

COMMONWEALTH OF MASSACHUSETTS

Town of Carver

2004 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-fourth day of April, 2004 at 8:00 o'clock A.M., then and there to act on the following Article, namely:

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

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 17, 2004 at seven o'clock PM 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	\$ 63,805.41	\$66,307.63
Town Clerk	\$ 49,228.40	\$51,407.43
Moderator	\$ 250.00	\$ 250.00
Chairman, Board of Selectmen	\$ 1,800.00	\$ 1,800.00
Board of Selectmen all other members (each)	\$ 1,550.00	\$ 1,550.00
Bd. of Assessors, each member	\$ 1,500.00	\$ 1,500.00

Board of Public Works

each member	\$ 500.00	\$ 500.00
Planning Board, each member	\$ 1,400.00	\$ 1,400.00
Board of Health, each member	\$ 1,400.00	\$ 1,400.00
Library Trustees, each member	\$ 250.00	\$ 250.00
Chairman, School Committee	\$ 1,500.00	\$ 1,500.00
School Committee members each member	\$ 1,200.00	\$ 1,200.00

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

(By Elected Officials)

Article 4. A Town Administrator need not be a resident of the town or of the Commonwealth at the time of appointment but shall within one (1) year of such appointment become a resident of Carver and maintain such status for the duration of said appointment and any subsequent reappointments. No person shall be eligible for re-appointment to the position of Town Administrator who is not a Carver resident at the time of such appointment. Violation of this by-law shall be cause for termination of employment

(By Petition)

Article 5. A Chief of Police need not be a resident of the town of the Commonwealth at the time of appointment but shall within one (1) year of such appointment become a resident of Carver and maintain such status for the duration of said appointment and any subsequent reappointments. Violation of this by-law shall be cause for termination of employment.

(By Petition)

Article 6. A Superintendent of the Schools need not be a resident of the town or Commonwealth at the time of appointment but shall within one (1) year of such appointment become a resident of Carver and maintain such status for the duration of said appointment and any subsequent reappointments. Violation of this by-law shall be cause for termination of employment.

(By Petition)

Article 7. 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, 2004 to June 30, 2005 as set forth in the budget contained in Recommendations of the Board of Selectmen and Finance Committee, which report is on file with the Town Clerk, or take any other action relative thereto.

(By Board of Selectmen & Finance Committee)

Article 8. 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 FY2005 for non-union employees, or take any other action thereto.

(By Board of Selectmen)

Article 9. 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 10. To see if the town will vote to reauthorize the establishment of a Transportation Revolving Account for the Council on Aging in accordance with General Laws Chapter, 44 Section 53E ½; which authorization, in addition to items provided by said statute, shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance (but not including insurance of any of the Greater Attleboro Taunton Regional Authority (“GATRA”) vehicles used by the Council on Aging), and salaries and expenses for part-time employees used relative thereto, (2) that departmental receipts, consisting of reimbursement of GATRA of transportation expenditures, shall be credited to the revolving fund; (3) that the Council on Aging Director shall be authorized to expend from such fund; and (4) that the total amount which may be expended from such fund during fiscal year Two Thousand and Four shall be Fifty-Thousand (\$50,000) dollars in accordance with the contract between the town through its Council on Aging and GATRA; or take any other action relative thereto.

(By Council on Aging)

Article 11. 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 Council on Aging)

Article 12. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow 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 13. 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 2004 Chapter 90 apportionment to meet the States share of the cost of the work reimbursement received therefrom to be paid to the treasury, or take any other action relative thereto.

(By Department of Public Works)

Article 14. To see if the Town will vote to transfer the sum of Fifteen Thousand (\$15,000.00) Dollars from the Perpetual Care accounts as follows:

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

for the purpose of meeting the charges against the Cemetery Fund in the Town Treasury, or take any other action relative thereto.

(By Department of Public Works)

Article 15. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Seventy-Thousand (\$70,000.00) Dollars to purchase a cab and chassis with a dump body for the Department of PublicWorks or take any other action relative thereto.

(By Department of Public Works)

Article 16. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Twenty-Eight Thousand (\$28,000.00) Dollars to purchase a snow blower and mower combination machine for the Department of Public Works or take any other action relative thereto.

