

- a. The building to be used for the Bed and Breakfast is a single family residence, except that if the building is listed on the historic inventory, the Carver Historic Commission, and Carver Historic District Commission for the Town of Carver must offer a recommendation on the intended use.
- b. There shall be no significant alteration of the buildings exterior. This shall not include safety or general maintenance measures such as painting, etc.
- c. Off-street parking will be screened from adjacent properties. No additional parking will be allowed within front yard setbacks. Pre-existing parking on the site is exempt from this by law.
- d. The only meals that may be provided to guests shall be breakfast and dinner, and it would only be served to guests taking lodging at the facility.
- e. Information and literature describing activities and cultural and historical events and landmarks in the Town of Carver shall be prominently displayed for the benefit of guests.
- f. Trash/waste containers are to be enclosed and secured from entry and screened.

(By the Planning Board)

**Article 57.** To see if the Town will vote to add Article III, Section 3700 of the Town of Carver Zoning By-Laws by inserting the following, or take any other action relative thereto:

3700. Floodplain District

3710. Scope of Authority. The Floodplain District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations in the Carver Zoning Bylaw applicable to such underlying districts shall remain in effect,



except that where the Floodplain District imposes additional regulations, the more stringent regulations shall prevail.

3720. Purpose. The purpose of the Floodplain District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

3730. Floodplain District Delineation.

3731. The Floodplain District is defined as all lands within the 100-year floodplain as mapped and designated on the Town of Carver Flood Insurance Rate Maps FIRM (July 19, 1982), FBFM (July 19, 1982) and the Flood Insurance Study (FIS – January 19, 1982), (FIRM) approved and issued by the Federal Emergency Management Agency and/or land subject to coastal storm flowage as documented and mapped by the Town.

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

3733. The FIRM, FIS and FBFM maps are incorporated herein by reference and are on file with the Board of Assessors and Town Clerk.

3740. Base Flood Elevation and Floodway Data.

3741. Floodway Data: In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3742. Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

3750. Notification of Watercourse Alteration

3751. In a riverine situation The Town of Carver shall notify the following of any alteration or relocation of a watercourse:

## Abutting Communities

NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 800  
Boston, MA 02114-2104

NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

### 3760. Use Regulations.

3761. Permitted Uses. Except as otherwise provided, in the Floodplain District, no new building shall be constructed, and no existing structure shall be enlarged within its existing footprint, moved to a more vulnerable location, or altered except to upgrade for compliance with documented existing health and safety codes; no dumping, filling, or earth transfer or relocation shall be permitted; nor shall any land, building or structure be used for any purposes, except:

- a. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.
- b. Wildlife management or conservation areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of floodwaters or of any water course.
- c. Agricultural uses or forestry uses.
- d. Uses lawfully existing prior to the enactment of this bylaw.

### 3770. Use Limitations.

3771. No development or redevelopment shall be permitted within FEMA identified Special Flood Hazard Areas, except where fire, storm, or similar disaster caused damage to or loss of greater than 50% of the market value of buildings in this high hazard zone.

3772. No new public infrastructure or expansion of existing infrastructure shall be made in FEMA A flood zones unless there is a documented and accepted overriding public benefit provided, and provided that the infrastructure will not promote new growth or development in these areas. New or replacement water and/or sewer systems shall be designed to avoid impairment to them or contamination from them during flooding.

3773. Development and redevelopment shall be subject to the requirements of the FEMA identified Special Flood Hazard Areas and related policies and regulations;

3774. Public infrastructure and private wastewater treatment facilities may be constructed in FEMA-Mapped A-zones provided that: 1) the facilities are consistent with the Flood Hazard Mitigation Plan and 2) the infrastructure is flood resistant.

3775. All new buildings or substantial improvements to existing structures in the FEMA A-zone shall comply with FEMA and State Building Code regulations for elevation and flood proofing.

3776. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on Town of Carver FIRM or Flood Boundary & Floodway Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3777. All subdivision proposals must be designed to assure that:

- a) Such proposals minimize flood damage;
- b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) Adequate drainage is provided to reduce exposure to flood hazards.

