



COMMONWEALTH OF MASSACHUSETTS

Town of Carver 2005 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-third day of April, 2005 at 8:00 o'clock A.M., then and there to act on the following Article, namely:

Article 1. To choose all necessary officers to be voted for all on one ballot, namely: Two members of the Board of Selectmen, One Member of the Board of Assessors, Two Members of the School Board, Two Members of the Library Trustees, and One Member of the Board of Health, each for a Term of three (3) years; One Member of the Board of Public Works for a Term of one (1) year; One Member of the Planning Board, and One Member of the Carver Housing Authority, each for a Term of five (5) years.

The polls will be open until 8:00 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 MONDAY, May 16, 2005 at Seven 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:

	Current Salary	Proposed Salary
Treasurer/Collector	\$ 66,307.63	\$69,159.94
Town Clerk	\$ 51,407.43	\$53,663.84
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, 2005 to June 30, 2006 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 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 FY2006 for non-union employees, or take any other action thereto.

(By 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 Board of Selectmen)

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

(By the Board of Selectmen)

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

Article 9. 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 Clerical Union.
(By the Board of Selectmen)

Article 10. To see if the Town will vote to re-authorize the establishment of a Library Fines Revolving Account for the Library in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ to which shall be deposited monies from overdue fines, damaged and lost books levies, and from which the director may make expenditures for the purpose of replacing damaged or lost materials; expenditure from such fund not to exceed Seven Thousand (\$7,000) Dollars, or take any other action relative thereto.

(By Board of Library Trustees)

Article 11. To see if the Town will vote to accept the provision of G.L. Ch. 59 §21A as it relates to additional compensation of assessors for courses of study as follows: “an amount equal to 10% of annual salary, up to a maximum of \$1,000, for a full-time assessor or assistant assessor, or \$500 for a part-time assessor or assistant assessor, who has been awarded a certificate by the MAAO as a certified Massachusetts assessor” (MAA).

(By Board of Assessors)

Article 12. To see if the Town will vote to appropriate the sum of One Thousand Dollars (\$1,000.00) to compensate the Director of Assessing for having been certified by the Massachusetts Association of Assessing Officers (MAAO).

(By Board of Assessors)

Article 13. To see if the Town will vote to appropriate the sum of Five Hundred Dollars (\$500.00) to compensate an assessor for having been certified by the Massachusetts Association of Assessing Officers (MAAO).

(By Board of Assessors)

Article 14. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Nine Thousand Sixty-Three Dollars and Sixty Cents (\$9,063.60) to fund the position of part time clerk not to exceed 15 hours per week for the Board of Assessors, or take any other action relative thereto.

(By Board of Assessors)

Article 15. To see if the Town will reauthorize the establishment of a Transportation Revolving Account for the Council on Aging in accordance with General Law Chapter 44, Section 53E1/2, which authorization, in addition to items provided by said statute, shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance(but not including insurance of any of the Greater Attleboro Taunton Regional Authority ("GATRA") vehicles) used by the Council on Aging and salaries and expenses for part-time employees used relative thereto: (2) that departmental receipts, consisting of reimbursement of GATRA of transportation expenditures, shall be credited to the revolving

fund: (3) that the Council on Aging shall be authorized to expend from such fund: and (4) that the total amount which may be expended from such fund during fiscal year two thousand five shall be \$70,000.00 in accordance with the contract between the Town through its Council on Aging and GATRA.

(By the Council on Aging)

Article 16. To see if the Town will vote to transfer from the Stabilization Account an amount not to exceed \$569,466 for the purpose of reducing the FY 2006 tax levy in order to offset the scheduled increase from the Carver High School debt exclusion, or take any other action relative thereto.

(By the Board of Selectmen)

Article 17. To see if the Town will vote to raise and appropriate or transfer from available funds the amount of One Hundred Ten Thousand (\$110,000.00) Dollars for the purpose of funding the three (3) percent tax rebate program for FY2006, 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 the sum of Fifteen Thousand (\$15,000.00) Dollars for the purpose of Repairing Private Ways under Chapter 40, Section 6N, as amended, of the Massachusetts General Laws, to be under the direction of the Department of Public Works or take any other action relative thereto.

(By Department of Public Works)

Article 19. 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 2005 Chapter 90 apportionment to meet the States share of the cost of the work reimbursement received to be paid to the treasury, or take any other action relative thereto.