(By Department of Public Works)

Article 17. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Forty Thousand (\$40,000.00) Dollars to purchase a mechanics maintenance truck for the Department of Public Works or take any other action relative thereto.

(By Department of Public Works)

Article 18. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Fifty Thousand (\$50,000.00) Dollars for the purpose of painting the exterior siding and trim of the public library. This will include pressure washing, scraping and caulking with two coats of paint. The building was last painted in 1998.

(By Superintendent of Buildings &Grounds)

Article 19. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of one hundred twenty eight thousand two hundred dollars (\$128,200.00) for the replacement of one of the HVAC units at the Primary School building, said sum to be expended by the Carver School Committee, or take any other action relative thereto.

(By the Carver School Committee)

Article 20. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of one hundred two thousand one hundred ninety nine dollars (\$102,199.00) and to trade in up to two (2) surplus vehicles for the purpose of purchasing and equipping two (2) mini-buses and two (2) mini-vans for the School Department, said sum to be expended by the Carver School Committee, or take any other action relative thereto.

(By the Carver School Committee)

Article 21. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of sixty thousand two hundred thirty three dollars (\$60,233.00) for the purpose of upgrading the telephone and voice mail systems for the School Department, said sum to be expended by the Carver School Committee, or take any other action relative thereto.

(By the Carver School Committee)

Article 22. To see if the Town will vote to raise and appropriate or transfer from available funds Seventy One Thousand, Nine Hundred Thirty One (\$71,931.00) Dollars, for the purpose of

funding the first year of a Length of Service Awards Program for the Call Firefighters of Carver, said sum to be expended by the Fire Chief, or take any other action relative thereto.

(By the Fire Chief)

Article 23. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed Thirty Eight Thousand (\$38,000.00) for the purpose of purchasing a replacement 4 wheel drive cruiser 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 24. To see if the Town will vote to raise and appropriate or take from available funds in the Treasury, or any other lawful authority, the sum of Twelve Thousand, Five Hundred (\$12,500.00) for the purpose of upgrading the radio system for the Department of Public Works, said sum to be expended by the Fire Chief, or take any other action relative thereto.

(By the Fire Chief)

Article 25. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of money not to exceed Eight Thousand (\$8,000.00) Dollars for the purpose of creating data layers for computer mapping of the town using GIS software, to be used by various municipal departments, or take any other action relative thereto.

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

Article 26. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of up to \$8,000.00 to create an updated Zoning Map, with legal descriptions of all zoning districts to establish an official “Zoning Map of the Town of Carver, 2004”, and create a Zoning District overlay for computer mapping to be used with GIS; or take any other action relative thereto.

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

Article 27. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of up to \$60,000.00 to write a “Water Resources Plan,” said plan to be in two Phases. Phase I will identify unprotected water resources in the Town of Carver in order to make Carver eligible for State and Federal funding for land acquisition to protect the Town’s valuable resources and the region’s sole source aquifer; Phase II will identify methods of supplying water to critical areas in Town, for example, village districts, key industrial and commercial areas, and critical residential areas; or take any other action relative thereto.

(By Board of Selectman, Department of Public Works, Board of Health, Conservation Commission, Industrial Development Committee, Planning Board)

Article 28. To see if the Town will borrow a sum in the form of a bond, pursuant to M. G. L. Chapter 44, Sections 16 and 20A, to be reimbursed from the Water Enterprise Fund for the purpose of purchasing land for the establishment of two (2) Class II municipal wellheads, said sum to be expended by the Carver Water Commissioners, or take any action relative thereto.

(By Board of Selectman, Department of Public Works, Board of Health, Conservation Commission, Industrial Development Committee, Planning Board)

Article 29. To see if the Town will vote to borrow a sum in the form of a bond, pursuant to M. G. L. Chapter 44, Sections 16 and 20A, to be reimbursed from the Water Enterprise Fund, for the purchase and construction of a one million gallon per day water storage tower to be located on town-owned land in Carver, and associated water supply infrastructure, said sum to be expended by the Carver Water Commissioners, or take any other action relative thereto.

(By Board of Selectman, Department of Public Works, Board of Health, Conservation Commission, Industrial Development Committee, Planning Board)

Article 30. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Town of Middleborough to provide for the purchase of water from the Town of Middleborough with respect to properties which currently receive water service from the Town of Middleborough on such terms and conditions as the Board of Selectmen approves, or take any action relative thereto.