3778. No activity shall increase the elevation or velocity of flood waters or flows in the floodplain district.

3780. Other Requirements

3781. All development and redevelopment in the district including structural and non-structural activities must be in compliance with the following:

3782. M.G.L. Chapter 131, § 40 and 310 CMR 10.00. Inland Wetlands Restriction.

3783. Title 5, The State Environmental Code - Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection.

3784. Section 744.0 Appendix 120.G of the Flood Resistant Construction and Construction in Coastal Dunes.

3790. Administration and Severability

3791. The Building Commissioner (in consultation with the Planning Board and Conservation Commission) shall review all proposed development within the floodplain to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.

3792. The Building Commissioner shall obtain and maintain records of elevation and flood-proofing levels for new construction or substantial improvement within the flood district.

3793. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town's zoning bylaw.

(By the Planning Board)

**Article 58.** To see if the Town will vote to amend Article II, Section 2250 of the Town of Carver Zoning By-Laws by inserting the following, or take any other action relative thereto:

#### 2250 NON-CONFORMING USES AND STRUCTURES

2257. The following circumstances shall not be deemed to increase the non-conforming nature of any residential structure:

a. alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.

b. alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.

c. alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

d. alteration to the side or face of a structure which encroaches upon a required yard or setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

e. alteration to a non-conforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.

(By the Planning Board)

**Article 59.** To see if the Town will vote to add Article III, Section 3000 of the Town of Carver Zoning By-Laws by inserting the following, or take any other action relative thereto:

#### 3000. RECREATIONAL CAMPGROUNDS

3001. Definitions.

1. RECREATIONAL CAMPGROUND. A parcel or parcels of land upon which campsites are located, established, and maintained for occupancy by campers or recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes only from April 15 to October 31.
2. RECREATIONAL CAMPSITE. A plot of ground within a recreational campground intended for the accommodation of either a recreational vehicle, tent, seasonal cabin, or other individual camping unit on a temporary basis.
3. RECREATIONAL VEHICLE. A vehicular type of unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.
4. NUMBER OF RECREATIONAL CAMPSITES. The number of Recreational Campsites shall be established by having a Recreational Campsite Land Area (“RCLA”) plan for the overall Recreational Campground. The RCLA acreage is established by subtracting all water bodies, wetlands, marshes and bogs from the land shown on the Recreational Campsite plan. The remaining land area is the RCLA acreage for the purposes of establishing the number of Recreational Campsites within the Recreational Campground. The total number of Recreational Campsites shall not exceed fifteen (15) per RCLA acre.
5. PERSONAL RECREATIONAL VEHICLES. Motorized All Terrain Vehicles (“ATV’s”); Quads, Dirt Bikes or other similar vehicles.
6. ROADS:
  - a. ACCESS: The way which leads from the street as herein defined, to the main office/facility.
  - b. SERVICE: Ways serving the campsites and different areas within the campgrounds, main service being a two-way collector and minor service being a one-way minor.
  - c. EMERGENCY: Ways serving fire and emergency vehicles and personnel.

3002. Objectives. The purpose of this Bylaw is to allow for an adequate number of recreational campsites to service the family tourist trade in the Town of Carver during the camping season in such a manner as to protect the health, safety, and general welfare of the community as well as the campers by establishing specific design criteria for and requirements and regulations governing the design, construction, establishment, occupancy and maintenance of recreational campgrounds.

3003. Permit And Administration.

1. Special Permits for campgrounds will be seasonal for operation from April 15 to October 31.

2. Recreational campgrounds are allowed only in the Planned Tourist Commercial District ("PTCD") by special permit issued by the Planning Board as the Special Permit Granting Authority subject to the provisions herein and the Criteria set forth in Section 5330 and the Procedures set forth in Section 5340 of the Zoning Bylaw

a. Submission materials shall include:

1. The site plan shall be prepared by a professional engineer, architect, or landscape architect licensed in the Commonwealth of Massachusetts and duly signed and sealed. Said plan shall be duly certified as to accuracy of the information represented thereon.
2. The name and title of the applicant and the owner and name of the person preparing the plan maps and accompanying data.
3. Assessor's Map and Parcel number(s) of the premises affected.
4. Date, scale and North arrow.
5. Names, Assessor's Map and Parcel number(s) of adjacent property owners and property within 300 feet of the boundaries of the affected premises.
6. Boundary limit of premises, setback lines, setback lines of existing easements and proposed easements.
7. Any proposed regulations or restrictive covenants which would affect the premises.
8. Detailed plans of all permanent structures.
9. Detailed plans of all proposed lighting, including locations and types of fixtures.
10. Location of all existing and proposed utility systems, including septic and water.
11. Location, description and size of all signs.