(By Department of Public Works)

Article 20. To see if the Town will vote to transfer the sum of Nine Thousand Two Hundred and Seventy-Two (\$9,272.00) Dollars from the sale of lots accounts in Central, Lakenham and Union Cemeteries, and also vote to transfer the sum of Five Thousand Seven Hundred and Twenty-Eight (\$5,728.00) Dollars 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 Department of Public Works)

Article 21. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of Forty Thousand (\$40,000.00) Dollars to purchase a One Ton Cab and Chassis with a dump body for the Department of Public Works or take any other action relative thereto.

(By Department of Public Works)

Article 22. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Thirty-Four Thousand Five Hundred Seventy-Four Dollars and Sixty Cents (\$34,574.60) for the purpose of hiring a Truck/Driver Laborer for the Department of Public Works, or take any other action relative thereto.

(By Department of Public Works)

Article 23. To see if the Town will vote to raise and appropriate or transfer from available funds, borrow or lease the sum of One Hundred Sixteen Thousand (\$116,000.00) Dollars for the purposes of buying four cars for the Police Department or take any action relative thereto.

(By the Police Chief)

Article 24. To see if the Town will vote to raise and appropriate or transfer from available funds, borrow or lease the sum of Forty-Two Thousand (\$42,000.00) Dollars for the purpose of purchasing cruiser Mobil Data Terminals for the Police Department or take any action relative thereto.

(By the Police Chief)

Article 25. To see if the Town will vote to direct the Board of Selectmen to establish and charge an Agricultural Commission to represent the Town of Carver's agricultural community and interests, and to act fully thereon. The Board of Selectmen and said Commission, once appointed, shall develop a work plan to guide its activities. Such activities shall include, but not be limited to, the following: serve as facilitators for encouraging the pursuit of agriculture in Carver; promote agricultural-based economic opportunities in the town; act as mediators, advocates, educators, and/or negotiators; act in an advisory capacity on farming issues for established town committees and departments; pursue all initiatives appropriate to creating a sustainable agricultural community; and encourage the pursuit of agriculture as a career opportunity and lifestyle. The Commission membership shall consist of nine (9) residents appointed by the Board of Selectmen; seven (7) shall be actively engaged in farming and two (2) shall be interested in farming. The terms shall stagger on three year intervals with the initial terms being three members for three years, three members for two years, and three members for one year, and three years thereafter. Up to five (5) non-voting alternates, who have an interest in farming, may also be appointed by the Board of Selectmen; each for a one year term, and/or take any other action relative thereto. The Board of Selectmen shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on the recommendations of the Commission. Whereas, the Town committees are faced with agricultural issues; whereas, the Town department heads are faced with sensitive agricultural decisions.

(By the Board of Selectmen)

Article 26. To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow the sum of Ten Thousand (\$10,000.00) Dollars to procure a Needs/Design Study for the Police and Fire Departments or take any action relative thereto.

(By the Police Chief and Fire Chief)

Article 27. To see if the Town will vote to raise and appropriate or take from available funds in the Treasury, borrow or lease, a sum of money not to exceed Three Hundred Thirty Thousand (\$330,000.00) Dollars for the purpose of purchasing a replacement rescue truck #1 for the Fire Department, said sum to be expended by the Fire Chief, or take any other action relative thereto.

(By the Fire Chief)

Article 28. To see if the Town will vote to raise and appropriate or take from available funds in the Treasury, borrow or lease a sum of money not to exceed Twenty Five Thousand (\$25,000.00) Dollars for the purpose of replacing the emergency standby generator at Station 2, said sum to be expended by the Fire Chief, or take any other action relative thereto.
(By the Fire Chief)

Article 29. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seven Thousand (\$7,000.00) Dollars for the purpose of continuing maintenance on the Marcus Atwood House, or take any other action relative thereto.
(By Board of Selectmen)

Article 30. To see if the town will vote to raise and appropriate from, transfer from available funds, borrow or lease the sum of Nine Thousand (\$9,000.00) Dollars for the purpose of purchasing a mid-size commercial lawn mower to replace a 1998 small lawn tractor that is in need of constant repair and too small for the amount of turf to be mowed.
(By the Superintendent of Buildings & Grounds)

Article 31. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of One Hundred Ninety Five Thousand Two Hundred Sixty Four (\$195,264.00) Dollars for the purpose of purchasing and equipping one (1) handicap accessible van and two (2) 65-passenger buses for the School Department, said sum to be expended by the Carver School Committee, or take any other action relative thereto.
(By the Carver School Committee)