(By the Board of Selectmen/Water Commissioners)

Article 31. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Town of Middleborough to provide for the purchase of water from the Town of Middleborough with respect to properties believed to be owned and leased by Simeone Associates Limited Partnership and Manuel T Neves, Jr. and located on North Main Street and shown as Lots 1 and 1A on the Town of Carver Board of Assessors Map Number 26; Lot 4 on the Town of Carver Board of Assessors Map Number 18; and Lots 6-A and 8 on the Town of Carver Board of Assessors Map Number 22, on such terms and conditions as the Board of Selectmen approves, or take any other action relative thereto.

(By the Board of Selectmen/Water Commissioners)

Article 32. To see if the Town will vote to adopt a bylaw, the purpose of which shall be to ensure that the Town of Carver shall be the sole purveyor, seller, and/or supplier of water for municipal, residential, industrial, and commercial purposes, or take any other action relative thereto.

(By Selectmen, IDC and Planning Board)

Article 33. To see if the town will vote to divert \$35,000 annually from Board of Health trash collection fees in order to establish a “receipts reserved for appropriation” account pursuant to MGL Chapter 44 Section 53D for the purpose of funding a so-called “Financial Assurances Mechanism” to provide funding for the post-closure maintenance of the North Carver Landfill, or take any other action relative thereto.

(By the Board of Selectmen)

Article 34. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of (\$12,000) Dollars for the purpose of replacing and upgrading computers, or take any other action relative thereto.

(By Town Accountant)

Article 35. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of (\$30,000) Dollars for the purpose of upgrading the town’s application software

(financial management, treasurers receipts, tax billing, etc..), or take any other action relative thereto.

(By Town Accountant)

Article 36. To see if the Town will adopt the provisions under M.G.L Chapter 44: Section 53D to create a Recreation and Park self-supporting service revolving fund for the benefit of the Carver Youth Needs Program.

(By Carver Youth Needs & Board of Selectmen)

Article 37. To see if the town will vote to establish the position of Deputy Police Chief, and, to petition the legislature of the Commonwealth of Massachusetts for special legislation exempting this position from the provision of MGL Chapter 31 (Civil Service), or take any other action relative thereto.

(By the Board of Selectmen)

Article 38. To see if the Town will vote to appropriate all funds available in the Earth Removal Inspection Fees Receipts Reserved for Appropriation Account for road repairs in accordance with **Article 26** of the 2003 ATM Warrant. Said expenditure to be under the direction of the DPW Commissioners, or take any other action relative thereto.

(By the Board of Selectmen & DPW Commissioners)

Article 39. To see if the Town will vote to raise and appropriate or transfer from available funds the amount of Ten Thousand Nine Hundred Seventy-Two Dollars (\$10,972.00) to fund the Carver Visiting Nurse Division of Partners Home Care, Inc.'s budget for professional services for the fiscal year July 2004 - June, 2005, or take any other action relative thereto.

(By the Board of Health)

Article 40. To see if the Town will vote to transfer the sum of One Hundred Seventy-Five (\$175.00) Dollars from available funds in the Treasury to be expended by the Trustees for Plymouth County Cooperative Extension Service and choose a Director in accordance with the provisions of the General Laws of Massachusetts, Chapter 128, Section 41 and 42, said expenditure to be under the direction of the Selectmen, or take any other action relative thereto.

(By Board of Selectmen)

Article 41. To see if the town will vote to accept General Law Chapter 44B, Sections 3 through 7, known as the Community Preservation Act, that establishes a special "Community Preservation Fund" that may be appropriated and spent for certain open space, historic preservation, and affordable housing purposes; to approve a property tax surcharge in an amount not to exceed three (3) percent of the real estate taxes assessed annually on real property that shall be dedicated to the fund, such surcharge to be imposed on real estate taxes assessed for fiscal years beginning on or after July 1, 2005; and to exempt from the surcharge any or all of the following: 1) property owned and occupied as a domicile by any person who qualifies for low-income housing or low- or moderate-income senior housing in the community; 2) \$100,000 of the assessed valuation of Class One, Residential, parcels; and 3) class three, commercial, and class four, industrial, properties as defined in G. L. Ch. 59, sect. 2A; an affirmative vote of the Town Meeting body shall serve to place this article on the Ballot of the next General Election in November 2004; or take any other action relative thereto.

