



COMMONWEALTH OF MASSACHUSETTS

Town of Carver
2011 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 Monday, the 6th day of June, 2011 then and there to act on the following Articles, namely:

Article 1. 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 2. To see what action the Town will take with regard to fixing the salaries of Elected Town Officers in accordance with General Laws, Chapter 41, and Section 108 as amended, namely:

	<u>Current Salary</u>	<u>Proposed Salary</u>
Treasurer/Collector	\$ 72,170.33	\$72,170.33
Town Clerk	\$ 61,027.50	\$61,277.50
Moderator	\$ 250.00	\$ 250.00
Chairman, Board of Selectmen	\$ 900.00	\$ 900.00
Board of Selectmen all other Members (each)	\$ 775.00	\$ 775.00
Board of Assessors, each member	\$ 750.00	\$ 750.00
Board of Public Works, each member	\$ 500.00	\$ 500.00
Planning Board, each member	\$ 700.00	\$ 700.00
Board of Health, each member	\$ 700.00	\$ 700.00

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 3. 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, 2011 to June 30, 2012 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 4. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow sums of money for the purpose of funding operating expenses and debt service requirements of the North Carver Water District, or take any other action relative thereto.

(By North Carver Water District Commissioners)

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding a collective bargaining agreement with the Police Union or take any other action relative thereto.

(By Board of Selectmen)

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding a collective bargaining agreement with the Dispatcher's Union, or take any other action relative thereto.

(By Board of Selectmen)

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding a collective bargaining agreement with the Clerical Union, or take any other action relative thereto.

(By Board of Selectmen)

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding a collective bargaining agreement with the DPW Union, or take any other action relative thereto.

(By Board of Selectmen)

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of providing a cost-of-living increase for FY2012 for non-union employees, or take any other action relative thereto.

(By Board of Selectmen)

CAPITAL EXPENDITURES:

Article 10. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease sums of money for the purpose of funding the following capital expenditures:

A. Police Department:

- The sum of Nine-Nine Thousand Dollars (\$99,000.00) for the purpose of purchasing three (3) police cruisers, said sum to be expended by the Police Chief.

(By the Police Chief)

B. School Department:

a. Replace 1988, 1 ton plow/grounds truck with used vehicle	\$18,000.00
b. Replace student lockers in Middle/High School Building	\$150,000.00
c. Upgrade HVAC pneumatic controls on annual basis for energy savings	\$45,000.00
d. Replace exterior windows at Central Administration Building	\$45,000.00
e. Replace two first floor furnaces at Central Administration Building	\$22,000.00
f. Two – 77 passenger school buses for Transportation Dept.	\$162,000.00
g. One minivan for Transportation Department	\$24,000.00
h. On-going technology updates – district wide	\$10,000.00
i. Teacher and Student desk top computers (request carried over from FY09) at Middle/High School	\$35,000.00
j. One 3 compartment steamer for Food Service Dept. at Middle/High School	\$15,000.00
Total	\$526,000.00

And further to authorize the Superintendent to dispose of any old equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Superintendent and that the proceeds from such sale or trade be applied to the purchase price. Said sums to be expended by the School Superintendent.

(By the Superintendent and School Committee)

C. Department of Public Works:

- The sum of One Hundred Twenty Thousand (\$120,000.00) Dollars to purchase a backhoe loader for the Department of Public Works, or take any other action relative thereto.

(By the DPW Superintendent and DPW Commission)

D. Fire Department:

- A sum of money not to exceed Three Hundred and Ninety Thousand Dollars (\$390,000.00), for the purpose of replacing the Fire Departments Brush Breaker Truck 27, said sum to be expended by the Fire Chief.
- A sum of money not to exceed Seventeen Thousand Dollars (\$17,000.00), for the purpose of equipping and lettering the Fire Departments Brush Breaker 27, said sum to be expended by the Fire Chief.

- A sum of money not to exceed Seventy Five Hundred Dollars (\$7,500.00), for the purpose of purchasing replacement SCBA Face Masks for the Fire Department, said sum to be expended by the Fire Chief.
- A sum of money not to exceed Eighty Five Hundred Dollars (\$8,500.00), for the purpose of rehabbing/modifying the recently retired Carver EMS Ambulance for the Fire Department. The rehabbed/modified Ambulance will replace the Fire Departments existing 1988 Rehab/Dive Rescue 2, said sum to be expended by the Fire Chief.
(By the Fire Chief)

E. Emergency Medical Services:

- A sum of money not to exceed One Hundred and Sixty-Four thousand Dollars (\$164,000.00), for the purpose of purchasing and equipping a new ambulance.
(By the EMS Director)

F. Buildings and Grounds:

- The sum of Twenty Two Thousand Five Hundred Dollars (\$22,500.00) to replace doors and windows at the Police/Fire Station.
- The sum of Twenty-One Thousand Dollars (\$21,000.00) to replace six (6) garage doors, and video camera equipment for monitoring doors for safety reasons at the Central Fire Station.