12. Location and layout of campsites and parking areas.
13. Topography of existing and proposed grades, with contours taken at two-foot intervals with sufficient benchmarks and datum references.
14. Location of all access and service roads within the affected premises, showing access points to already existing streets.
15. Legend: "Parcels shown hereon are for the purposes of designating campsites for temporary rental. This plan does not constitute a subdivision of land. The entire tract shown hereon consists of a single lot or multiple large lots and may not be further subdivided with out the specific approval of the Planning Board."

3004. Location And Density.

1. Recreational campgrounds may be permitted by the Planning Board in the Planned Tourist Commercial District by Special Permit.
2. Campgrounds shall:
  - a. Have no less than 50 contiguous acres consisting of one or more parcels of land;
  - b. Have no more than fifteen (15) Recreational Campsites per RCLA acre of land;
  - c. Have no tenting campsites within 20 feet of a shoreline or no recreational vehicle within 65 feet of a shoreline (this requirement may be reduced by the Planning Board based upon topographical conditions or other site specific conditions acceptable to the Planning Board), but Seasonal Cabins can be located on the shoreline and are not subject to these setbacks;
  - d. Have Recreational Campsites laid out with dimensions as shown on the site plan to be approved by the Planning Board;
  - e. Have the sites numbered so that the numbers can be seen from the access road and service road.

3005. Planning Principles And Requirements. It is intended that campgrounds be laid out in a logical manner with uses and functions located efficiently and compatibly within a matrix of green space. Each Recreational Campground shall provide its own recreational facilities. Appropriate buffers of green space shall separate the campground sites from

streets, rights-of-way, and abutters, as well as provide privacy and separation within the campground.

1.     **Drainage.** The site plan shall be developed to permit the unobstructed flow of all natural watercourses, including existing natural topography and surface runoff to existing low areas, to ensure adequate drainage of all low points along streets, and to provide a proper means for stormwater runoff from the roads (access and service), the Recreational Campsites, recreational areas, and all developed areas being drained. Best Management Practices and Low Impact Design Standards will be utilized wherever reasonably possible.
2.     **Roads.** The Planning Board shall designate all roads shown on the plan as “access”, “service”, or “emergency”, as appropriate
  - a.     Access roads shall be 24 feet wide and constructed with compact gravel or pavement, as shall all parking areas associated with the main office or facility.
  - b.     Service roads within the campground shall be 12 feet one-way and 24 feet two-way and constructed of a suitable hard surface such as gravel, recycled asphalt (“RAP”) or other comparable material. The service road network shall allow ingress and egress of fire and emergency vehicles.
  - c.     Access roads shall not exceed a ten-percent grade. Service roads shall not exceed a twelve percent grade.
  - d.     The Planning Board may reduce these requirements after consulting with public safety and department of public works officials.
3.     **Buffer.** There shall be appropriate buffer zones of natural or landscaped vegetation along all adjacent properties, Town roads and rights-of-way. Recreational amenities such as trails, etc., may be included within the buffer zones provided that their total width does not exceed 10 feet.
4.     **Recreational Facilities.** Recreational facilities may include, for example: swimming ponds/pools, fishing, playing fields, equestrian uses, tennis, volleyball, horseshoes, etc. and shall be established for the use of the licensees and invitees of the Recreational Campsites. Areas for recreational facilities shall be shown on the site plan and approved by the Planning Board.
5.     **Water.** The distance from potable water to any campsite shall be no more than 300 feet maximum.
6.     **Sanitary Facilities.** Sanitary facilities providing water closets or lavatories or bathing and shower facilities shall comply with all state and local health codes.



