



COMMONWEALTH OF MASSACHUSETTS

Town of Carver
2007 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-eighth day of April, 2007 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: One Selectmen, One Town Clerk, One Town Treasurer-Collector of Taxes, One Assessor, Two Members of School Board, One Member of Board of Public Works, Two Members of Library Trustees, Three Constables, and One Member of Board of Health all for a term of three (3) years; One Member Library Trustees for a one (1) year term; One Member of School Board for a two (2) year term; One Member Planning Board and One Member Carver Housing Authority, both for a term of five (5) years; and Four Members of Carver Redevelopment Authority for terms to be determined by votes received.

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 21, 2007 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	\$ 70,513.27	\$70,393.54

Town Clerk	\$ 54,708.31	\$57,049.69
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. Appropriation will be made within the respective department budgets.

(By 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, 2007 to June 30, 2008 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 & Finance Committee)

Article 5. 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 FY2008 for non-union employees, or take any other action thereto.

(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 funding a collective bargaining agreement with the Police Union.

(By the Board of Selectmen)

Article 7. 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 FY2008, or take any other action relative thereto.

(By the Board of Selectmen)

Article 8. 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</u>
2 Police Cruisers (Police)	60,000.00	Estimate
Rescue Boat (Fire)	45,000.00	Estimate
Foreman's Pickup Truck (DPW)	27,055.00	Actual
(4) 71-Passenger Buses (School)	245,640.00	Estimate
1 Ton Dump Truck (DPW)	35,997.00	Actual
Inspectors Vehicle	30,000.00	Estimate
	<u>429,393.00</u>	

or take any other action relative thereto.

(By the Capital Outlay Committee)

Article 9. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, a sum of money not to exceed Six Thousand Dollars (\$6,000.00), for the purpose of equipping the Fire Department Water Rescue/Dive Boat, said sum to be expended by the Fire Chief, or take any other action relative thereto.

(By the Fire Chief)

Article 10. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, a sum of money not to exceed Twenty Five Thousand Dollars (\$25,000.00), for the purpose of purchasing and installing a replacement generator for Fire Station 3, said sum to be expended by the Fire Chief, or take any other action relative thereto.

(By the Fire Chief)

Article 11. 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 July 2007 - June 2008, or take any other action relative thereto.

(By the Board of Health)

Article 12 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, Section 53E 1/2:

- 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 2008 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 2008 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 2008. Expenditures shall be under the direction of the Earth Removal Committee.

(By the Earth Removal Committee)

or take any action relative thereto.

Article 13. To see if the Town of Carver, in accordance with M.G.L. Chapter 44, §53E1/2, will authorize the establishment a revolving fund 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 2008 from such fund not to exceed One Hundred Thousand Dollars (\$100,000.00); or take any other action relative thereto.

(By the Board of Selectmen)

Article 14 To see if the Town of Carver will vote to:

- (1) accept the provisions of M.G.L. Chapter 44, § 53E, to allow the establishment of an offset receipts account for upkeep and maintenance of Town-owned cranberry bogs, 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 the Town-owned land and other revenue generated from cranberries harvested on Town-owned land, and that the amount

- appropriated shall not exceed the estimated amount approved, in advance of appropriation, by the Commission or Revenue or his designee; or
- (2) to authorize, pursuant to M.G.L. Chapter 44, §53E ½, the establishment of a Cranberry Bog Revolving Fund, to which revenue generated from fees charged to users of Town-owned land and other revenue generated from cranberries harvested on Town-owned land will be credited, and which funds may be expended by the Board of Selectmen for the upkeep and maintenance of such Town-owned land, and to impose a limit on the amount that may be expended for such purposes for FY08; or
 - (3) to raise and appropriate, transfer or borrow a sum of money for the upkeep and maintenance of Town-owned cranberry bogs,

or take any other action relative thereto.

(By the Board of Selectmen)

Article 15. To see if the Town of Carver, in accordance with M.G.L. Chapter 44, §53E1/2, will authorize the establishment a revolving fund for the 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 2008 from such fund not to exceed Twelve Thousand Dollars (\$15,000.00), or take any other action relative thereto.

(By the Board of Selectmen)

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seven Thousand One Hundred Forty-Four Dollars (\$7,144.00) 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 17. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow 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 18. To see if the Town will vote to raise and appropriate or transfer from available funds Seventeen Thousand Three Hundred Forty Dollars and Forty-Nine Cents (\$17,340.49) for the purpose of increasing the hours of the Conservation Agent from twenty-six to forty; or take any other action relative thereto.

(By the Conservation Commission)

Article 19. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Thirty Thousand Dollars (\$30,000.00) for the acquisition of a mobile laptop cart with approximately thirty (30) laptop computers for the Governor John Carver Elementary School Building, said sum to be expended by the Carver School Committee, or take any other action relative thereto.

(By the School Committee)

Article 20. To see if Town will vote to raise and appropriate or transfer from available funds, the sum of Fifty-One Thousand Six Hundred Forty Dollars (\$51,640.00) to add one police officer to the police department, or take any other action relative thereto.

(By the Police Chief)

Article 21. To see if 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 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 2007 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, transfer or borrow the sum of One Million, One Hundred Thousand Dollars (\$1,100,000.00) for the purpose of contracting architectural services necessary for the design and construction of a new Fire Station and Police Station; and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds and notes therefore; provided, however, that the appropriation authorized hereunder shall be expressly contingent upon approval by the voters of the Town to assess taxes in excess of the amount allowed under Proposition

2 ½ , so-called, for the amounts required to pay principal and interest on bonds or notes issued for the purposes set forth herein, or take any other action relative thereto.

(By the Police and Fire Station Planning Committee)

Article 26. To see if the Town will vote to raise and appropriate or transfer from available funds the amount of Seven Thousand, Five Hundred Dollars (\$7,500.00) to update the Town's wage and classification survey last performed in 1999, or take any other action relative thereto.

(Board of Selectmen, Board of Assessors, DPW Commission, Board of Health)

Article 27. To see if the Town will vote to raise and appropriate or transfer from available funds, borrow or lease the sum of Twenty Thousand, Six Hundred Dollars (\$20,600.00) for the purpose of upgrading the Town's financial management software (Treasurer's Receipts and Receivables), or take any other action relative thereto.