(By the Conservation Commission, Planning Board and Open Space Committee)

Article 42. To see if the Town will vote to adopt a bylaw, the purpose of which shall be to establish the Community Preservation Committee. As per M. G. L. Chapter 44B, Sections 3 through 7, this Committee shall consist of one member from each of the following:

The Carver Conservation Commission, the Carver Historic Commission, the Carver Planning Board, the Carver Department of Public Works, and the Carver Housing Authority. The Committee shall also consist of [four (4)] members from the community-at-large. The Committee shall consist of [nine (9)] members in total. Each member shall be appointed by [the Board of Selectmen] for a period of [five (5)] years. The Community Preservation Committee shall not be effective unless the Community Preservation Act is adopted by the Town at Town Meeting in 2004 and at the General Election in 2004, or take any other action relative thereto.

(By Conservation Commission, Planning Board and Open Space Committee)

Article 43. To see if the Town will vote to add the following new definitions in Article VI: Definitions of the Carver Zoning Bylaw

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

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

(By Planning Board)

Article 44. To see if the Town will vote to amend the Zoning Bylaws by deleting “Family”, “Open Space” and “Setback” from the Article VI: Definitions of the Carver Zoning Bylaw in its entirety, and replace with the following definitions:

Family shall mean a number of individuals living and cooking together on the premises as a single nonprofit housekeeping unit; provided that a group of three (3) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Open Space shall mean ground space other than that occupied by structures, walkways, drives, parking or other surfaces. Required yard setbacks shall be excluded as open space. Open space shall be provided in accordance with Sections 3860, 3950 and 4160.

Setback shall mean the minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building (as the case may be), including terraces or any covered projections thereof, excluding steps.

(By Planning Board)

Article 45. To see if the Town will vote to add a new Section ____ in Chapter 9: Environment of the Town of Carver General Bylaws

FLOODPLAIN DISTRICTS

ARTICLE I. STATEMENT OF PURPOSE

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;

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

ARTICLE II. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

Section A. Floodplain District Boundaries and Base Flood Elevation Data

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Carver, Massachusetts, Plymouth County Flood Insurance Rate Map (FIRM), panel numbers 5, 7, 8, 9, 11, 12, 13, 14, and 20, issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated July 19, 1982 as Zone A, AE, AH, AO, A1-30, A99, V, V1-30, VE and the FEMA Flood Boundary & Floodway Map (Panel 11 of 20) dated July 19, 1982, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet dated (FIS date). The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Board of Health.

Section B. Base Flood Elevation and Floodway Data

1. **Floodway Data.** In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

ARTICLE III. NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation the Conservation Commission, or its Agent, shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

ARTICLE IV. USE REGULATIONS

Section A. Reference to Existing Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must comply with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 3107, “Flood Resistant Construction”);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Section B. Other Use Regulations

- 1) All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.
- 2) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- 3) There shall be established a “routing procedure” that will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, and Building Commissioner for comments that will be considered by the appropriate permitting board prior to issuing applicable permits.

ARTICLE V. PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions.

ARTICLE VI. DEFINITIONS

Area of Special Flood Hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

District means floodplain district.

Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood Boundary and Floodway Map means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

Flood Hazard Boundary Map (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

Flood Insurance Rate Map (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, **NEW CONSTRUCTION** means structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

One-Hundred-Year Flood - see **BASE FLOOD**.

Regulatory Floodway - see **FLOODWAY**

Special Flood Hazard Area means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONES B, C, and X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE V1-30 and ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

(By Planning Board and Conservation Commission)

Article 46. To see if theTown will vote to amend §2320 of Article II in the following way:

Change the minimum lot size requirement in the Residential/Agricultural (RA) District from “60,000 square feet” to “87,000 square feet”; and

(By Planning Board)

Article 47. To see if theTown will vote to amend §2320 of Article II in the following way:
Change the frontage requirement in the Residential/Agricultural (RA) District from “150 feet” to
“200 feet”; and

(By Planning Board)

Article 48. To see if the Town will vote to amend §2260 of Article II by deleting same, and
inserting the following:

2260 . Accessory Apartments.