(By Buildings and Grounds Department)

; or take any other action relative thereto.

Article 11. To see if the Town will approve the \$2,500,000 borrowing authorized by the Old Colony Regional Vocational Technical High School District, for the purpose of paying costs of replacement of the Old Colony School Building urethane foam roof and renovation of the existing science laboratory located at 476 North Avenue Rochester, Massachusetts, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said sum to be expended at the direction of the District School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-four and sixteen one hundredths percent (54.16%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA, or take any other action relative thereto.

(By the Old Colony Regional Vocational Technical School Building Committee)

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Capital Building Stabilization Fund, or take any other action relative thereto.
(By Board of Selectmen)

Article 13. To see if the Town will vote to close out the Receipts Reserved Wetlands Account and transfer the balance of Three Thousand Six Hundred and Five Dollars and Three Cents (\$3,605.03) from that account to the Wetlands Protection Fee Revolving Account; or take any other action relative thereto.

(By the Conservation Commission)

Article 14. To see if the Town will raise and appropriate, borrow, or transfer from available funds an amount not to exceed Twenty-Five thousand Dollars (\$25,000.00) to implement the EPA mandated stormwater management improvements, included, but not limited to: a written program to detect and eliminate illicit discharges; written operation and maintenance procedures for all Town-owned facilities; a report of all impervious areas in the municipal storm drain system (MS4); an inventory of all Town-owned facilities and floor drains; a program to repair and rehabilitate all storm drain infrastructure that is regulated; a Stormwater Pollution Prevention Plan for maintenance garages, other Department of Public Works facilities, and waste handling facilities; and a permittee-specific stormwater monitoring program; or take any other action relative thereto.

(By the Department of Public Works and the Board of Selectmen)

Article 15. To see if the Town will vote to raise and appropriate, or transfer from available funds or borrow \$30,000 to demolish 17 Green Street (map 16-4-0-E), formerly known as the "Grange Hall", or take any other action relative thereto.

(By Board of Selectmen)

Article 16. To see if the Town will vote to transfer the sum of Ten Thousand Six Hundred Ninety Dollars (\$10,690.00) from the sale of lots accounts in Central, Lakenham and Union Cemeteries and also vote to transfer the sum of Four Thousand Three Hundred and Ten Dollars (\$4,310.00) from the Expendable Trust Funds (cemetery perpetual care accounts only) for the purpose of meeting charges against the cemetery fund in the Town Treasury, or take any other action relative thereto.

(By the DPW Superintendent and DPW Commission)

Article 17. 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 2009, Chapter 90 apportionment to meet the State's share of the cost of the work reimbursement received there from to be paid to the treasurer, or take any other action relative thereto.

(By the DPW Superintendent and DPW Commission)

Article 18. 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 Mass. General Laws to be under the direction of the Department of Public Works, or take any other action relative thereto.

(By the DPW Superintendent and DPW Commission)

Article 19. To see if the Town will vote to transfer from available funds the sum of One Thousand (\$1,000.00) Dollars to increase the funding of the lease to replace the current postage mailing system. The present system is outdated and in need of major repairs. This increased funding will be added to and become part of the Equipment Rental line item within the Treasurer/Collector Budget, or take any other action relative thereto.

(By the Treasurer/Tax Collector)

Article 20. To see if the town will vote to raise and appropriate or transfer from available funds the sum of Five Hundred Dollars (\$500.00) for the purpose of meeting expenses associated with Old Home Day, said sums to be expended under the direction of the Board of Selectmen, or take any other action relative thereto.

(By Board of Selectmen)

Article 21. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of One Hundred Seventy-Five Dollars (\$175.00) to be expended by the Trustees for Plymouth County Cooperative Extension Service, and choose a Director in accordance with the provisions of M.G.L. Chapter 128 §41 and 42, said expenditure to be under the director of the Board of Selectmen, or take any other action relative thereto.

(By Board of Selectmen)

Article 22. To see if the Town will vote to raise and appropriate or take from available funds in the Treasury or borrow under the provisions of Chapter 44, or any other lawful authority, Eleven Thousand Dollars (\$11,000) to fund the Carver Visiting Nurse Division of The Visiting Nurse Association of Cape Cod (Cape Cod VNA) budget for professional services for the Fiscal Year 2012, or take any other action relative thereto.

(By Board of Health)

Article 23. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seven Thousand Dollars (\$7,000.00) for the purpose of continuing maintenance and other expenses of the Marcus Atwood House, or take any other action relative thereto.