(By the Treasurer/Tax Collector)

Article 28. To see if the Town will vote to appropriate One Hundred Thousand Dollars (\$100,000.00) from the Community Preservation 2008 Estimated Annual Fund Revenues to help fund 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 Board of Selectmen in consultation with the Community Preservation Committee; and further, to authorize the Board of Selectmen to convey to the Commonwealth or a nonprofit, charitable corporation or foundation, a conservation restriction meeting the requirements of G.L. c.184, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 29. To see if the Town will vote to appropriate Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00) from the Community Preservation 2008 Estimated Annual Fund Revenues to hire a Historic Preservation Consultant to prepare a Historic Preservation Plan for the Town of Carver, including but not limited to the following: 1) an assessment of Carver's historic and prehistoric resources, including their identification and general state of preservation; 2) identification of issues and opportunities that effect the preservation of these resources; 3) an assessment of the status of historic preservation in the community of Carver, including existing preservation mechanisms, and the integration of historic preservation goals and objectives in other aspects of the Town's planning and development; 4) identification of priorities for preservation and development of an action plan for implementing priority preservation goals and objectives; 5) submittal of applications for registration for the prioritized top three unregistered historic properties and/or sites in Carver on the State and/or National Historic Registries as applicable; and 6) delineating activities that identify, document, preserve, and promote cultural resources associated with diverse minority, ethnic, social, and cultural groups and individuals who have played a role in the history of Carver, said sums to be expended under the direction of Board of Selectmen in consultation with the Community Preservation Committee; or take any other action relative thereto.

(By the Community Preservation Committee)

Article 30. To see if the Town will vote to appropriate Twenty-Two Thousand Six Hundred Eighty Dollars (\$22,680.00) from the Community Preservation 2008 Estimated Annual Fund Revenues to replace the old shutters and old custom shutter points on the Union Church on South Main Street in Carver with new period-piece architecturally-accurate replicas of shutters and custom shutter points including, but not limited to: provision of custom louvered trim over side windows and entry of Union Church; provision of templates, designs, material, fabrication, and paint for individual louvered arched trim pieces for 6 primary windows and above front entry doors and windows; purchase, painting and installation of 16 pairs of window shutters, all pursuant to a grant agreement with said Union Church; and further, to authorize the Board of Selectmen, in consultation with the Community Preservation Commission to enter into a grant agreement with said Union Church setting for 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 preservation restriction in the property meeting the requirements of G.L. c.180, 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 31. To see if the Town will vote to appropriate Thirty Thousand Dollars (\$30,000.00) from the Community Preservation 2008 Estimated Annual Fund Revenues to hire an engineer and/or architect who specializes in the historic preservation of structures, such funds to be expended by the Board of Selectmen in consultation with the Marcus Atwood House Trustees. Said engineer and/or architect would be responsible for the following: 1) providing an assessment of the Marcus Atwood House from an engineering and historic-preservation perspective; 2) identifying any structural and/or building code deficiencies and/or violations in the building; 3) assessing the status of historic features either missing, in disrepair, or not in the context of the historic perspective of the original building; 4) identifying priorities for the preservation of this building from both a structural perspective and also from a historic perspective and developing an action plan for implementing these priorities; 5) identifying funding mechanisms to accomplish these priorities; and 6) developing a maintenance plan for the Marcus Atwood House, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 32. To see if the Town will vote to appropriate One Hundred and One Thousand Five Hundred Dollars (\$101,500.00) from the Community Preservation 2008 Estimated Annual Fund Revenues to demolish the old tennis courts and to create new outdoor tennis courts and to create a new outdoor basketball court, for school and community use, at the Carver Middle School/High School complex, said sums to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

(By the Community Preservation Committee)

Article 33. To see if the Town will vote to appropriate One Hundred Ten Thousand Dollars (\$110,000.00) from the Community Preservation 2008 Estimated Annual Fund Revenues to demolish the old outdoor track and to create a new outdoor track, for school and community use, at the Carver Middle School/High School complex, said sums to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

(By the Community Preservation Committee)

Article 34. To see if the Town will vote to transfer a sum of money from the FY08 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 35. To see if the Town will appropriate a sum of money from the FY08 Community Preservation Act Estimated Annual Fund Revenues that will bring the annual distribution total to 5% of the FY08 Community Preservation Fund Estimated Annual Fund Revenues or _____ (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 36. To see if the Town will vote to transfer a sum of money from the FY08 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 37. To see if the Town will vote to amend the Town's General By-Laws, Section 4.8 Community Preservation Committee, by adding the following section:

4.8.7 Application Deadline for Exemption

The application deadline for exemption from the surcharge shall be the same as for personal exemption applications, 90 days following the issuance of the actual tax bill, or take any other action relative thereto.

(By the Board of Assessors)

Article 38. REMOVED

Article 39. REMOVED

Article 40. To see if the Town will vote to transfer the properties located at 1 Braddock Way, 17 Green Street, 19 Bates Pond Road and 13 Everett Street 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 Board of Selectmen)

Article 41. To see if the Town will vote to add the following to the General By-Laws:

Stormwater Management And Land Disturbance Bylaw

SECTION 1. PURPOSE

A. The harmful impacts of soil erosion and sedimentation are:

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat;
4. flooding; and
5. overloading or clogging of municipal catch basins and storm drainage systems.

B. The objectives of this bylaw are to:

1. protect water resources;
2. require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
3. promote infiltration and the recharge of groundwater;
4. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
5. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
6. comply with state and federal statutes and regulations relating to stormwater discharges; and

7. establish the Town's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

ABUTTER: The owner(s) of land abutting the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board, hereafter the Board, its employees or agents designated to enforce this by-law.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L.c.131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Carver.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Carver's wetland bylaw.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

SECTION 3. AUTHORITY

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34

SECTION 4. APPLICABILITY

This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the municipal separate storm sewer system. Except as authorized by the Planning Board in a Land Disturbance Permit or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts

Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

A. The Carver Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Carver Planning Board may be delegated in writing by Carver Planning Board to its employees or agents.

B. Waiver. The Carver Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

(1) such action is allowed by federal, state and local statutes and/or regulations,

(2) is in the public interest, and

(3) is not inconsistent with the purpose and intent of this by-law.