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

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

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

2263. Requirements.

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

- i. All parking to the single-family home and the accessory apartment shall be provided off-street.

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

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

Article 49. To see if theTown will vote to amend §3350 of Article III by deleting same and inserting the following:

3350. Driveway Design. Access driveways to nonresidential premises shall be 12 feet wide for one-way traffic and 24 feet for two-way traffic.
(By Planning Board)

Article 50. To see if theTown will vote to amend §3842 of Article III by deleting the same, and inserting the following:

3842. Each lot shall contain not less than 30,000 square feet, and have frontage not less than 50 feet.
(By Planning Board)

Article 51. To see if theTown will vote to amend §3860 of Article III by deleting same and inserting the following:

3860. A minimum of 20% of the parcel shown on the Development Plan shall be contiguous open space. Required yards and buffer areas shall not count towards the minimum percentage of open space on the parcel, nor shall they be counted as contiguous open space. Such open space may be separated by the road(s) constructed within the Conservation Subdivision. Not more than 25% of required open space shall be wetlands, as defined pursuant to G.L. c. 131, s. 40 and the Carver Wetlands Protection Bylaw.
(By Planning Board)

Article 52. To see if the Town will vote to amend §3941 of Article III by deleting same and inserting the following:

3941. Ten percent (10%) of the total number of dwelling units shall meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through, and homebuyers or renters selected by, the Carver Housing Authority, South Shore Housing Authority or other housing organization approved by the Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase / occupancy of unit. Dwelling units reserved for

occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development.

(By the Planning Board)

Article 53. To see if the Town will vote to amend §4158 of Article IV by deleting the word “may” in the sentence and substitute the word “shall.” To read as follows:

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

(By Planning Board)

Article 54. To see if the Town will vote to accept as a public way **Alexandra Lane**, as shown on the plan located in the Planning Board Office entitled “As-Built Plan, Alexandra Lane, Carver, Mass,” dated November 12, 2003, and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.

(By Planning Board)

Article 55. To see if the Town will vote to add a new section 2600 in Article II: Use, Dimensional, and Timing Regulations of the Carver Zoning Bylaw

AFFORDABLE HOUSING REQUIREMENT

2619, Purpose and Intent: The purpose of this bylaw is to increase the supply of housing in the Town of Carver that is permanently available to and affordable by low and moderate income households:

- a. encourage a greater diversity of housing accommodations to meet the needs of families and other Carver residents;
- b. develop and maintain a satisfactory proportion of the Town’s housing stock as affordable units;
- c. implement a set of regulations for the development of affordable housing in the Town of Carver; and;
- d. support the provision of municipal and commercial service to new housing units meeting the housing needs of households with low and moderate incomes.

It is intended that the affordable housing units that result from this Bylaw be counted in the Town’s subsidized housing inventory, as such figures are maintained by the Massachusetts Department of Housing and Community Development (“DHCD”). An applicant bears the burden of ensuring inclusion of such inventory as a condition of approval hereunder. Inclusion may be accomplished under the so called Local Initiative Program (“LIP”), administered by DHCD.

2620. Applicability:

2621. Division of Land: This affordable housing requirement shall apply to the division of any land into ten (10) or more residential lots, including 3700 Flexible Development and 3800 Conservation Subdivision Design, as well as for “conventional” or “grid” divisions allowed by G.L. c. 41 sec. 81-L and sec. 81-U, and those divisions of land that do not require subdivision approval (Form A or ANR’s). All such divisions shall require a special permit from the Planning Board in addition to any other approvals required by law.

2622. Creation of Attached Units: This affordable housing requirement shall also apply to the creation of ten (10) or more residential units, including 3900 Townhouse Development and 4100 Mobile Home Parks.

2623. Segmentation or Phasing: A development project or the creation of new lots shall not be segmented or phased to avoid compliance with this requirement. Divisions of land under ten (10) lots/units shall provide a restriction (suitable in the opinion of the Planning Board) is recorded at the Plymouth Registry of Deeds permanently prohibiting the creation of additional lots/units on the property without compliance with this bylaw.

2630. Mandatory Provision of Affordable Units:

The Planning Board shall, as a condition of approval of any development referred to in Sections 2621, 2622 and 2623, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this Bylaw and more fully described in Section 2640.