Article 32. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of Thirty Five Thousand (\$35,000.00) Dollars for the purpose of replacing the 1985 Chevy pickup truck, including snowplow, for the School Department, said sum to be expended by the Carver School Committee, or take any other action relative thereto.
(By the Carver School Committee)

Article 33. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease the sum of Two Hundred Seven Thousand (\$207,000.00) Dollars for two (2) portable classrooms at the middle school, said sum to be expended by the Carver School Committee, or take any other action relative thereto.
(By the Carver School Committee)

Article 34. To see if the Town will vote to raise and appropriate or take from available funds in the Treasury under the provisions of Chapter 44, or any other lawful authority, 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 2005 – June 2006, or take any other action relative thereto.
(By the Board of Health)

Article 35. To see if the town will vote to raise and appropriate or transfer from available funds the sum of Twenty-One Thousand, Nine Hundred Sixty-Four Dollars and Eighty Cents

(\$21,964.80) for the purpose of hiring a full time custodian. This position will replace a part time position that is funded for 20 hours per week, 6 months a year, or take any other action relative thereto.
(By the Superintendent of Buildings & Grounds)

Article 36. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Eleven Thousand Four Hundred Eighty Dollars and Fifty-Six Cents (\$11,480.56) for the purpose of paying for the position of a part-time secretary to the building department.

(By Building Commissioner)

Article 37. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,786.88 to fund the upgrading of the Clerical position for the Planning Board from 19 hours to 35 hours, or take any other action relative thereto.

(By the Planning Board)

Article 38. To see if the Town will vote to appropriate funds not to exceed Fifteen Thousand (\$15,000.00) Dollars for the purpose of hiring a part time employee or contract services to run the Town's current GIS system. The person would be responsible for creating data layers for computer mapping, coordinating information from all Town Departments regarding mapping, public safety, conservation, land acquisition, development, open space protection and land use analysis, or take any other action relative thereto.

(By Planning Department, Board of Assessors, Building Department, and Conservation Commission)

Article 39. To see if the Town will vote to amend the Town's Zoning By-Law, Article II, Section 2240(A) to read as follows:

The occupation or profession shall be carried on wholly within the principal building, or alternately the home occupation may be carried on within a structure accessory thereto.

(By the Board of Appeals)

Article 40. To see if the Town will vote to make the following amendment to the Carver Zoning By-Laws, or take any other action relative thereto:

Amend Section 2230 by adding Retail sales with manufacturing or assembly in a building less than 20,000 sq. ft. building footprint and Retail sales with manufacturing or assembly in a building under "C. COMMERCIAL", or take any other action relative thereto.

PRINCIPAL USE	RA	HC	GB	V	IA	IB	AP
C. COMMERCIAL							
Retail sales with manufacturing or assembly in a building less than 20,000 sq. ft. building footprint.	N	SP*	SP*	SP*	SP*	SP*	SP*

(By the Building Commissioner)

Article 41. To see if the town will vote to add to Section 2430 of the Town of Carver Zoning By-Laws the following new section, or take any other action relative thereto:

2432 (b). Foundation A building permit for a foundation may be granted, not more than 6 months prior to the release of the building permit, under Section 2400 of the Zoning Bylaw, provided that said foundation is capped or made weather-tight within two (2) weeks of completion of the foundation. Failure to do so shall result in the immediate removal of the Building Permit Application, therefore re-starting the Building Permit process.

(By Building Commissioner)

Article 42. To see if the Town will vote to rezone Assessors Map C24, Block 24, Lot 4B (as shown on the January 2004 Assessors Maps) to Highway Commercial.

This lot had been shown as Highway Commercial on the Zoning map displayed at April 1998 Town Meeting but was not included in listed of lots provided in the text of the warrant Article.

Voting to zone this lot Highway Commercial would reflect the original intent of the 1998 Town Meeting action and reflect the existing zoning surrounding the property.

(By Planning Board)

Article 43. To see if the Town will vote to rezone Assessors Map A22, Block 21, Lot 3, and Assessors Map A22, Block 21, Lot 1 (as shown on the January 2004 Assessors Maps) to Highway Commercial.

Lot 3 is currently Residence Agricultural and is surrounded by Highway Commercial lots on three sides and Route 44 on the fourth. Lot 1 is presently zoned RA and is part of the former New Haven Railroad line to Plymouth. The adjacent lots to the north and east are Highway Commercial. To the south is the new subdivision road Cordwood Circle.