C. Rules and Regulations. The Carver Planning Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 6. PERMITS and PROCEDURE

A. Application: A completed application for a Land Disturbance Permit shall be filed with the Carver Planning Board. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The Land Disturbance Permit Application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessors Office;
3. twelve (12) copies of the Erosion and Sediment Control Plan as specified in Section VI of this bylaw;
4. payment of the application and review fees; and,
5. one (1) copy each of the Application Form and the list of abutters filed with the Town Clerk.

B. Entry: Filing an application for a permit grants Planning Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

C. Other Boards: The Planning Board shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Board of Health, Board of Public Works, Town Engineer, Conservation Commission and Building Commissioner.

D. Public Hearing: The Planning Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and Planning Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Town Clerk shall make the application available for inspection by the public during business hours at the Carver Town Hall, 108 Main Street, Carver MA 02330.

E. Information requests. The applicant shall submit all additional information requested by the Planning Board to issue a decision on the application.

F. Action by Carver Planning Board.

The Planning Board may:

1. Approve the Land Disturbance Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. Approve the Land Disturbance Permit Application and issue a permit with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;
3. Disapprove the Land Disturbance Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

G. Failure of the Planning Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action, the Land Disturbance Permit shall be issued by the Planning Board.

H. Fee Structure: Each application must be accompanied by the appropriate application fee as established by the Planning Board. Applicants shall pay review fees as determined by Planning Board, pursuant to M.G.L. 44 Section 53G, sufficient to cover any expenses connected with the public hearing and review of the Land Disturbance Permit Application before the review process commences. The Planning Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Planning Board on any or all aspects of the Application.

I. Project Changes: The permittee, or their agent, must notify the Planning Board in writing of any change or alteration of a land-disturbing activity authorized in a Land Disturbance Permit before any change or alteration occurs. If the Planning Board determines that the change or alteration is significant, based on the design requirements listed in Section 7.B. and accepted construction practices, the Planning Board may require that an amended Land Disturbance Permit application be filed and a public hearing held. If any change or alteration from the Land Disturbance Permit occurs during any land disturbing activities, the Planning Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sediment Control Plan are:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;

11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;

12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;

13. Properly manage on-site construction and waste materials; and

14. Prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;

2. Title, date, north arrow, names of abutters, scale, legend, and locus map;

3. Location and description of natural features including:

(a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;

(b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and

(c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.

4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;

5. Existing soils, volume and nature of imported soil materials;

6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;

7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
17. Such other information as is required by the Planning Board.

SECTION 8. INSPECTION AND SITE SUPERVISION

A. Pre-construction Meeting: Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Planning Board, to review the permitted plans and their implementation.

B. Board Inspection: The Planning Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the land disturbance permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Planning Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Planning Board at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Site Clearing has been substantially completed;
3. Rough Grading has been substantially completed;
4. Final Grading has been substantially completed;
5. Close of the Construction Season; and
6. Final Landscaping (permanent stabilization) and project final completion.

C. Permittee Inspections. The permittee or his/her agent shall conduct and document inspections of all control measures) no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Planning Board or designated agent in a format approved by the Planning Board.

D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY

The Planning Board may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town counsel, and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until [the Board] has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified

Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

SECTION 11. ENFORCEMENT

A. The Planning Board or an authorized agent of [the Board] shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

- (a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land-disturbance permit;
- (b) maintenance, installation or performance of additional erosion and sediment control measures;
- (c) monitoring, analyses, and reporting
- (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

C. 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.

D. 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 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 \$200.00. The penalty for the 3rd and subsequent violations shall be \$3,000.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.

F. Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. CERTIFICATE OF COMPLETION

The issuing authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

SECTION 13. SEVERABILITY

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect
(By the Planning Board)

Article 42. To see if the Town will vote to amend the Town of Carver's General By-Laws, Chapter 6, Public Safety, §6.1 Leash Law, to authorize the Board of Selectmen to set reasonable fees for licenses, violations, penalties, and other charges under this section associated with the keeping of dogs in the Town of Carver, or take any other action relative thereto.

(By the Board of Selectmen)

Article 43. To see if the Town will vote to amend Chapter 6, Public Safety of the Town's General By-Laws as follows:

Replace the words "DOG OFFICER" with the words "ANIMAL CONTROL OFFICER" IN ALL PARTS OF Sections 6.1 and 6.1A.

In Section 6.1.A.1, delete the definition of "LICENSED PERIOD" and replace it with the following:

"The time between January 1st through the following December 31st, both dates inclusive."

Delete Section 6.1.A.6 in its entirety and replace it with the following:

VACCINATION OF DOGS AND CATS AGAINST RABIES:

A. The owner or keeper of a dog or cat four (4) months of age or older housed or sheltered in the Town of Carver shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Massachusetts Department of Public Health. Unvaccinated dogs and cats acquired or moved into the Town of Carver shall be vaccinated within thirty (30) days after the acquisition or arrival into Carver or upon reaching the age of four (4) months, whichever last occurs. Such owner or keeper shall procure a veterinarian's certification that such animal has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued.

B. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable

material to be worn by the dog or cat; provided however, the owner of a cat may choose not to affix a tag to his cat but shall have the tag available for inspection upon demand by the Animal Control Officers, Police Officers or other such authorized officials of the Town.

C. Vaccinated animals shall be revaccinated periodically in accordance with the rules and regulations adopted by and promulgated by the Massachusetts Department of Public Health.

D. Any person who violates the provisions of this section shall be punished by a fine of not less than fifty dollars (\$50.00), which shall be paid to the Town.

Add the following new Section to the beginning of Section 6.1.A.10:

BARKING DOGS:

A. No person owning, keeping or otherwise responsible for a dog shall allow or permit said dog to annoy another person's reasonable right to peace or privacy by making loud or continuous noise, where such noise is plainly audible at a distance of one hundred fifty (150) feet from the building, premises, vehicle, or conveyance housing said dog, or such noise is continuous in excess of sixty (60) minutes. The fact that such noise is plainly audible at said distance or continuous in excess of sixty (60) minutes shall be prima facie evidence of violation.

Delete the third paragraph of Section 6.1.A.10 and replace it with the following:

B. Any person who violates the provisions of this section shall be subject to a written warning for the first offense, and shall be subject to payment of the following fines:

\$25.00 for 2nd offense

\$50.00 for 3rd offense

\$75.00 for 4th offense and all subsequent offenses.