2640. Provision of Affordable Units:

The Planning Board shall, require as a condition of the special permit:

2641. All division of land subject to this section shall provide a number of affordable lots equal to ten percent (10%) of the total number of lots of the proposed project.

For example if a development creates twenty (20) new residential lots the applicant is responsible for providing two (2) affordable lots in addition to the twenty (20) allowed by zoning.

When providing affordable lots through the “Approval Not Required” or “Definitive Subdivision” process, the donation of off-site lots is preferred. Options for meeting the affordable lot(s) requirement include:

- a. Providing a locus map showing the parcel(s) subject to the special permit.
- b. An applicant may offer, and the Planning Board, in concert with the Board of Selectmen, may accept, off-site donations of land in fee simple, that the Planning Board determines are suitable for the construction of affordable housing units. The Board may require the applicant to provide information from the Board of Health and Conservation Commission as to the suitability of the lot(s) for the construction of housing.
- c. An equivalent fees-in-lieu of payment may be made (See Section 2700, below) to the Town of Carver.

The applicant may offer, and the Planning Board may accept, any combination of the Section 2641(a)-(c) requirements provided that in no event shall the total number of lots or benefits provided be less than the equivalent number or value of affordable lots required by this Bylaw.

2642. All townhouse and mobile home developments subject to this section shall provide a number of affordable housing units equal to 10% of the total number of units of the proposed project. For example, if a development creates thirty (30) new housing units the applicant is responsible for providing three (3) affordable units in addition to the thirty (30) allowed by

zoning. When providing affordable units through the special permit process, the donation of on-site units is preferred. Options for meeting the affordable housing requirement include:

- a. Constructed or rehabilitated housing on the locus subject to the special permit;
- b. Constructed or rehabilitated housing on a locus different than the one subject to the special permit;
- c. An equivalent fees-in-lieu of payment may be made (See Section 2700, below) to the Town of Carver.

The applicant may offer, and the Planning Board may accept, any combination of the Section 2642(a)-(c) requirements provided that in no event shall the total number of units or benefits provided be less than the equivalent number or value of affordable units required by this Bylaw.

2643. Fractions of a lot or unit shall be rounded up to the nearest whole number, such that a development proposing ten (10) dwelling units/lots shall require one (1) affordable unit/lot, a development proposing fifteen (15) dwelling units/lots shall require two (2) affordable units/lots and so on.

2650. Provisions Applicable to Affordable Housing Units On- and Off-site:

The Planning Board shall require the applicant to comply with the following provisions:

2651. Location of affordable units/lots: All affordable units constructed or rehabilitated under this Bylaw shall be situated within the development or in a neighborhood so as not to be in less desirable locations than market-rate units and shall, on average, be no less accessible to public amenities. Affordable lots shall be situated within the development or in a neighborhood so as not to be in less desirable locations than market-rate units and shall, on average, be no less accessible to public amenities.

2652. Minimum design and construction standards for affordable units: Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in exterior design, exterior appearance, construction and use the same quality of materials with as the other units. Affordable housing units provided off-site shall be integrated with the surrounding neighborhood and shall be compatible in design, appearance, construction and quality of materials with surrounding units.

2653 Timing of construction or provision of affordable units or lots: Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>Market-Rate Unit %</u>	<u>Affordable Housing Unit%</u>
Up to 25%	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
At 90%	100%

Fractions of units shall not be counted towards the 10% affordable housing requirement.

2654. Local Preference to the extent permitted by law: The Planning Board shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen.

2655. Marketing Plan for Affordable Units: Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board, which describes how the

affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers.

2660. Eligibility for Maximum Incomes and Selling Prices and Initial Sale:

To ensure that only eligible households purchase or rent affordable housing units, homebuyers and renters of affordable units shall be subject to eligibility requirements established by regulations of the Planning Board, in conformance with current DHCD standards for low and moderate income housing.

2670. Preservation of Affordability; Restrictions on Resale:

Each affordable unit created in accordance with this Bylaw shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for low and moderate income households. The resale controls shall be established through a permanent deed restriction on the property, recorded at the Plymouth County Registry of Deeds or the Land Court.

2671. Resale price – Sales of affordable units after the initial sale to a qualified purchaser shall be limited to a price that is deemed affordable under the current DHCD standards for low and moderate income housing.