(By the Marcus Atwood House Trustees)

Article 24. To see if the Town will vote to change the name of the Industrial Development Commission (IDC) to the Business Development Commission (BDC), or take any other action relative thereto.

(By the Industrial Development Commission)

Article 25. To see if the Town will vote to authorize the establishment of a Business Development Commission (BDC) revolving account in accordance with Massachusetts General Laws, Chapter 44, Section 53E1/2 to which shall be deposited monies from fees collected from website listings from which the BDC may make expenditures for the purpose of promoting and updating the website to increase local business interest. Such funds are to be expended under the

jurisdiction of the Business Development Commission. Expenditures for FY2012 not to exceed Ten Thousand Dollars (\$10,000.00), or take any other action relative thereto.

(By the Business Development Commission and the Board of Selectmen)

Article 26. To see if the Town will vote to rescind its acceptance of Massachusetts General Laws, Chapter 44, Section 53E as to the offset receipts account for the upkeep and maintenance of the so-called "Cole Property", which was created by the Town's vote under Article 45 of the 2008 annual Town Meeting, or take any other action relative thereto.

(By Board of Selectmen)

Article 27. To see if the Town will vote to re-authorize the establishment of the following Revolving Accounts in accordance with Massachusetts General Laws, Chapter 44, §53E ½:

- Library Fines and Passport Revolving Account to which shall be deposited monies from overdue fines, damaged/lost books levies and passport revenues and from which the Director may make expenditures for the purpose of replacing damaged or lost materials. Expenditures for FY2012 from such fund not to exceed Twelve Thousand Dollars (\$12,000.00)

(By Library Trustees)

- Transportation Revolving Account for the Council on Aging which in addition to items provided by said statute shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance (but not including insurance of any of the Greater Attleboro Taunton Regional Authority ("GATRA") vehicles used by the Council on Aging) and salaries and expenses for part-time employees used relate thereto: (2) that departmental receipts consisting of reimbursement of GATRA of transportation expenditures, fares and all other receipts, 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 FY2012 shall be One Hundred Thousand Dollars (\$100,000.00) in accordance with the contract between the Town through its Council on Aging and GATRA.

(By Council on Aging)

- Council on Aging Nutrition Revolving Account for the purpose of depositing receipts from the lunch and meals on wheels programs, and any other Council on Aging sponsored meal functions to be expended by the Council on Aging for lunches, meals on wheels programs, and other Council on Aging sponsored meal functions, not to exceed Thirty Thousand Dollars (\$30,000.) or take any other action relative thereto.

(By Council on Aging)

- Earth Removal Fee Revolving Account to which shall be deposited fees collected for earth removal inspections for the purpose of making road repairs not to exceed One Hundred Thousand Dollars (\$100,000.00) for FY2012. Expenditures shall be under the direction of the Earth Removal Committee.

(By Earth Removal Committee)

- Wiring, Plumbing and Gas Permit Fee Revolving Account to use Seventy-Five Percent (75%) of Wiring, Plumbing, and Gas permit fees collected to pay the wages of those Inspectors. Expenditures for FY2012 from such fund not to exceed One Hundred Thousand Dollars (\$100,000.00). Expenditures shall be under the direction of the Building Commissioner.

(By Board of Selectmen)

- Marcus Atwood House Revolving Account for rental and other fees collected for the use of the Marcus Atwood House to be used for the ongoing maintenance, and upkeep expenses Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees. Expenditures for FY2012 from such funds not to exceed Twelve Thousand Dollars (\$12,000.00).

(By Marcus Atwood House Trustees)

- Cole Property Maintenance Revolving Account for receipts and other fees collected for the upkeep and maintenance of Town-owned cranberry bogs on the 221 acre Town-owned property known as the "Cole Property", and for the maintenance, upgrading and construction of trails and general maintenance and land stewardship on said 221 acre Town-owned "Cole property", said sums to be under the direction of the Conservation Commission and Agricultural Commission. Expenditures for FY2112 from such funds not to exceed Twenty Thousand Dollars (\$20,000.00)

(By Conservation Commission/Agricultural Commission)

- Fire Department Revolving Account for reimbursable incidents allowed under Massachusetts General Laws Chapter 21E involving hazardous materials releases. Receipts generated shall be deposited into this revolving fund and expenditures to replace, repair or purchase equipment & supplies and to fund administrative and call firefighter wage expenses associated with fire operations and responses to hazardous material incidents, said sums to be under the direction of the Fire Chief. Expenditures for FY 2012 not to exceed Thirty Thousand Dollars (\$30,000.00).