Add the following new Section 6.1.A.21

DOG WASTE REMOVAL:

A. Removal of dog waste from public property or property of others.

No person owning or having the care, custody, or control of any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach or wetland, in or upon any public property or in or upon the property of persons other than the owner or persons having the care, custody, or control of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner.

B. Any person who violates the provisions of this section shall be punished by a fine of not less than twenty dollars (\$20.00) for each offense.

(By the Animal Control Officer)

Article 44. To see if the Town will vote to add the following to the General By-Laws:

That the Town of Carver shall be the sole purveyor, seller, and/or supplier of potable water for all municipal, residential, industrial, and commercial purposes to the extent permitted by law. This shall not preclude on site development of public or private wells as permitted by the Board of Health and/or the Department of Environmental Protection for use of on site consumption. This shall also not preclude the use of bottled water to supplement on site supplies.

(By Industrial Development Commission)

Article 45. To see if the Town will vote to amend the General By-Laws by adding the following new section Titled “Camping By-Law”, or take any other action relative thereto.

8.6 CAMPING BY-LAW

8.6.1 DEFINITIONS

CAMP or CAMPING means to use any property or any portion thereof, whether public or private, residential or commercial, for purposes of transient or temporary outdoor living. For purposes of this By-Law, transient or temporary outdoor living shall include the act of sleeping or staying overnight in tents, recreational vehicles, motor vehicles, and/or any structure not permanently affixed to the ground and/or not containing sanitary washing and bathroom facilities.

CAMPGROUND means any property or portion thereof for which a Campground permit is issued by the Board of Health.

8.6.2 CAMPGROUNDS

No person shall use or allow another person to use any parcel of land or portion thereof for CAMPING without a permit from the Board of Health.

Any person desiring to use or allow another to use a parcel of land or portion thereof for CAMPING shall apply for a CAMPGROUND permit on a form provided by the Board of Health. Said application shall include payment of such application fee as shall be adopted by the Board of Health.

To qualify for a CAMPGROUND permit, the applicant shall demonstrate, at a minimum, that the property, or portion thereof to be used for CAMPING, meets the criteria set forth in 105 CMR 440.000, et seq.

A property owner who wishes to allow CAMPING on a parcel of land or portion thereof, for a period of 10 days or less in a calendar year, may apply to the Board of Health for a

temporary CAMPGROUND permit, subject to such terms and conditions as said Board deems appropriate.

Nothing in this By-Law shall be construed so as to limit the authority of the Board of Health to enact camping regulations or enjoin nuisances, in accordance with the authority conferred upon it pursuant to G.L. c. 140, §§32A-32E, or any other applicable law.

8.6.3 CAMPING PROHIBITED

No Person shall CAMP or allow another to CAMP on any parcel of land or portion thereof which is not duly permitted as a CAMPGROUND in accordance with this By-Law and any other applicable laws.

EXCEPTION: Any owner or occupant of residential property may allow CAMPING for a period of five consecutive nights or less within one calendar year, without a permit from the Board of Health, where one of the campers includes the owner or any occupant of said residential property.

EXCEPTION: Any owner or occupant of residential property may allow CAMPING for a period of five consecutive nights or less within one calendar year where none of the campers are occupants of the property where written permission of the property owner has been granted.

8.6.4 ENFORCEMENT

Any person found CAMPING on any public or private property that is not a duly permitted CAMPGROUND may be arrested without a warrant by any Town of Carver Police Officer or by any officer authorized to serve criminal process in the Town of Carver and kept in custody until such person can be taken before a court having jurisdiction over the offense.

This By-Law may be enforced by any Carver police officer or agents of the Carver Board of Health.

Whoever violates any provision of this By-Law may be penalized by a non criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If non criminal disposition is elected, then any person who violates any provision of this By-Law shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day for each day of violation, commencing ten days following day of receipt of written notice from the Board of Health or Police Department. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Whoever violates any provision of this By-Law may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or

offense shall be three hundred dollars (\$300.00). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board of Health may enforce this By-Law or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

(By the Board of Selectmen)

Article 46. To see if the Town will vote to amend the following portion of the Zoning By-Laws Section 2230 Use Regulation Schedule, under PRINCIPAL USE, C. COMMERCIAL, or take any other action relative thereto:

PRINCIPAL USE C. COMMERCIAL	RA	HC	GB	V	IA	IB	AP
Establishment for the sale or consumption of alcoholic beverages, with or without entertainment, including clubs, whether for profit or not for profit	N	Y	Y	Y	Y	Y	Y

(By the Board of Selectmen)

Article 47. To see if the Town will vote to amend Section 2262d of the Town of Carver Zoning By-Laws by deleting the following, or take any other action relative thereto:

~~which shall also be recorded at the registry of deeds with the decision, in the chain of title to the property.~~

(By the Planning Board)

Article 48. To see if the Town will vote to amend Section 2300 of the Town of Carver Zoning By-Laws by adding the following, or take any other action relative thereto:

REQUIREMENT	RA	HC	GB	V (Res.)	V (Com.)	IA	IB	AP
MIN. LOT SIZE ^{4 5} 10 (X 1000 square feet)	60	60	40	30	30	60	60	40

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

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

Footnote 10 - Lot shape shall mean lots that are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with the dimensional requirements established herein, shall not be allowed. The minimum width of a lot from the front setback line to the rear house line shall be not less than 75 feet. The 75 ft. minimum shall not apply to rear lots. Any lot to be created having frontage on an existing 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.

(By the Planning Board)

Article 49. To see if the Town will vote to amend Section 3700 of the Town of Carver Zoning By-Laws by deleting it in its entirety, or take any other action relative thereto.

(By the Planning Board)

Article 50. To see if the Town will vote to amend Section 3941 of the Town of Carver Zoning By-Laws by amending the following, or take any other action relative thereto:

These affordable units shall be marketed through, and homebuyers or renters selected by ~~the Carver Housing Authority, South Shore Housing Authority or other~~ a housing organization approved by the Board with resale restrictions to assure continued affordability in perpetuity.

(By the Planning Board)

Article 51. To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such a hearing, provided that certain conditions are met, or take any other action relative thereto.