Voting to zone these lots Highway Commercial would reflect the existing zoning completely surrounding lot 3 and along three sides of lot 1 and provides a clean and clear zoning district boundary line.

(By Planning Board)

Article 44. To see if the Town will vote to rezone Assessors Map C23, Block 18, Lot 23 (as shown on the January 2004 Assessors Maps) to Village District.

This lot had been shown as Residential Agricultural on the Zoning Map displayed at April 1998 Town Meeting but was listed in both the Highway Commercial and Residential Agricultural lot lists of the warrant Article.

After reviewing the information from air photos and maps and conducting a site visit to the area, the Planning Board recommends rezoning Lot 23 to Village District. The Village District allows a greater mix of uses than Residential Agricultural while offering greater protection to the rural and residential character of High Street.

(By Planning Board)

Article 45. To see if the Town will vote to rezone Assessors Map C23, Block 18, Lots 26 (as shown on the January 2004 Assessors Maps) to Village District.

This lot had been shown as Village District on the Zoning Map displayed at April 1998 Town Meeting but was listed in both the Highway Commercial and Village District lot lists of the warrant Article.

After reviewing the information from air photos and maps and conducting a site visit to the area, the Planning Board recommends rezoning Lot 26 to Village District. Voting to zone this lot to Village District would reflect the original intent of the 1998 town meeting action. Lots to the south and east are presently zoned Village. The Village District allows greater protection to the surrounding homes in the existing Village District.

(By Planning Board)

Article 46. To see if the Town will vote to rezone Assessors Map C23, Block 18, Lot 24 (as shown on the January 2004 Assessors Maps) to Village District.

This lot is currently zoned as Residential Agricultural but is on the corner of Routes 58/44 and High Street.

After reviewing the information from air photos and maps and conducting a site visit to the area, the Planning Board recommends rezoning Lot 24 to Village District. The converting to Village of this lot when done in combination with several other lots (23, 25 and 26) provides a clean and clear zoning district boundary line. The Village District allows a greater mix of uses than Residential Agricultural while offering greater protection to the rural and residential character of High Street.

(By Planning Board)

Article 47. To see if the Town will vote to rezone Assessors Map C23, Block 18, Lot 25 (as shown on the January 2004 Assessors Maps) to Village District.

This lot is currently zoned as Residential Agricultural but is adjacent to the existing Village District to the south and southeast.

After reviewing the information from air photos and maps and conducting a site visit to the area, the Planning Board recommends rezoning Lot 25 to Village District. The converting to Village of this lot when done in combination with several other lots (23, 24 and 26) provides a clean and clear zoning district boundary line. The Village District allows a greater mix of uses than Residential Agricultural while offering greater protection to the rural and residential character of High Street.

(By Planning Board)

Article 48. To see if the Town will vote to rezone Assessors Map C23, Block 26, Lot 7 (as shown on the January 2004 Assessors Maps) to Highway Commercial.

This lot is currently zoned as Residential Agricultural but is adjacent to the existing Highway Commercial District to the North and West.

After reviewing the information from air photos and maps and conducting a site visit to the area, the Planning Board recommends rezoning Lot 7 to Highway Commercial. By rezoning this lot to Highway Commercial it provides both a clean and clear zoning district boundary line and allow for improved site design of the adjacent commercial properties.

(By Planning Board)

Article 49. To see if the Town will vote to rezone Assessors Map I19, Block 113, Lot 1 (as shown on the January 2004 Assessors Maps) to Airport District.

This lot had been shown as Airport on the Zoning Map displayed at April 1998 Town Meeting but had not been included in the lot list in the text of the warrant Article.

Voting to zone this lot Airport would reflect the original intent of the 1998 Town Meeting action and reflect the existing zoning surrounding the property.

(By Planning Board)

Article 50. To see if the Town will vote to rezone Assessors Map F16, Block 103, Lot 1-B1 (as shown on the January 2004 Assessors Maps) in its entirety to Village District.

This lot is currently shown on the zoning map as being in both the Residential Agricultural and Village Districts. The Carver Housing Authority, Meadowbrook Way is located on this parcel and is more in keeping with the Village District, which surrounds it to the northern, western and southern property lines.