(By Fire Department)

- Recreation Committee revolving account to collect and disburse of funds for services provided to Town residents for recreation activities. Such funds are to be expended under the jurisdiction of the Recreation Committee. Expenditures for FY 2012 not to exceed Twenty Thousand Dollars (\$20,000.00).

(By Recreation Committee)

- or take any other action relative thereto.

COMMUNITY PRESERVATION FUND ARTICLES:

Article 28. To see if the Town will vote to appropriate Nine Thousand Fifty Dollars (\$9,050.00) from the Community Preservation FY 2012 Estimated Annual Fund Revenues to pay the cost of acquisition of materials to repair or replace three bridges in the Town owned Cole

Property. All labor will be in the form of volunteer labor provided by the Boy Scouts of America. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Boy Scouts of America, Troop # 48 and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 29. To see if the Town will vote to appropriate Fifty Thousand Dollars (\$50,000.00) from the Community Preservation FY 2012 Estimated Annual Fund Revenues to the Carver Down Payment and Closing Cost Assistance Program to provide subsidies to support first time home buyers who are priced out of the private housing market in Carver. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Local Housing Partnership Committee, the Carver Housing Trust and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 30. To see if the Town will vote to appropriate Two Hundred and Fifty Thousand Dollars (\$250,000.00) from the Community Preservation FY 2012 Estimated Annual Fund Revenues to the Carver Owner Rescue Program to assist homeowners in Carver by offering those at risk of foreclosure a mortgage subsidy to help them remain in their homes. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Local Housing Partnership Committee, the Carver Housing Trust and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 31. To see if the Town will vote to appropriate One Hundred and Forty Three Thousand, Nine Hundred Fifty Dollars (\$143,950.00) from the Community Preservation FY 2012 Estimated Annual Fund Revenues to continue the historic restoration of the Marcus Atwood House. Funds are expected to be used for re-wiring the building to meet current building codes. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Marcus Atwood House Trustees and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 32. To see if the Town will vote to appropriate a sum of money from the Community Preservation FY 2012 Undesignated Fund Balance to make the required annual debt service payment on the purchase of +/-98 acres of land known as the western portion of the Cole property as referred to as Parcel 1 in Article 1 at the Special Town Meeting held on December 11, 2006, which purchase was authorized thereunder, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Conservation Commission and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 33. To see if the Town will vote to transfer a sum of money from the FY12 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Historic Resources Reserve, the Community Open Space Reserve and the Community Housing Reserve to meet the requirement that 10% of the Estimated Annual Fund Revenues be

spent or set aside for future spending for each of the three purposes of the Community Preservation Act, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 34. To see if the Town will appropriate a sum of money from the FY12 Community Preservation Act Estimated Annual Fund Revenues that will bring the annual distribution total to 5% of the FY12 Community Preservation Fund Estimated Annual Fund Revenues or _____ (an amount to be finalized by the Town Accountant) for the purpose of meeting annual operating expenses of the Community Preservation Committee. Funds not expended in the Fiscal Year shall be returned to the general Community Preservation Act account; or take any other action relative thereto.

(By the Community Preservation Committee)

Article 35. To see if the Town will vote to transfer a sum of money from the FY12 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Unrestricted Reserve Account, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 36. To see if the Town will vote to borrow Two Hundred and Six Thousand Dollars (\$206,000.00) to continue the historic restoration of the Marcus Atwood House. Funds are expected to be used for re-roofing and other ancillary tasks. Funds are to be borrowed for a period of five years and payments will be made from the Community Preservation Committee's annual revenues. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Marcus Atwood House Trustees and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

NON-MONEY ARTICLES

Article 37. To see if the Town will vote, pursuant to M.G.L. Chapter 60A, Section 1, to accept the provisions of paragraph 8, to exempt from motor vehicle excise any resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed outside the territorial boundaries of the continental United States for a period of at least 45 days in the calendar year of the exemption, beginning January 1, 2011; or take any other action relative thereto.

(Board of Assessors, Treasurer/Collector, Town Accountant, Board of Selectmen and Finance Committee)

GENERAL BY-LAW AMENDMENTS:

Article 38. To see if the Town will vote to amend the Town of Carver by-Laws under Finance Committee, Chapter 4, Section 4.3.1 the last sentence of the paragraph by changing two consecutive full terms to (4) consecutive full terms, and in the same sentence changing not to exceed six (6) consecutive years to not to exceed twelve (12) consecutive years, or take any other action relative thereto.