(By the Planning Board)

Article 52. To see if the Town will vote to amend the Zoning By-laws Section 2230 Use Regulation Schedule as follows:

Modify the uses in the Principal Use Table by adding the following:

2230. Use Regulation Schedule.

PRINCIPAL USE	RA	HC	GB	V	1A	1B	AP
A. RESIDENTIAL							
Duplex and Two Family Dwelling	SP*	N	SP*	SP*	N	N	N
Planned Neighborhood Development	SP*	N	SP*	SP*	N	N	N

PRINCIPAL USE							
C. COMMERCIAL	RA	HC	GB	V	1A	1B	AP
Essential Services	Y	Y	Y	Y	Y	Y	Y

Article 53. To see if the Town will vote to amend Section 3562 of the Town of Carver Zoning By- Laws by deleting the following, or take any other action relative thereto:

~~3562. Special Permits. Signs which are larger than those allowed by right or exceed the allowed number may be permitted upon the issuance of a special permit by the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a public hearing on such application for a special permit in accordance with the requirements of M.G.L. C40A, s.9. A special permit may be granted by the Zoning Board of Appeals upon a finding that the sign will not result in substantial detriment to the neighborhood and the Town, considering the purposes of this by law set forth in Section 1, and any other criteria set forth herein.~~

(By the Planning Board)

Article 54. To see if the Town will vote to amend Article VI of the Zoning By-Laws by inserting the following definitions, or take any other action relative thereto.

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

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

(1) Gross living area includes the area at each floor in the structure except:

- (a) Exterior decks and porches not enclosed by walls.
- (b) Unfinished cellar space.
- (c) Garage areas.
- (d) Stairwells.
- (e) Unfinished Attics

(By the Planning Board)

Article 55. To see if the Town will vote to accept as a public way Paige Circle and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.

(By the Planning Board)

Article 56. To see if the Town will vote to amend Section 3900 of the Town of Carver Zoning By-Laws by amending the following, or take any other action relative thereto:

3920. Applicability. A Townhouse Development may be permitted by special permit on a single tract of land, in single or consolidated ownership at the time of application, with an area of at least twenty acres (20) **or five (5) acres for over 55 housing** entirely in the RA District or in the HC District, or with an area of at least three (3) acres entirely in the GB District or in the V District.

3940. Number of Dwelling Units.

The number of dwelling units shall be established by having a Net Usable Land Area (NULA) plan for the overall property 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 for the purposes of establishing the number of dwelling units allowed in a town house development. In the RA and HC districts, the total number of proposed dwelling units within the development shall not exceed one point two-five (1.25) units per NULA acre **or two (2)units per NULA acre for over 55 housing.**

3950. Open Space Requirements. One or more open space areas shall be shown on the development plan. Such areas shall include the following:

- a. all undeveloped wetlands on the parcel;
- b. the 65 ft. buffers to those wetlands; and
- c. a minimum of fifty percent (50%) of the NULA **or thirty percent (30%) for over 55 housing** of the parcel if it is in the RA or HC district, or a minimum of thirty percent (30%) of the NULA of the parcel in the GB or V district.

3961. Buffer Areas: All dwellings and structures shall be located a minimum of sixty (60) Feet **or may be reduced to a minimum of forty Feet (40) for over 55 housing at the Planning Boards discretion** from adjacent properties, and one hundred (100) feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, where the sixty (60) foot buffer **or forty Feet (40) for over 55 housing** of natural vegetation is not adequate (in the Planning Board's opinion) to screen the development from adjacent properties the Board may require additional plantings, earth berms and/or fencing.

3962. Building Envelope: All site plans shall locate a building envelope radius of forty (40) feet **or thirty Feet (30) for over 55 housing** from the outside edge of a townhouse building or group of buildings. Open space, ways, lanes and collectors may not be located within the building envelope. Parking, driveways, sidewalks, individual unit gardens/lawns etc. may be developed within the building envelope. For the minimum setback between buildings see the following Section 3963.

(by Planning Board)

Article 57. To see if the Town will vote to amend the Zoning By-laws Section 2260, Accessory Apartments, or take any other action relative thereto:

2260. Accessory Apartments.

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

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

2262. Requirements.

- a. The gross (floor) **living** area shall not be greater than or be limited to eight hundred (800) square feet.
(By the Planning Board)

Article 58. To see if the Town will vote in instruct its representative to the General Court to file a home rule petition, notwithstanding the provisions of any general or special law to the contrary, to authorize the Town of Carver to appoint up to two alternate voting members of the Conservation Commission for a term of one year. When the Conservation Commission lacks a quorum for reasons of absence, inability to act, or a conflict of interest, the chairperson of said Commission may designate an alternate to sit on the Commission.

(By the Conservation Commission)

Article 59. To see if the Town will vote to approve the following Special Legislation, or take any other action relative thereto:

AN ACT ESTABLISHING
THE NORTH CARVER WATER DISTRICT

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared essential for the benefit of the people of the Town of Carver, in order that there be an increase in their welfare, prosperity, and an improvement in their living conditions, that the Town through its Commission establish an economical and efficient water supply and distribution system within the North Carver Water District

(as defined herein); that accurate, appropriate, and self-sustaining fees, rates and charges for the water supply, treatment, and distribution provided by the District be established; that all consumers of such service, public and private, taxpayer and tax exempt, pay their fair share of the costs of such service; that the water supply and distribution system of the District be operated in a modern, efficient and financially self-sustaining manner to further its sound financial, environmental and physical condition; that conservation of water sources be encouraged; and that the Town be provided a means to purchase, construct and maintain a potable water supply and distribution system and insure the continued availability of potable water at sufficient rates, charges and fees; all to the public benefit and good, and to the extent and in the manner provided herein.

SECTION 2. This act shall be known and may be cited as the North Carver Water District Act.

SECTION 3. As used in this act, the following words shall, unless the context otherwise requires, have the following meanings:

“bonds” or “bond,” shall mean general obligation bonds, notes and other obligations or evidences of indebtedness that the Town or the District are hereby authorized to issue from time to time, upon a two-thirds vote, to pay capital costs of the District, which shall be issued for a term, exclusive of the term of any bond anticipation notes, not exceeding 40 years, and which shall otherwise be issued in accordance with the provisions of Chapter 44 of the General Laws. Any bonds issued in accordance with this act shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue said bonds or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal.