7. Sanitary Disposal Station. There shall be one sanitary disposal station for emptying of the waste-holding tanks per 100 Recreational Vehicle sites or fraction thereof.
8. Parking.
  - a. Parking space for trailers and car or vehicle pulling trailer within the Recreational Campsites shall be a maximum of two-percent grade.
  - b. One parking space at a maximum of five-percent grade shall be provided at each tent site.
  - c. One additional parking space shall be provided per 10 campsites.
  - d. Parking for a minimum of two cars shall be provided at each sanitary facility.
9. Reception Area.
  - a. The reception area shall be designed to accommodate through traffic in both directions without interruption and shall also accommodate parking and provide an area for registration.
  - b. A large map of the campground with numbered sites shall be installed at the entrance reception area. The map shall be lighted.
  - c. There may be up to two (2) reception areas per Recreational Campground.
10. Rubbish. Proper rubbish receptacles shall be provided. A rubbish disposal plan shall be submitted.
11. Miscellaneous. Such other regulations as may be required by the Planning Board.

3006. Natural Features and Protection of Open Space and Shorelines. It is the intent of this regulation to provide adequate and safe campsites within a network of green space. Site plans must comply with the requirements of this zoning bylaw and with the following special requirements:

1. The open space system shall be designed to accomplish the following:
  - a. To preserve large parcels in a natural state and to tie together different uses within the Recreational Campground, including tourism related uses, recreational uses and agricultural uses.

- b. To maintain natural and planted material and topography as buffers between roadways, rights-of-way, abutters, campsites, among individual campsites, and groups of campsites or common facilities.
  - c. To provide developed recreational areas therein.
- 2. Such characteristics as area, view corridors, breadth, and nature of foliage, whether open, partially wooded, or thickly wooded, shall be considered in determining whether open space requirements of these standards are fulfilled. Similarly, tree cover and/or other foliage as may be necessary to achieve these purposes may be required as conditions of approval.
- 3. All open space and its maintenance shall be the responsibility of the landowner.

3007. Utilities And Facilities.

- 1. All facilities shall comply with all applicable regulations of the Commonwealth of Massachusetts and the Town of Carver, subject to the issuance of variances and waivers, where applicable.
- 2. Limited commercial activities may be provided to serve the campers but are subject to the basic seasonal and temporary permit restrictions of the recreational campground. These facilities, excepting existing Tourism uses, are intended for the convenience of the campers and may be permitted by the Planning Board only if they are to be located in conjunction with the main office or recreation facility central to the campground.
- 3. Notwithstanding the foregoing preceding subsection, for any recreational campground created by special permit, an additional allowed commercial use for campers as well as the public shall be that of an equestrian facility shown on the site plan and consisting of an indoor stable for boarding and training horses and related outdoor and indoor facilities for horse training, boarding, care and use. Such an equestrian facility shall be open to the public during all calendar months.
- 4. Upon substantial completion of the construction of the project, an as-built plan showing the approximate layout and location of all roadways, existing utility systems, including septic and water, shall be provided to the Planning Board and Building Department.

3008. Regulations. No vehicle may have its wheels or apparatus for mobility removed, other than for emergency repairs. No recreational vehicle shall be occupied for habitation in the campground after October 31 or before April 15. Storage of unoccupied recreational vehicles in designated areas as shown on the approved site plan after October 31 and before April 15 shall be allowed by the Planning Board after a finding that such storage shall not be substantially detrimental to the neighborhood and will not create a nuisance.

3009. Restrictions. (a) The sale of individual or multiple Recreational Campsites under either a condominium or co-operative form of ownership is strictly prohibited. (b) The use of Personal Recreational Vehicles on the Recreational Campground by licensees/guests is strictly prohibited, with the exception of those vehicles provided by or used by the owner and its employees.

3010. Amendment. Minor modifications to the Site Plan approved as a part of the Special Permit may be made by the Planning Board at a regularly scheduled meeting of the Planning Board. without amending the original Special Permit. A minor modification to the Site Plan is any change to the Site Plan, including but not limited to typical site construction changes that does not include a change in density and in the opinion of the Planning Board, does not constitute a substantial deviation from the original site plan.

(By the Planning Board)

**Article 60.** To see if the Town will vote to amend Article IV, Section 4500 of the Zoning By-Laws (PTCD-Planned Tourist Commercial District), or take any other action relative thereto.