2672. Right of first refusal to purchase – The purchaser of an affordable housing unit developed as a result of this Bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town's (or assignee) right of first refusal for a period not less than one hundred and eighty (180) days to purchase the property of assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

2673. The Planning Board shall require, as a condition for special permit approval under this Bylaw, that the deeds to the affordable housing units contain a restriction against renting, leasing or sub-leasing said affordable unit so that the rent does not exceed the maximum level as established by the Commonwealth's Division of Housing and Community Development (as may be revised) during the period for which the housing unit contains a restriction on affordability.

2674. The Planning Board shall require, as a condition for special permit approval under this Bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section 2670. The Zoning Enforcement Officer shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded at the Plymouth County Registry of Deeds or the Land Court.

2680. Fees-in Lieu of Affordable Housing Unit Provision:

As an alternative to the requirements of Section 2640, and as allowed by law, an applicant may contribute fees to the Carver Housing Trust Fund to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

2681. Calculation of fees-in-lieu of units. The applicant for development subject to this Bylaw may pay fees in lieu of the construction of affordable units. For the purposes of this Bylaw, the fee in lieu of the construction or provision of affordable units is determined to be \$300,000 per unit. For example, if the applicant is required to construct two (2) affordable income units, they may opt to pay \$600,000 in lieu of constructing or providing the units. The fee in lieu of the construction of affordable units shall increase four and half (4.5%) percent every twelve months from the effective date of this Bylaw. Based on market conditions, applicants may petition the

Zoning Board of Appeals for reductions in either the unit price or yearly percent increase. Said petition shall be supported by both private and government data supporting a reduction.

2682. Calculation of fees-in-lieu of lots. The applicant for development subject to this Bylaw may pay fees in lieu of affordable lots. For the purposes of this Bylaw, the fee in lieu of the construction or provision of affordable lots is determined to be \$200,000 per unit. For example, if the applicant is required to provide two (2) affordable lots, they may opt to pay \$400,000 in lieu of providing the lots. The fee-in-lieu of providing affordable lots shall increase four and half (4.5%) percent every twelve months from the effective date of this Bylaw. Based on market conditions, applicants may petition the Zoning Board of Appeals for reductions in either the unit price or yearly percent increase. Said petition shall be supported by both private and government data supporting a reduction.

2683. Schedule of fees in lieu of payments. Fees in lieu of payments shall be paid according to the schedule set forth in Section 2653, above.

(By the Planning Board)

Article 56. To see if the Town will vote to add the following new definitions Article VI: Definitions of the Carver Zoning Bylaw:

Affordable housing unit: A dwelling unit available at a cost of no more than 30% of gross household income of households at or below 80% of the Plymouth County median income as reported by the U.S. Department of Housing and Urban Development, including units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program.

Qualified affordable housing unit purchaser: An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

(By the Planning Board)

Article 57. To see if the Town will vote to add a new Section 2700 in Article II of the Carver Zoning Bylaw.

TRANSFER OF DEVELOPMENT RIGHTS

2700. Transfer of Development Rights

2710. Purpose and Intent: The purpose of this bylaw is to allow the development potential from one property (sending parcel) to be transferred to another property (receiving parcel). The Transfer of Development Rights (TDR) by-law allows for the maintenance of low-density land uses, open spaces, historical features, critical environmental resources, and other sensitive features of the sending parcel to be preserved while providing compensation to the owner. The TDR program is consistent with the Carver Master Plan to further the conservation and preservation of natural and undeveloped areas, wildlife, flora, and habitats for endangered species; protection of groundwater and surface water, as well as other natural resources; balanced economic growth; the provision of adequate capital facilities, including transportation, water supply, and solid, sanitary, and hazardous waste disposal facilities; the coordination of the provision of adequate capital facilities with the achievement of other goals; the development of an adequate supply of affordable housing; and the preservation of historical, cultural, archaeological, architectural, and recreational values.

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

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

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

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

2730. Determination of Development Rights: To establish the development rights available for transfer, the applicant shall file a preliminary plan for the sending parcel(s) with the Planning Board. The preliminary plan with supporting information as deemed necessary by the Planning Board shall comply with all existing density limitations in effect at the time of application. The preliminary plan for the purpose of establishing the development rights of the sending parcel(s) shall also comply with Planning Board’s Rules and Regulations without the need for waivers.