“Commission”, shall mean the Commissioners of the North Carver Water District established herein or, if the Commission shall terminate, the board, body or Commission succeeding to the principal functions thereof, or whatever body, person or persons to whom the powers given by this chapter to the Commission shall be transferred by law. “capital costs” shall mean any extension, improvement or enlargement of the water works system of the District or to any other project of the District financed under the provisions of this chapter; all or any part of the cost of acquisition, construction, reconstruction, alteration, and remodeling of such works, including, without limiting the generality of the foregoing, costs of labor, materials, machinery and equipment, the acquisition of interests in land, structures, and all rights of any kind in real and personal property, costs of demolition or relocation, costs of removal or relocation of any public utilities facilities, financing charges and expenses, interest prior to, during and for a period after completion of such work, reserves for debt service and other capital and current expenses, costs of architectural, engineering, financial, legal and consulting services, costs of plans, specifications, appraisals, surveys, inspections, financial and feasibility studies, expenses of organization, administration and operations prior to the commencement of and during such work, costs of equipment and supplies and advance training of operating personnel and other expenses of completing and commencing operation of such work, working

capital, and other necessary or incidental expenses to the acquisition, construction, financing and placing in operation of such work.

“current expenses”, the District’s current expenses, whether or not annually recurring, of maintaining, repairing and operating the water works system and any other properties of the District, including, without limiting the generality of the foregoing, administrative, debt service, general system payments and other employee benefits, engineering expenses for maintenance, operation and repairs, legal, financial and auditing expenses, insurance and surety bond premiums, fees and expenses of trustees and paying agents, payments to others for services rendered to the District, taxes or fees which may be lawfully imposed upon the District or its income or operations or the property under its control, and other current expenses required or permitted by law to be paid by the District, including the funding of reasonable reserves for maintenance, repair, replacements or operations.

“District”, the North Carver Water District as established herein.

“Local Appointing Authority”, the Board of Selectmen of the Town of Carver.

“municipality” or “Town”, the Town of Carver, Massachusetts.

“District service area”, the area as shown on the map of the District on file in the Town clerk’s office as may be amended by a majority vote of the Commission and a majority vote of the Local Appointing Authority.

“revenues”, all revenues, rates, fees, charges, rents and other receipts derived from the operation of the water works system and all other properties of the District, including, without limiting the generality of the foregoing, bond proceeds of bonds issued on behalf of the District, proceeds of any grant or loan to the District, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of properties.

“water works system”, the water supply and distribution system in the District service area and under the jurisdiction, ownership, control and regulation of the District including, without limiting the generality of the foregoing, all plants, works, instrumentalities or parts thereof, lands, easements, rights in land, water and flowage rights, approaches, water courses, rights of way, contract rights, franchises and privileges, all connections, dams, wells, reservoirs, water mains and pipe lines, equipment, buildings, structures, vehicles, standpipes, tanks, conduits, meters, hydrants, fire connections, fixtures, purification, filtration and treatment works and other adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such water supply and distribution system, and all facilities, betterment, extensions, improvements and enlargements thereto and to or for the water supply therefore hereafter constructed or acquired.

SECTION 4. There is hereby created the North Carver Water District. The Commission is hereby constituted and the exercise by the Commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function.

The Commission shall not be subject to the supervision of the municipality or of any department, Commission, board, bureau, or agency of the municipality except to the extent and in the manner provided in this chapter.

Except as otherwise provided in this chapter, the powers of the Commission shall be exercised by a board of three members, each of whom shall be a resident of the Town of Carver. These members shall be appointed by the Local Appointing Authority. Of the members first appointed, one shall serve in office for a term expiring on June thirtieth in the year following the acceptance of this chapter, and one for a term expiring on June thirtieth, in the second year following the acceptance of this chapter and one for a term expiring on June thirtieth, in the third year following the acceptance of this chapter. Thereafter, the Local Appointing Authority shall appoint successors for a term of three years or, in the case of an appointment to fill a vacancy, for the unexpired term, and until a successor is appointed and qualified. Any member of the Commission shall be eligible for reappointment. Any member of the Commission may be removed at any time for cause by the Local Appointing Authority. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise the powers of the Commission. Two members of the Commission shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by vote of the Commission. Any such action shall take effect immediately unless otherwise provided and need not be published or posted.

The Commission shall annually elect one of its members as chair. The Commission may establish, with the approval of the Local Appointing Authority and The Town, by majority vote of its Town Meeting a reasonable annual compensation for its members for attendance upon the business of the Commission. In addition, each member may be reimbursed for all reasonable and necessary expenses incurred in the discharge of official duties as approved by the Commission. In accordance with Chapter Two Hundred and Sixty-Eight A, the Commission shall be deemed to be a municipal agency and the members of the Commission shall be deemed to be special municipal employees. The provisions of Sections Twenty-Three A to Twenty-Three C, inclusive, of Chapter Thirty-Nine shall apply to all meetings of the Commission and Section Ten of Chapter Sixty-Six relating to the availability of public records as defined in Clause Twenty-Sixth of Section Seven of Chapter Four shall apply to the Commission.

The District shall be deemed to be a public employer within the meaning of Chapter Two Hundred and Fifty-Eight. The members, officers and employees of the District shall be deemed to be public employees within the meaning of Chapter Two Hundred and Fifty-Eight. The District shall be liable in tort for defects in a public way to the same extent as the municipality under Chapter Eighty-Four.

The District Commissioners and its employees shall be subject to the provisions of Chapter One Hundred and Fifty E, to the extent said provisions are applicable, and for purposes of said Chapter, the District shall be considered an “employer” or “public employer” as defined therein.

Section 5. The Commission may appoint, employ and determine the compensation, duties and conditions of employment of a superintendent, who shall not be a member of the Commission and who shall serve at the pleasure of the Commission; provided, however, that the Commission may bind itself by contract to employ a superintendent, but no such contract may be for a period of more than five years. Said contract must be approved by the Local Appointing Authority. The superintendent shall be the chief operating officer of the District and shall administer and direct its affairs as authorized or approved by the Commission and shall have such of the powers and perform such of the duties of the Commission as the Commission may from time to time have delegated to the superintendent and not recalled. The superintendent or his or her designee as approved by the Commission shall be the Secretary of the Commission and shall keep a record of the proceedings of the Commission and shall be custodian of all books, and documents and papers filed with the District. The superintendent and any other officer designated by the Commission for this purpose, each alone, may cause copies to be made of all minutes and other records and documents of the District and may give certificates to the effect that such copies are true copies, and all persons dealing with the District may rely upon such certificates.