By amending Section 4530 by adding the following Uses to existing uses in the Principal Use Table:

<u>PRINCIPAL USE</u>	<u>PTCD</u>
Recreational Campgrounds	SP
Equestrian Facility	SP

And

(a) By deleting therefrom Section 4540, which currently reads as follows:

4540: Special Permit Procedures. The special permit granting authority shall be the Zoning Board of Appeals. Any special permit required under this section 4500 shall be in addition to and separate from any other special permit required under this By-Law. Such special permit may be granted after consideration of the criteria set forth in Section 5330, and after a finding that the proposed use or activity is appropriate and consistent with the conceptual plan for the PTCD.

And

(b) Inserting the following Section 4540:

4540: Special Permit Procedures. The special permit granting authority shall be the Planning Board. Any special permit required under this section 4500 shall be in addition to and separate from any other special permit required under this By-Law. Such special permit may be granted after consideration of the criteria set forth in Section 5330, and after a finding that the proposed use or activity is appropriate and consistent with the conceptual plan for the PTCD.

(By the Planning Board)

**Article 61.** To see if the Town will vote to amend Article VI DEFINITIONS by adding

the following to it:

Equestrian Facility. Any area of land designed to be used for the boarding, training, upkeep of horses including indoor and outdoor riding arenas, stables, corals, riding trails and appurtenances related thereto.

(By The Planning Board)

**Article 62.** To see if the Town will vote to amend Article V, Section 5300 of the Town of Carver Zoning By-Laws by adding the following, or take any other action relative thereto:

5300 SPECIAL PERMITS

5341. Chapter 43D Priority Development Sites. For uses and structures available by a special permit where the Zoning Board of Appeals serves as the special permit granting authority as well as site plan review by the Planning Board, the respective processes shall run concurrently and provisions shall be made for joint public hearings.

Upon determination of completeness, copies of the application, accompanying site plan and other documentation shall be forwarded to the Board of Health, Conservation Commission, Building Commissioner, Director of Public Works, Police Chief, Fire Chief, and the Town Planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the SPGA by the date of the public hearing, but in any case within twenty-one (21) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. The Decision/Findings of the SPGA shall contain, in writing, and explanation for any departures from the recommendations of any reviewing party.

(By the Planning Board)

**Article 63.** To see if the Town will vote to accept as town ways, Samantha Way, Catherine Lane and Godfrey Circle, as on file in the office of the Town Clerk and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said roadways or an interest therein for all purposes for which public ways are used in the Town of Carver, and all associated easements or other interests in land; or to take any other action in relation thereto.

(By the Planning Board)

**Article 64.** To see if the Town will vote to transfer the properties of 1 Roberts Way; Map 62, Block 221, Lot 0 and 0 Roberts Way; Map 22, Block, 222, Lot 0 from the Tax Collector for purposes of sale at auction to the Board of Selectmen for purposes of sale, and to authorize the Board of Selectmen to convey said properties to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote, or take any other action relative thereto.

(By the Carver Redevelopment Authority)

**Article 65.** To see if the Town will vote to transfer the property of 74 Rochester Road; Map 92, Block 7, Lot 0 from the Tax Collector for purposes of sale at auction to the Board

of Selectmen for purposes of sale, and to authorize the Board of Selectmen to convey said properties to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote, or take any other action relative thereto.

(By the Carver Redevelopment Authority)

**Article 66.** To see if the Town will vote to transfer the property of 46 Rochester Road; Map 92, Block 7, Lot B from the Tax Collector for purposes of sale at auction to the Board of Selectmen for purposes of sale, and to authorize the Board of Selectmen to convey said properties to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote, or take any other action relative thereto.

(By the Carver Redevelopment Authority)

**Article 67.** To see if the Town will vote to transfer the properties of 44 Rochester Road; Map 92, Block 26, Lot A1, 48 Rochester Road; Map 92, Block, 26, Lot A; and 48 Rochester Road; Map 92, Block 26, Lot B1 from the Tax Collector for purposes of sale at auction to the Board of Selectmen for purposes of sale, and to authorize the Board of Selectmen to convey said properties to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote, or take any other action relative thereto.