(By the Treasurer/Tax Collector)

Article 39. To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, and to amend the Town of Carver General By-Laws by inserting a new Section under Chapter 8, entitled “Stretch Energy Code” as set forth below:

8.6 Stretch Energy Code:

8.6.1 Adoption. The Town of Carver has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

8.6.2 Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

(By the Board of Selectmen and Green Committee)

Article 40. To see if the Town will vote to amend Chapter 9 of the town of Carver bylaws by adding the following: Illicit Connections and Discharges to the Municipal Storm Drain System Bylaw as Section 9.6:

Section 1. Purpose:

Increased and contaminated stormwater run-off are major causes of:

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat; and
4. flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of Carver’s water bodies and groundwater, and to safeguard the public health, safety, welfare, and the environment.

The objectives of this by-law are:

1. to prevent pollutants from entering Carver’s municipal separate storm sewer system or municipal storm drain system (MS4);
 2. to prohibit illicit connections and unauthorized discharges to the MS4;
 3. to require the removal of all such illicit connections;
 4. to comply with state and federal statutes and regulations relating to stormwater discharges;
- and
5. to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Section 2. Definitions:

For the purposes of this by-law, the following shall mean:

Authorized Enforcement Agency: The Department of Public Works, its employees, or agents designated to enforce this by-law.

Best Management Practices (BMPs): Activities, prohibitions of practices, general good housekeeping practices, structural and non-structural controls, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge, or waste disposal, or drainage from raw materials storage.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater: All water beneath the surface of the ground.

Illegal Discharge: Any direct or indirect non-stormwater discharge to the municipal storm drain system, except as specifically exempted in Section 6, subsection 4, of this by-law. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from fire-fighting activities exempted pursuant to Section 6, subsection 4, of this by-law.

Illicit Connection: Any surface or subsurface drain or conveyance that allows an illegal discharge into the municipal storm drain system. Illicit connections include conveyances that allow a non-stormwater discharge to the municipal storm drain system including sewage, process wastewater or wash water, and any connections from indoor drains sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

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

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Any discharge to the municipal storm drain system not composed entirely of stormwater.

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

Pollutant: Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations, and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform, and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

Process wastewater: Any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of run-off and surface water through the soil.

Stormwater: Run-off from precipitation or snow melt.

Toxic or Hazardous Material or Waste: Any material that, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive, or infectious waste, acid, and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

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

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wastewater: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 3. Applicability:

This by-law shall apply to flows entering the municipally-owned storm drainage system.

Section 4. Responsibility for Administration:

The Department of Public Works shall administer, implement, and enforce this bylaw. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Superintendent of Public Works to employees or agents of the Department of Public Works.

Section 5. Regulations:

The Department of Public Works may promulgate rules and regulations to effectuate the purposes of this by-Law. Failure by the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

Section 6. Prohibited Activities:

1. Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth.

2. Illicit Connections

No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.

3. Obstruction of Municipal Storm Drain System

No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior approval from the Department of Public Works.

4. Exemptions

This section shall not apply to discharges or flows resulting from fire-fighting activities, nor to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (1) Waterline flushing;
- (2) Flows from potable water sources;
- (3) Springs;
- (4) Natural flows from riparian habitats and wetlands;
- (5) Diverted stream flows;
- (6) Rising groundwaters;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharges from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing;
- (11) Discharges from de-chlorinated swimming pool water (less than one ppm chlorine) provided it is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharges from street sweeping;

(13) Dye testing, provided verbal notification is given to the Department of Public Works prior to the time of the test;

(14) Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

(15) Discharges for which advanced written approval is received from the Department of Public Works if necessary to protect public health, safety, welfare, or the environment.

Section 7. Emergency Suspension of Storm Drainage System Access:

The Department of Public Works may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare, or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

Section 8. Notification of Spills:

Notwithstanding any other requirements of local, state, or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility or operation that is resulting or may result in illegal discharge of pollutants, that person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Fire Department, the Police Department, the Department of Public Works, and the Conservation Commission. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day. Written confirmation of all telephone, facsimile, e-mail, or in-person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 9. Enforcement:

1. The Department of Public Works, or an authorized agent of the Department of Public Works (as designated by the Superintendent of Public Works) shall enforce this bylaw, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

2. Civil Relief:

If anyone violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or compelling the person to abate or remediate the violation.

3. Orders:

The Department of Public Works may issue a written order to enforce the provisions of this by-law or the regulations thereunder, that may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection therewith. If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation.

4. Criminal and Civil Penalties:

Any person who violates any provision of this by-law, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine not to exceed \$300.00 for each day such violation occurs or continues or subject to a civil penalty not to exceed \$300.00 for each day such violation occurs or continues, which may be assessed in an action brought on behalf of the Town of Carver in any court of competent jurisdiction.