The Commission may from time to time hire, transfer or otherwise appoint or employ legal counsel, financial advisors and consultants as it deems necessary and determine their duties.

The Commission may purchase insurance on behalf of itself and any of its members, officers, employees, or agents against any liability arising out of their status as such, whether or not the Commission would have the power to indemnify them against such liability.

The Commission shall operate on a fiscal year commencing July first unless otherwise provided by the Commission.

SECTION 6. The Commission shall have all the rights and powers necessary or convenient to carry out and effectuate this act, including, but without limiting the generality of the foregoing, the rights and powers:

(a) to adopt rules, regulations, and procedures in connection with the performance of its functions and duties, and regarding the use of, and connection to, the water works system. The Commission may, by regulation, provide for civil penalties not to exceed \$5,000 for the violation of any rule, order, or regulation of the Commission, which penalties shall enure to the Town. The Commission may further assess fines for each violation of its rules and regulations in accordance with Section Twenty-One of Chapter Forty of the General Laws;

(b) to maintain an office in the Town at such place or places as it may determine;

(c) on behalf of the District, or on behalf of the Town upon the approval of the Local Appointing Authority, to apply for, receive, accept, administer, expend and comply with

the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state and federal governments, donation or appropriation of any property or money in aid of the purposes of the Commission and to accept contributions of money, property, labor or other things of value;

(d) to acquire in the name of the District, or on behalf of the Town with the approval of the Local Appointing Authority, by purchase, lease, lease-purchase, sale and leaseback, gift or devise, or to obtain options for the acquisition of any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties;

(e) with the approval of the Local Appointing Authority, to acquire, sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to any property held by it, including real or personal, tangible or intangible property, or any interest therein, consistent with all requirements of the General Laws; provided, however, that no lease, mortgage, exchange, transfer or other disposal of real property shall be permitted without the affirmative vote of the Town at a duly called and held Town meeting to consider the same;

(f) to enter onto any land within the District service area to make surveys, borings, soundings and examinations thereon, provided that the Commission shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings, soundings and examinations; and to acquire by eminent domain any interest in real property within the District service area in the name of the Commission in accordance with the provisions of Chapters Seventy-Nine and Chapter Eighty A of the General Laws or any alternative method provided by law; provided, however, that the Commission shall not exercise the power of eminent domain without the prior approval of the Town and the Local Appointing Authority. The Commission may order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any water system project, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof shall be compensated by the Commission for the reasonable costs of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with any such order of the Commission relating to any such structure in public ways or lands. If any such owner shall fail to comply with any such order of the Commission relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the Commission may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the Commission by the owner. No such discontinuance, removal or relocation shall entitle the owner of the

property thus affected to any damages on account thereof, except for reimbursement of cost provided for above. This section shall not apply to facilities on property of the Commonwealth under the control of the Department of Highways or the Metropolitan District Commission or installed under licenses or permits granted by said department or Commission, except with its approval;

(g) to contract for and purchase water supply, treatment and distribution services from, and to provide such services to, any person, private or public corporation or public instrumentality within or without the District service area or to another Town, as the Commission shall determine to be in the best interests of the District, to the Commonwealth or to the federal government when necessary or convenient for the operation of the water system;

(h) to construct, improve, extend, enlarge, maintain and repair the water works system;

(i) to use monies borrowed or appropriated by the Town for the purposes of this act;

(j) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes, provided, however, that such contracts shall be subject to all applicable provisions of G.L. c. 30B.;

(k) to exercise the powers and privileges of, and to be subject to limitations upon towns and cities provided by the provisions of Sections One to Twenty-Four, inclusive, and Twenty-Seven to Twenty-Nine, inclusive, of Chapter Eighty-Three of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act;

(l) to create an overall water policy and plan for the District;

(m) to do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied in this act;

(n) consistent with the Constitution and Laws of the Commonwealth, the Commission shall have such other powers as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this act; provided, however, that nothing in this act shall impose any duty on the Commission to maintain groundwater levels within or without the boundaries of the Town.

(o) The Commission is hereby authorized to enter into one or more intermunicipal agreements with other governmental entities for the provision of water services. Such intermunicipal agreements shall comply with the requirements of G.L. c. 40, s. 4A, except that no further vote of the Carver Town Meeting shall be required.”

SECTION 7. In addition to the powers of the Commission otherwise provided herein, the Commission shall have the following powers and shall be subject to the following limitations:

(a) The Commission is authorized and empowered to fix, revise, charge, collect and abate fees, rates, rents, assessments, delinquency charges and other charges for water supply and distribution and other services, facilities and commodities furnished or supplied by it. Subject to paragraph (c), fees, rates, rents, assessments, delinquency charges and other charges of general application shall be adopted and, as necessary, revised by the Commission at least annually in accordance with procedures to be established by the Commission for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The Commission shall hold at least one public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the Local Appointing Authority and be published in a newspaper of general circulation in the Town in advance of the hearing. No later than the date of such hearing, the Commission shall make available to the public the proposed schedule of fees, rates and charges. The Commission may combine its fees, rates and other charges for services provided by it in a single schedule of charges. Fees, rates, rents, assessments, abatements, and other charges established by the Commission shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the Commonwealth or any of its political subdivisions.

(b) Subject to paragraph (e), the fees, rates, rents, assessments and other charges established by the Commission in accordance with paragraph (a) shall be so fixed and adjusted in respect to the aggregate thereof so as to provide revenues at least sufficient (i) to pay the current expenses of the Commission, (ii) to pay the principal of, premium, if any, and interest on bonds issued by the Town or the District for costs as the same become due and payable, (iii) to create and maintain such reasonable reserves as may be reasonably required by the Commission or by any trust agreement or resolution securing bonds issued by the Town on account of capital costs, (iv) to provide funds for paying the cost of all necessary repairs, replacements and renewals of the water system and (v) to pay or provide for any amounts which the Commission may be obligated to pay or provide for by law or contract including any resolution or contract with or for the benefit of the holders of bonds issued for the Commission. The annual operating budget of the Commission shall be submitted to the Local Appointing Authority for review and recommendation, and all funds expended by the Commission shall be subject to appropriation by the Town. Once an appropriation on account of the District has been approved by the Town, the Commission may allocate the use of such amounts as they shall, in their sole discretion, determine.