After reviewing the information from air photos and maps and conducting a site visit to the area, the Planning Board recommends rezoning the entire Lot 1-B1 to the Village District, which reflects the existing zoning surrounding the property.

(By Planning Board)

Article 51. To see if the Town will vote to amend the Zoning By-Laws as follows:

1. Take the existing 3400 – SIGHT OBSTRUCTION in its entirety;
“At corners, no sign (except signs erected by a public agency), fence... ..said street lines 20 feet back from their point of intersection.”

And move it to Section 2300 Dimensional Requirements in its entirety:

2350. SIGHT OBSTRUCTION

“At corners, no sign (except signs erected by a public agency), fence... ..said street lines 20 feet back from their point of intersection.”

(By Planning Board)

Article 52. To see if the Town will vote to amend the Zoning By-Laws Section 2230 Use Regulation Schedule PRINCIPAL USE C. COMMERCIAL as follows:

1. Modify the Existing Fast-Food or Drive-in restaurant line in the Principal Use Table to read as follows:

2230. Use Regulation Schedule PRINCIPAL USE C. COMMERCIAL

	RA	HC	GB	V	1A	1B	AP
Fast-Food or Drive-in Restaurant (Section 3400)	N	SP*	SP*	SP*	N	N	SP*

(By Planning Board)

Article 53. To see if the Town will vote to amend the Zoning By-Laws Section 3400 by adding the following language:

3400 DRIVE THROUGH FACILITIES

3401 Purpose:

The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Carver by providing detailed review of the design and layout of drive-through facilities which have a substantial impact upon the character of the Town of Carver and upon traffic, utilities and services therein.

3402 Powers and Administrative Procedures:

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Drive-Through Plan Approval. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable as the SPGA finds reasonably appropriate to improve the site design as based on the design listed below, traffic flow, safety and or otherwise serve the purpose of this section. The Applicant shall provide a traffic impact study at the discretion of the Planning Board. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

3410 Design Requirements:

3411 Separation between access connections on all collector and arterials shall be based on the posted speed limit in accordance with the following table.

<i>Posted Speed Limit (MPH)</i>	<i>Access Connection Spacing (Feet)</i>
20	140
30	210
40	280
50	350

3412 The width of the access connections at the property line of the development shall not exceed 25 feet, unless a traffic impact study identifies and the SPGA agrees to the need for turning lanes from the development onto the adjacent public road.

- 3413 For a site at an intersection where no alternatives exist, such as joint or cross access, the Board may allow construction of an access connection at a location suitably removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/ right out only and/or a restrictive median) as required by the Board.
- 3414 A system of joint use driveways and cross access easements shall be established wherever feasible along Route 58 and the proposed development shall incorporate the following:
- a) A service driveway or cross access corridor extending the width of the parcel.
 - b) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles.
 - c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- 3415 Developments that provide service drives between properties may be permitted a 10% reduction in the required number of parking spaces. If information can be provided to show that peak demand periods of development with shared parking or a service drive connection are not simultaneous, the number of required parking spaces may be reduced by 20%.
- 3416 Drive-through facilities shall provide a minimum of eight (8) stacking spaces (within the site) before the order board. The facility shall provide another four (4) stacking spaces between the order board and the transaction window. If the facility has two transaction windows, the four (4) stacking spaces may be split between each of the windows. An additional stacking space shall be provided adjacent to the last transaction window.
- 3417 Each stacking lane shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lane shall be a minimum of twelve (12) feet in width along curved segments.
- 3418 Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians. An analysis that indicates the best option will be reviewed by the board.
- 3419 Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.
- 3420 Any outdoor service facilities (including menu boards, speakers, etc.) shall be a minimum of twenty-five (25) feet from the property line of a residential use.
- 3421 Menu Boards shall be a maximum of thirty square feet, with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties.

- 3422 Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from abutting properties and streets.
- 3423 Buffering between the stacking lanes, menu boards, speaker etc. when applicable will be provided utilizing any combination of landscaping, fencing and/or other material as determined by the Planning Board.

(By Planning Board)

Article 54. To see if the Town will vote to amend the Zoning By-Laws Article VI by inserting the following:

DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

(By Planning Board)

Article 55. To see if the Town will vote to amend Section 2200 of the Zoning By-Laws as follows:

2270 Accessory Dwellings above Commercial.

2271. Purpose

For the purpose of allowing a mixture of different types of residential housing in the Town without increasing the number of buildings, or substantially altering the appearance of the Town and to allow greater utilization of commercial developments, a special permit may be granted in accordance with the following requirements.