5. Non-Criminal Disposition:

As an alternative to criminal prosecution or civil action, the Town of Carver may elect to use the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Section 10.4 of the Town of Carver by-Laws, in which case the Department of Public Works or its Superintendent of Public Works or other authorized agent of the Town of Carver shall be the enforcing person. The penalty for the 1st violation shall be \$50.00. The penalty for the 2nd violation shall be \$150.00. The penalty for the 3rd and subsequent violations shall be \$ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6. Entry to Perform Duties Under this By-Law:

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately-owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys, or sampling as the Department of Public Works deems reasonably necessary

7. Appeals:

The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

8. Remedies Not Exclusive:

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

Section 10. Severability:

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

Section 11. Transitional Provisions:

Residential property owners shall have 60 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

, or take any other action relative thereto.

(By the Department of Public Works and the Board of Selectmen)

ZONING BY-LAW ARTICLES:

Article 41. To see if the Town will vote to amend Article VI of the Zoning By-Laws by inserting the following definitions, or take any other action relative thereto:

Reconstruction The rebuilding within the existing footprint of the existing structure; part of or the whole existing structure, as it sits on the lot.

Hazardous Material: A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous" under Massachusetts General Laws (MGL) Chapters 21C and 21E using the Massachusetts Oil and Hazardous Material List (in 310 CMR 40.0000).

, or take any other action relative thereto.

(By the Planning Board)

Article 42. To see if the Town will vote to amend Article V, Section 5000 of the Zoning By-Laws, by adding Section 5380:

5380. Revocation of Special Permits

A special permit may be revoked or altered by the SPGA if it is determined, after a public hearing, that information was intentionally misrepresented in order to obtain a special permit or that there has been an abuse and/or misuse of the special permit. Application for revocation or alteration of the special permit may be made by the Building Inspector, a party in interest or the SPGA. Such applications shall be filed with the Town Clerk. A public hearing shall be held by the SPGA within sixty-five (65) days of the filing of the application with the Town Clerk.

The SPGA shall act within ninety (90) days following the close of the public hearing. Failure by the SPGA to take final action within ninety (90) days of the public hearing shall be deemed to be a denial of said application for revocation or alteration of the special permit. Revocation or alteration of special permits shall require an affirmative vote of at least four members of the Planning Board or, the Board of Selectmen, or at least five members of the Board of Appeals

, or take any other action relative thereto.

(By the Planning Board)

Article 43. To see if the Town will vote to amend Article III, Section 3552 of the Zoning By-Laws, by deleting the same and inserting the following, with changes indicated in bold:

3552. Moveable or Temporary Signs (**and/or Moveable**): Such signs are prohibited except as follows:

Type	Duration	Max. Size	Permit Required
Charitable or Civic Events	Week prior to event	80 square feet	no
Commercial	30 days; twice yearly	32 square feet	yes
Construction	6 months	12 square feet	no
For Sale/Rent/Lease	Till 30 days after sale or lease	6 square feet	no
Grand Opening Banner	21 days	32 square feet	no
Holiday displays: Banners & Bunting	4 separate 30 consecutive day periods in each calendar year	as appropriate (shall consist of cloth, canvas, vinyl or the like)	no
Political – unlighted	30 days prior; 7 days after election *	6 square feet	no
Yard Sale	5 days prior	2 square feet	no

* signs erected for a primary election may remain up through the final election

Sign, Political shall mean a sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election. **All Political signs must be relevant to the election or measure within the time frame as outlined in Section 3552 of this By Law.**

, or take any other action relative thereto.

(By the Planning Board)

Article 44. To see if the Town will vote to amend Article III, Sections 3030 and 3035 of the Zoning By-Laws, by deleting the same and inserting the following:

3030. Inclusionary Units; Bonus Units. Where a special permit is required for development as described in this section, 15 per cent of the units proposed for the development shall be Inclusionary Units and shall be reserved for sale or rental to Eligible Households. In the case of an existing residential property the inclusionary requirement shall be 15 per cent of the net new units to be created on the property. For purposes of calculating the number of Inclusionary Units required in a proposed development, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

In order to mitigate the costs of this requirement, developments covered by this Section excepting conventional subdivisions shall be allowed a bonus of one Market Rate unit of the same bedroom size for each Inclusionary Unit provided. **If, in the opinion of the Planning Board, the total amount of bonus units cannot be built on site in full conformance with all applicable zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements, then, for each such bonus unit that cannot be built on site, the Applicant shall, in lieu of providing the associated Inclusionary Unit, make a cash payment as to the following formula: Applicant shall provide to the Planning Board an independent appraisal for the median price for all lots proposed to be developed with residences on the site. This value shall then be compared with the DCHD LIP standards for home-ownership affordable units and the difference in these two figures shall constitute the amount of cash payment. This payment shall be made to the Housing Trust and shall be used exclusively for construction, purchase, or rehabilitation of housing for Eligible Households.**