(By the Carver Redevelopment Authority)

**Article 68.** To see if the Town of Carver will, in accordance with M.G.L., Chapter 40 §4A, to authorize the Board of Selectmen in consultation with the Carver Inspection Department or Building Commissioner to enter into an intermunicipal agreement with one or more other governmental units to provide inspectional services which the Carver Inspection Department is authorized to perform in accordance with an Intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

(By the Building Commissioner)

**Article 69.** To see if the Town will vote to make the following amendment to the Carver General ByLaws or take any other action relative thereto:

Amend Section 6.1.A.3 by inserting the words “or premises” as follows “Any owner or keeper of four (4) or more dogs, three months of age or over **and the owner of any premises where such dogs are kept**, shall obtain a kennel license under the Town’s Zoning By-Law. The written approval of the Board of Appeals or special permit granting must be presented to the Town Clerk prior to the issuance of such license. Kennels are defined and classified in Section 6.1.A of these regulations.

(By the Animal Control Officer)

**Article 70.** To see if the Town will vote to censure Town Administrator Richard LaFond for failing to comply with Mass. General Law Chapter 44, Section 31 and Chapter 41 Section 58 and for failing to submit the excess appropriation of legal expenses to the 2007 Annual or Special Town Meeting. This motion shall be included in the personnel file of Mr. LaFond.

(By Petition)

**Article 71.** To see if the Town will vote to transfer Mazzilli Drive land parcel 101-P-OE, currently being held in tax title by the Carver Tax Collector, to the Board of

Selectmen, and to authorize the Board of Selectmen to convey the parcel to Habitat for Humanity of Greater Plymouth, Inc. for purposes of constructing a single family, affordable housing unit, or take any other action relative thereto.

(By Petition)

**Article 72.** To see if the Town will vote to establish a program to be known as the “Senior Intern Program” to allow persons over the age of 60 the opportunity to provide services to the Town of Carver at the current per hour minimum wage of the Commonwealth for a maximum of eighty (80) hours per fiscal year per participant and to grant so called special municipal employee status to all participants in the program.

(By Petition)

**Article 73.** To see if the Town will vote to raise, appropriate, or transfer from available funds the sum of Four Thousand Dollars (\$4,000.00) to support the Plymouth Area Coalition for the Homeless, Inc. in their service to homeless families.

(By Petition)

**Article 74.** To see if the Town will vote to raise, appropriate, or transfer from available funds the sum of Four Thousand Dollars (\$4,000.00) to support South Shore Community Action Council, Inc. for services to low-income families and elderly residents in the Town of Carver.

(By Petition)

**Article 75.** To see if the Town will vote to raise, appropriate, or transfer from available funds the sum of Three Thousand Dollars (\$3,000.00) to contract with South Shore Women’s Resource Center for domestic violence intervention and prevention services for residents in the Town of Carver.

(By Petition)

**Article 76.** To see if the Town will vote to raise, appropriate, or transfer from available funds the sum of Three Thousand Two Hundred Dollars (\$3,200.00) to contract with Womansplace Crisis Center for fiscal year 2009 in lieu of services provided to the sexual assault survivors and their families.

(By Petition)

**Article 77.** To see if the Town will vote to raise, appropriate, or transfer from available funds the sum of Three Thousand Dollars (\$3,000.00) to support South Coastal Counties Legal Services for the continued provision of free legal services in civil matters to low-income families and their children, or take any action thereon.

(By Petition)

And you are directed to serve this warrant by posting attested copies thereof at the several places designated by vote of the Town seven days at least before the time of holding said meeting.

Hereof fail not and make due return of this warrant, with your doings thereon at the time and place of meeting aforesaid.

Given under our hands this                      Day of May in the Year Two Thousand and Eight

CARVER BOARD OF SELECTMEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to the above warrant, I have notified and warned the inhabitants of Carver qualified to vote in Town affairs to meet at the time and place and for the purpose therein expressed by posting attested copies thereof in the Town Hall and in each of the Fire Stations and Post Offices in Carver as required by law seven days at least before the time of said meeting.

\_\_\_\_\_  
Date    Constable

A True Copy Attest