2272. Procedure

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Accessory Dwellings above Commercial Developments. Accessory dwellings above commercial developments may only be allowed in the Village and General Business Districts.

The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit.

Commercial buildings may be permitted a base density of two accessory dwelling units to be located on the second floor. Additional accessory dwelling units may be permitted in the special permit application by the transferring of development rights. The number of accessory dwelling units that may be permitted shall be determined by using the total gross square feet of first floor commercial space multiplied by .001. The maximum number of accessory dwelling units allowed for any commercial building shall be 15.

2273. Design Requirements

- a. All commercial developments with accessory dwelling units shall be limited to a maximum of two stories.
- b. The primary entrance/stairway to the second story accessory dwelling units shall be enclosed.

- c. 1 clearly marked parking space within 100 feet of the primary entrance should be provided per unit. This space may be double counted towards the total parking requirement of the development depending on the commercial uses, traffic flow and other site conditions as determined by the Board. In cases where the Board may have concerns about the total number of parking spaces, a condition of the permit may require the applicant to provide additional spaces.
- d. The development shall conform to the applicable requirements of Title V of the State Environmental Code and compliance with any conditions which may be imposed by the Board of Health with regard to sanitary wastewater disposal on the site.
- e. The Architectural details including the textures of the walls and roof materials of new building or additions to existing buildings should enhance the rural character of the development and surrounding area. The use of pitched roofs, dormers and setbacks to alter the roofline is encouraged.
- f. Design shall meet Massachusetts State Building Code.
(By Planning Board)

Article 56. To see if the Town will vote to amend the definitions section of Zoning By-Laws as follows:

Accessory Dwelling Unit Above Commercial shall mean an incidental residential unit(s) of a minimum of 600 sq. ft., located in a commercial building in accordance with the provisions of Section 2270, herein.
(By Planning Board)

Article 57. To see if the Town will vote to amend Article II, Section 2270 of the Zoning By-Laws, by deleting the same and inserting the following:

3522 PROHIBITED SIGNS

- a. Billboards, streamers, pennants, ribbons, spinners, *signs tacked, posted, painted or otherwise attached to poles, posts, trees, rocks, sidewalks, buildings or curbs, or to motor vehicles and trailers regularly located for fixed display* or other similar devices shall not be constructed, posted or erected in any zone; provided, however, that streamers, pennants, ribbons, spinners, or other similar devices may be permitted in conjunction with the grand opening of a business and for twenty (20) days thereafter. Flags and bunting exhibited to commemorate national patriotic holidays, and temporary banner announcing charitable or civic events are exempted from this prohibition.
- b. Flashing signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this bylaw.
- c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.
- d. Off-premises signs are not permitted in any district, with the exception of directional

signs on public property.

- e. Roof signs which project above the highest point of the roof are not permitted in any district.
- f. When visible from a public way, no advertising shall be permitted on storage tanks, vehicles or similar types of containers. This restriction applies to both permanently located and mobile units, and trailers and trucks regularly located for fixed display/
- g. Signs on trees, etc. except for signs warning of danger or prohibiting trespass or the like; no sign shall be painted on or affixed to any tree, fence, utility pole, rock or ledge, or painted or posted on any wall.
- h. Signs shall be illuminated from the exterior only by a stationary, shielded light directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. Signs of the exposed neon or other gas-filled tube type are prohibited. No sign shall be internally illuminated.
- i. Signs advertising a business, service, merchandise or organization not located on the parcel containing the business, service, merchandise or organization.
- j. Illuminated features, on the exterior of a building that call attention to the building, product or services available within the building.

(By Planning Board)

Article 58. To see if the Town will vote to amend Article VI of the Zoning By-Laws by inserting the following definition:

DEFINITIONS:

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

(By Planning Board)

Article 59. To see if the Town will vote to amend Article III, Section 3550 of the Zoning By-Laws, by deleting the same and inserting the following:

3550. ADDITIONAL REGULATIONS FOR SPECIFIC TYPES OF SIGNS:

3551. Directional Signs on Public Property

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

Article 60. To see if the Town will vote to amend §2420 of Article II of the Zoning By-Laws by deleting the same and inserting the following:

2420. General. For the purposes of this section, a two-family structure shall constitute two dwelling units, and so on. An accessory apartment, in-law apartments, townhouse and dwellings above a commercial use shall constitute a dwelling unit.
(By Planning Board)