3035. Cash Payment. Where the total number of dwelling units proposed in the development will not exceed six units, the Applicant may make a cash payment equal to 3.0 percent of the sales price at closing of each unit as verified by the Planning Department or if rental housing, the cash payment shall be equal to 3.0 percent of the estimated, assessed value of each unit as determined by the Town Assessor, in lieu of Inclusionary Units as provided in this section. Certificates of Occupancy for the property shall not be issued until the cash payment has been made as verified by the Planning Department. This payment shall be made to the Housing Trust and shall be used exclusively for construction, purchase, or rehabilitation of housing for Eligible Households. The Treasurer-Collector shall annually review payments to the fund and use of the proceeds and shall certify to the Board of Selectmen that proceeds have been used for the purposes stated herein.

, or take any other action relative thereto.

(by the Planning Board)

Article 45. To see if the Town will vote to amend Article II, Section 2320 of the Town of Carver Zoning By-Laws by deleting in it's entirety Section 2320 and inserting the following, or take any other action relative thereto:

2320. Table of Dimensional Requirements.

REQUIREMENT	RA	HC	GB	VB ^a	V (Com.)	V (Res.)	GBP ^b	IA	IB	IC ^c	AP
Min. Lot Size ^{4, 5, 10}	60	60	40	30	30	30	60	60	60	60	40

(X 1000 square feet)											
FRONTAGE (feet)	150	250	200	100	100	100	175	175	175	250	150
FRONT SETBACK (feet) ¹	50	40	40	15	15	40	50	50 ⁷	50 ²	40	40
REAR YARD (feet)	50	40	25	15	15	40	40	30	30	40	30
SIDE YARD (feet)	30	40	25	15	15	25	40	30	30	40	30
MAX. BUILDING HEIGHT (feet) ³	35	40	40	30	30	30	40 ¹¹	40	40	40	40 ⁹
MINIMUM LOT WIDTH at building line (% of frontage in district)	80	80	80	80	80	80	80	80	80	80	80
MAXIMUM % OF LOT COVERED BY BUILDINGS	30	60	50	70	70	70	70	50	50	60	50

^a Same as V (Comm.)

^b mix of HC and IA, IB

^c IC same as HC since that is what the existing structures were under at the time of development.

, or take any other action relative thereto.

(By the Planning Board)

¹ Front setbacks shall be measured from the street layout line.

² Provided, however, that this requirement shall be 60 feet where the subject property has frontage on a state numbered highway.

³ Provided, however, that chimneys, spires, silos, and unoccupied towers erected on the roof of a principal structure may be erected to a height of 70 feet from the base of the principal structure on which it is erected where no detrimental effects on the surrounding area are caused.

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

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

¹¹ If a building contains more than two (2) stories, then this minimum requirement shall be increased by twenty-five (25) feet per story for each story that the building exceeds two stories in height up to a maximum setback requirement of two hundred (200) feet. For example, a building containing three (3) stories shall not be located closer than seventy-five (75) feet from the boundary line of the District and a building containing four (4) stories shall not be located closer than one hundred (100) feet from the boundary line of the District. Where a building or improvement is not divided into stories, a story shall be considered fifteen (15) feet in height. Height shall mean the vertical distance measured from the mean finished grade of the ground adjoining the building or improvement to the highest point of such building or improvement, provided that steeples, cupolas, stage lofts, penthouses, bulkheads and other appurtenances above roof line shall not be considered as additional stories or considered in determining the height of a building or improvement.

PETITION ARTICLES

Article 46. To see if the Town will vote to authorize the establishment of the following revolving account in accordance with Mass. General Laws, Chapter 44, Section 53E ½:

Treasurer/Collector Fees revolving Account to which shall be deposited fees for insufficient funds checks (bounced), fees for public information requests and fees for Municipal Lien Certificates (MLCs) or one half of the fee increase in the event the MLC fee is increased to \$50.00. The revolving account will provide for salaries and expenses for a part-time Assistant Treasurer/Clerk Position. The Treasurer/Collector shall be authorized to expend from such fund, and the total amount to be expended from such fund shall be \$10,600.00, or take any other action relative thereto.

(By Petition)

Article 47. To see if the Town will vote to authorize the establishment of a part-time Assistant Treasurer/Clerk position in the Treasurer/Collector's office to process collection procedures and letters for insufficient funds checks, processing public information requests, preparation of Municipal Lien Certificates (MLCs), prepare daily deposits, posting of cash books and reconciliations of bank accounts and other related duties, or take any other action relative thereto.

(By Petition)

Article 48. To see if the Town will vote to (1) Remove appointment duties from Town Administrator, and (2) give appointment duties to Board of Selectmen.