(c) The Commission shall undertake a study and examination of its estimated expenses and costs of constructing, maintaining, operating and improving the system, and shall prior to one year after the effective date of this act promulgate in accordance with paragraph (a) a schedule of fees, rents, rates and other charges sufficient thereafter to satisfy the requirements of paragraph (b). Such schedule shall become effective upon promulgation. Such schedule shall provide for the metering, monitoring and other measuring of, and charging for, water supply services provided by the Commission to consumers of such services in the Town, including municipal property, the Commonwealth and all independent agencies and authorities of the Town and the

commonwealth, and any exemptions from such charges provided to the Commonwealth or the Town under any general or special law, are hereby declared inapplicable as of the date such schedule shall be in force; provided, however, that no betterment or special assessment shall be made by the Commission under the authority of Chapters Forty or Eighty of the General Laws or any other provision of law against property owned by the Commonwealth or any political subdivision of the Commonwealth,

(d) The Commission shall have the benefit, without further acceptance of any sections of said Chapter Eighty, to the extent applicable and consistent with this act. Applications for abatements in accordance with said Chapter Eighty shall be made within thirty days after the date of such demand. Upon written application, the Commission shall issue lien certificates in accordance with Section Twenty-Three of Chapter Sixty of the General Laws. No recordation of certificates issued by the Town pursuant to said Section Twenty-Three of said Chapter Sixty shall affect liens for the unpaid fees, rates, rents, assessments, and other charges of the Commission. In lieu of betterments, the Commission may also make special assessments under Chapter 40 Section 42G of the General Laws to specific properties.

(e) The Town is hereby authorized to establish an Enterprise Fund in accordance with the provisions of Section Fifty-Three F1/2 of Chapter Forty-Four of the General Laws for the operation of the water supply system. All revenues of the District, including all amounts appropriated by the Town on account of the District, shall be held in the care and custody of the Treasurer of the Town and shall be disbursed only upon the approval and execution of a warrant by the Local Appointing Authority.

(f) Any water supply system, as defined in section three, shall be subject to the rules and regulations of the Town, applicable laws of the Commonwealth and any approvals required there under.

(g) The activities of the Commission shall be consistent with the official planning documents adopted from time to time by the Town Boards and Commissions.

(h) The Commission shall not be required to connect any home, facility, or lot to the water supply system.

SECTION 8. Although any bonds or notes issued by the Town or the District on account of capital costs are expected to be repaid through revenues of the District as hereinabove described, any bonds or notes of the Town issued to pay capital costs shall nevertheless constitute a pledge of the Town's full faith and credit.

SECTION 9. Insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation, or law of the Town other than rules and regulations of the Board of Health, the provisions of this act shall be controlling.

SECTION 10. This act, being necessary for the welfare of the Town and its inhabitants, shall be liberally construed to effect its purposes.

SECTION 11. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 12. This act shall take effect upon its passage.

Approved _____.

(By the Board of Selectmen)

Article 60. To see if the Town will vote to add the following Noise By-Law to Chapter 8 of the General By-Laws, or take any other action relative thereto:

The Police Department shall be the enforcement authority.

- It shall be unlawful at any time for any person or persons occupying or having charge of any building or premises or of any motorized vehicle in the Town to cause or suffer or allow any unnecessary, loud, continuous, excessive or unusual noises by any person or group of persons, or in the use of any radio, phonograph or other mechanical sound-making device or instrument, where the noise is plainly audible at a distance of 400 feet from the source from which it is produced.
- The fact that noise (which is described as improper noises, disturbance or breach of the peace) is plainly audible at a distance of 400 feet from the premises to the point of origin shall constitute prima facie evidence of a violation of this section.

Exemptions: The following shall not be deemed a violation of this by-law:

1. Noise generated by any police, ambulance, fire, public works or utility activities and/or vehicles, while engaged in necessary emergency business.
2. Noise generated by vehicles, equipment or tools used in construction or agriculture maintenance or repair between the hours of 7:00 a.m. and 9:00 p.m.

(By Petition)

Article 61. To see if the Town of Carver will raise and appropriate or take from available funds the sum of Four Thousand (\$4,000.00) Dollars to Womansplace Crisis Center for Fiscal Year 2008 in lieu of services provided to sexual assault survivors and their families, or take any other action relative thereto.

(By Petition)

Article 62. To see if the Town of Carver will raise and appropriate or take from available funds the sum of Three Thousand (\$3,000.00) Dollars to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents, or take any other action relative thereto.

(By Petition)

Article 63. To see if the Town of Carver will raise and appropriate or take from available funds the sum of Three Thousand (\$3,000.00) Dollars to support South Coastal Counties Legal Services, Inc.'s continued free legal services in civil matters to low-income families and their children, or take any action thereon.

(By Petition)

Article 64. To see if the Town of Carver will raise and appropriate or take from available funds the sum of Four Thousand Five Hundred (\$4,500.00) Dollars to support the Plymouth Area Coalition For the Homeless in their continuing efforts to assist homeless and low-income families by providing shelter, food, and clothing, or take any other action relative thereto.

(By Petition)

Article 65. To see if the Town of Carver will raise and appropriate or take from available funds the sum of Four Thousand (\$4,000.00) Dollars to South Shore Community Action Council, Inc. for services to low-income families and elderly residents in the Town of Carver, or take any other action relative thereto.

(By Petition)

Article 66. To see if the Town of Carver will raise and appropriate or take from available funds the sum of One Thousand (\$1,000.00) Dollars for the Carver Boy Scouts, Troop #48 for the repair and maintenance of the bathrooms at Shurtleff Park, as an Eagle Scout Project to be under the direction of the Buildings and Grounds Superintendent.

(by Petition)

Article 67. To see if the Town of Carver will raise and appropriate or take from available funds the sum of Three Thousand (\$3,000.00) Dollars for the Carver Boy Scouts, Troop #48 for the repair and maintenance of the Civil War Monument, as an Eagle Scout Project to be under the direction of the Buildings and Grounds Superintendent.

(by Petition)

Article 68. To see if the Town of Carver will raise and appropriate or take from available funds the sum of Three Thousand (\$3,000.00) Dollars for the Carver Boy Scouts, Troop #48 for the development and building of a handicapped access ramp at Sampson's Pond to be under the direction of the Highway Superintendent.

(By Petition)