Article 61. To see if the Town will vote to amend §2432 of Article II of the Zoning By-Laws by deleting same, and inserting the following:

2432. Three (3) permits shall be issued in each month of Calendar Year 2006. In calendar Year 2007, four (4) permits shall be issued in the months of January, April, July and October, with three (3) permits in each of the remaining months. In calendar year 2008, three (3) permits shall be issued in March, June, September and November, with four (4) permits issued in each of the remaining months. In the calendar year 2009 four (4) permits shall be issued in each month. In calendar year 2010 five (5) permits shall be issued in January, April, July and October, with four (4) issued in each of the remaining months. Permits not issued in any month of the calendar year in accordance with this schedule shall be available in any subsequent month of that calendar year for issuance by the Building Inspector.
(By Planning Board)

Article 62. To see if the Town will vote to amend §2434 of Article II of the Zoning By-Laws by deleting same, and inserting the following:

2434. Any Building Permits not issued in any calendar year shall not be available for issuance in any subsequent year, except any permits available for the month of December can be carried over into the month of January the following calendar year.
(By Planning Board)

Article 63. To see if the Town will vote to amend the Zoning By-Laws, §2435 of Article III by deleting same.
(By Planning Board)

Article 64. To see if the Town will vote to amend the Zoning By-Laws by adding §2445, 2446 and 2447 of Article III by inserting the following:

2445. An accessory and in-law apartment as regulated in Section 2260.

2446. A dwelling above a commercial unit as regulated in Section 2270.

2447. Rear lots as regulated in Section 2340.
(By Planning Board)

Article 65. To see if the Town will vote to amend the Zoning By-Laws, §2450 of Article III by deleting same and inserting the following:

2450. Extension. This section may be extended without lapse of its provisions and limitations, by vote of the Town Meeting prior to January 1, 2011.
(By Planning Board)

Article 66. To see if the Town will vote to amend the Town's General By-Laws, paragraph 2.2.7. to read as follows:

2.2.7. In order to coordinate the business of the Town, the Board of Selectmen shall have the authority to call a meeting of all Boards, Commissions, Committees and Departments of the Town as the Board deems in the best interest of the Town. Each Board, Commission, Committee and Department shall have at least one duly authorized representative present for such meeting, who shall be prepared to submit a progress report and to answer any questions from Board, Commission, Committee or Department Heads as well as from the Selectmen.

(By the Board of Selectmen)

Article 67. To see if the Town will vote to amend the Town's General By-Laws, Section 9.1 Earth Removal as follows:

9.1.1 PURPOSE

to read:

To ensure that permanent changes in the surface contours of land resulting from the removal or addition and realignment of earth materials will leave the land in a safe and convenient condition for appropriate reuse without requiring excessive and unreasonable maintenance or creating danger of damage to public and private property, as well as to provide that earth removal activities shall be conducted in a safe manner and with minimal detrimental effect upon the district in which the activities are located.

Article 68. To see if the Town will vote to amend the General By-Laws, Earth Removal, Section 9.1.4b as follows:

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

(By the Earth Removal Committee)

Article 69. To see if the Town will vote to amend the General By-Laws, Earth Removal By-Law, Section 9.1.8 as follows:

9.1.8 CONDITIONAL EXEMPTIONS

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

- A. earth removal involving less than 100 cubic yards in one calendar year;
- B. removal performed under the provision of a duly approved subdivision plan where the volume of earth removed does not exceed 5000 cubic yards times the number of acres within the limits of construction;
- C. removal necessary for the reconstruction of existing streets and the installation of utilities;
- D. removal necessary for construction under the provision of a valid building permit, where the volume of earth removed does not exceed 5000 cubic yards times the number of acres within the limits of construction;
- E. removal performed in connection with town projects;
- F. removal necessary for normal cranberry-related activities or other agricultural uses. This agricultural-related work is defined as earth removal necessary to maintain or improve the owner's contiguous or non-contiguous land for agricultural purposes, and does not include the removal of earth for sale, trade, or other considerations except as provided in 9.1.8 G, H, and I;
- G. removal necessary for construction of new cranberry bog within the following limits:
 - i. where the average volume of earth removed per acre of new bog does not exceed 10,000 cubic yards; and
 - ii. where the total volume of earth removed from land in Carver under the same ownership does not exceed 100,000 cu. yards per year; and
 - iii. where restoration is performed after ten acres are excavated or 100,000 cubic yards removed (whichever comes first). This restoration shall be performed before further exempt excavation is undertaken on any land in Carver and the same ownership.