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

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

2733. Any lot or lots (from the sending parcel(s)) deemed to meet the standard of qualifying for a transfer must be permanently restricted from future development by way of a permanent conservation restriction in accordance with Massachusetts General Law Chapter 184, Section 31-33 as most recently amended or donated to the Carver Conservation Commission. Draft restriction(s) or donation language on the sending lot(s) shall be submitted to the Planning Board with the application. The Planning Board shall require the restriction or donation language on the sending parcel(s) to be recorded at the Plymouth Registry of Deeds/Land Court prior to the conveyance of any building lot on the receiving parcel(s). On property that will be protected by way of a conservation restriction, a management plan(s) shall be provided to the Planning Board, which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with Best Management Practices (BMPs).

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

2734. The clerk of the Registry of Deeds shall transmit to the applicable town assessor(s) for both the sending parcel(s) and receiving parcel(s) all pertinent information required by such assessor to value, assess and tax the respective parcels at their fair market value as enhanced or diminished by the TDRs.

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

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

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

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

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

2753. The development provides adequate water and sanitary facilities;

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

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

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

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

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

(By the Planning Board)

Article 58. To see if the Town will vote to add the following new definitions Article VI: Definitions of the Carver Zoning Bylaw:

Development Rights: Rights to develop a single-family house lot, expressed as the maximum number of lots permissible on a designated sending parcel(s) under the applicable zoning and

subdivision rules and regulations in effect on the date of the transfer of development rights. Development rights (house lots) are computed on a one-for-one basis. Determination of the maximum number of development rights (house lots) available for transfer shall be made by the Planning Board.

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

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

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

(By the Planning Board)

Article 59. To see if the town will vote to accept the codified “Town of Carver Zoning By-Law” to establish a point of reference (bench mark) for any amendments hereafter.

(By Building Department/Planning Board)

Article 60. To see if the Town will vote to rescind the acceptance of the provisions of Massachusetts General Law Chapter 59, Section 58, the 3% discount law, or take any other action relative thereto.

(By Finance Committee)

Article 61. To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 40, Section 8G relative to mutual aid agreements between police departments, and/or take any action relative thereto.

(By Police Department)

Article 62. To see if the Town will vote to accept to the General By-Laws an article prohibiting the use of a Motor Vehicle, as defined by section 1, Chapter 90 of the Massachusetts General Laws on a frozen surface of any pond, lake, river, brook, stream, or other permanent or semi-permanent body of water in the Town of Carver. Said By-Law shall read:

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

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

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

(By Police Department)

Article 63. To see if the Town will vote to accept the provisions of Chapter 2 of the Acts of 2002: An Act Returning Tax Title Properties to Productive Use.

(By Town Treasurer)

Article 64. To see if the town will vote to accept the provisions of M.G.L. Chapter 32B § 12: an act relative to joint negotiation and purchase of Insurance by governmental units; trusts or joint purchase agreements for health care coverage.

(By Board of Selectmen)

Article 65. To see if the town will vote to accept the provisions of MG.L. Chapter 32B § 18: an act which would require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town.

(By Board of Selectmen)

Article 66. To see if the Town will vote to accept Chapter 46 Section 12 of the acts of 2003 Section 12 which reads: The definition of “Employee” in section 2 of Chapter 32B of the M.G.L., as so appearing, is hereby amended by inserting after the first sentence the following sentence:-A member of a call fire department or other volunteer emergency service agency serving a municipality shall be considered an employee, if approved by vote of the municipal legislative body, and the municipality shall charge such individual 100 percent of the premium, or take any other action relative thereto.

(By Fire Department)

Article 67. 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 Womansplace for services provided to victims/survivors of sexual assault, or take any action relative thereto.

(By Petition)

Article 68. 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 thereon.

(By Petition)

Article 69. 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 the Plymouth Area Coalition for the Homeless, Inc. in their service to homeless families.

(By Petition)

Article 70. 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 and elderly families residents in the Town of Carver.

(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 Seventh day of May in the year Two Thousand and Four.

CARVER BOARD OF SELECTMEN

Francis J. Casey

Bernadette L. Hemingway

James R. Grimes

Robert H. Merritt

Francis Muscato

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