(Abbreviated filings for non-exempt cranberry bog construction: where average volume of earth removed per acre of new bog is greater than 10,000 cubic yards and less than 20,000 cubic yards,

and the total volume removed from any land in Carver under the same ownership does not exceed 200,000 cubic yards in a year, an abbreviated application to the E.R.C. shall be required in lieu of a full application.)

The regulations adopted shall include, but are not limited to: the method of application, filing fees, required exhibits, site plans, site plan review fees, monitoring fees, bond requirements, and the means of compliance, inspection and administration. Applicant shall bear all costs of professional required to assist the E.R.C. to render a decision. This By-Law shall be effective notwithstanding the absence or invalidity of rules adopted by the E.R.C.

(By the Earth Removal Committee)

Article 70. To see if the Town will vote to amend the General By-Laws, Earth Removal By-Law, Section 9.1.8 as follows:

9.1.8 CONDITIONAL EXEMPTIONS

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

- A. earth removal involving less than 100 cubic yards in one calendar year;
- B. removal performed under the provision of a duly approved subdivision plan where the volume of earth removed does not exceed 5000 cubic yards times the number of acres within the limits of construction;
- C.. removal necessary for the reconstruction of existing streets and the installation of utilities;
- D. removal necessary for construction under the provision of a valid building permit, where the volume of earth removed does not exceed 5000 cubic yards times the number of acres within the limits of construction;
- E. removal performed in connection with town projects;
- F. removal necessary for normal cranberry-related activities or other agricultural uses. This agricultural-related work is defined as earth removal necessary to maintain or improve the owner's contiguous or non-contiguous land for agricultural purposes, and does not include the removal of earth for sale, trade, or other considerations except as provided in 9.1.8 G, H, and I;
- G. removal necessary for construction of new cranberry bog within the following limits:
 - i. where the average volume of earth removed per acre of new bog does not exceed 10,000 cubic yards; and
 - ii. where the total volume of earth removed from land in Carver under the same ownership does not exceed 100,000 cu. yards per year; and
 - iii. where restoration is performed after ten acres are excavated or 100,000 cubic yards removed (whichever comes first). This restoration shall be performed before further exempt excavation is undertaken on any land in Carver and the same ownership.

(Abbreviated filings for non-exempt cranberry bog construction: where average volume of earth removed per acre of new bog is greater than 10,000 cubic yards and less than 20,000 cubic yards, and the total volume removed from any land in Carver under the same ownership does not

exceed 200,000 cubic yards in a year, an abbreviated application to the E.R.C. shall be required in lieu of a full application.)

(By the Earth Removal Committee)

Article 71. To see if the Town will vote to change the position of Treasurer/Tax Collector from an elected to an appointed position and to place this question on the ballot of the next annual election or take any other action relative thereto.

(By the Board of Selectmen)

Article 72. To see if the Town will vote to create the position of Police Lieutenant or take any action relative thereto.

(By the Police Chief)

Article 73. To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Two Thousand Five Hundred Dollars (\$2,500) to support the South Shore Community Action Council for services to the low-income families and elderly residents in the Town of Carver.

(By Petition)

Article 74. To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Three Thousand Two Hundred Dollars (\$3,200) to contract with Womansplace Crisis Center for services provided to victims/survivors of sexual assault, or take any action relative thereto.

(By Petition)

Article 75. To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Three Thousand Dollars (\$3,000) to support legal services for Cape Cod and Islands, Inc.'s continued free legal services in civil matters to low-income families and their children, or take any action relative thereto.

(By Petition)

Article 76. To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Three Thousand Dollars (\$3,000) to contract with South Shore Women's Center for domestic violence intervention and prevention services to residents, or take any action relative thereto.

(By Petition)

Article 77. To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Four Thousand Dollars (\$4,000) to support the Plymouth Area Coalition for the Homeless, Inc. in their service to homeless families.

(By Petition)

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

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

Given under our hands this Sixth Day of May in the Year Two Thousand and Five.

CARVER BOARD OF SELECTMEN

Francis J. Casey

Bernadette L. Hemingway

Robert H. Merritt

Francis Muscato

Michael J. O'Donnell, Jr.

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

Date

Constable of Carver

A true Copy Attest