Remove Section 3.4.2.1

3.4.2 Appointment Duties:

3.4.2.1 To appoint officers, members of boards and commission as provided by by-law. Copies of the notices of all such proposed appointments shall be posted on the Town bulletin board when submitted to the Board of Selectmen. Such appointments shall become effective on the fifteenth (15th) day following the day on which such notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it.

Insert 2.2.8

Appointment Duties

2.2.8 To appoint officers, members of boards and commissions as provided by by-law. Copies of the notices of all such proposed appointments shall be posted on the Town bulletin board when submitted to the Board of Selectmen. Such appointments shall become effective on the fifteenth (15th) day following the day on which such notice of the appointment by the Board of Selectmen

; or take any other action relative thereto.

(By Petition)

Article 49. To see if the Town will vote amend By-Law 2260, 2261, 2262, 2263:

2260 Accessory Apartment

2261 Purpose

2262 Requirements

2263 Conditions

Amend

2260 to Accessory Apartments/In-Law Additions

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 reside in without adding to the number of buildings in the Town, or substantially altering the appearance of the Town for the reason of (a) enabling elderly/handicapped owners of single family dwellings to share space and the burdens of home ownership or (b) providing an alternative housing option for elderly/handicapped persons. Accessory apartments shall not be allowed in a Townhouse Development pursuant to Section 3900.

An Accessory Apartment/In-Law Addition may include up to Two (2) Bedrooms, one bathroom, one Kitchen Facility (a sink, stove or microwave oven, and refrigerator), one dining room and living space. An Accessory Apartment/In Law Addition is incorporated within or attached to a single-family dwelling and complies with the criteria below.

2262. Requirements.

- a. The gross (floor) living area shall not be greater than or be limited to eight hundred (800) square feet.
- 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 owner shall provide to the Building Commissioner a notarized letter stating that the owner does live at this home and that this is their primary residence.
- d. The elderly or handicapped residents shall provide to the Building Commissioner a notarized letter stating that they do live at this home and that this is their primary residence.
- e. Any new outside entrance to serve an Accessory Apartment/In-Law Addition shall be located on the side or in the rear of the building unless the topography of the land prohibits a side or rear entrance.
- f. Only one (1) accessory apartment may be created within a single-family house or house lot.
- g. An Accessory Apartment/In-Law Addition may not be occupied by more than three (3) people.
- h. All parking to the single-family home and the accessory apartment shall be provided off-street.
- i. Accessory Apartment/In-Law Addition may not be converted to a condominium.
- j. Interior space between the dwelling and the Accessory Apartment/In-Law addition will not be closed off by a door or otherwise, or permanently sealed.

- k. The Special Permit must be renewed every 2 years.
- l. The property may never be rented to third parties.
- j. In the event the property is to be sold, the seller and buyer are required to appear before the Zoning board of Appeals prior to said sale. The Board reserves the right to enter any orders at that time that it deems appropriate related to the Accessory Apartment/In-Law addition, due to change of ownership.
- k. The property may never be rented to third parties.
- l. The Accessory Apartment/In-Law Addition is not to be used to achieve a better tax status or assessment status.

2263. Conditions of Issuance of Permit. Permit for an Accessory Apartment/In-Law Addition is only good for two (2) years. Subsequent permits issued for an existing Accessory Apartment/In-Law Addition shall be granted after certification by affidavit is made by the applicant to the Building Commissioner that the Accessory Apartment/In-Law Addition has not been extended, enlarged or altered to increase its original dimensions, as defined in the initial permit application, and that the unit still meets the requirements of 2262 every three (3) years.

or take any other action relative thereto.

(By Petition)

Article 50. To see if the Town will vote to Amend: By-Law 2260, 2261, 2262, 2263:

2260 Accessory Apartment
 2261 Purpose
 2262 Requirements
 2263 Conditions

Amended Language:

2260 to Accessory Apartments/In-Law Additions

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 elderly/handicapped owners of single family dwellings to share space and the burdens of home ownership or (b) providing an alternative housing option for elderly/handicapped persons. Accessory apartments shall not be allowed in a Townhouse Development pursuant to Section 3900.

An Accessory Apartment/In-Law Addition may include up to Two (2) Bedrooms, one bathroom, one Kitchen Facility (a sink, stove or microwave oven, and refrigerator) one dining room and living space. An Accessory Apartment/In-Law Addition is incorporated within or attached to a single-family dwelling and complies with the criteria below.

2262. Requirements.

- a. The gross (floor) living area of the Accessory Apartment/In-Law Addition shall not be greater than or be limited to one thousand (1000) square feet.

- b. Once an Accessory Apartment/In-Law Addition has been added to a single-family residence, the Accessory Apartment/In-Law Addition shall never be enlarged beyond the one thousand (1000) 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 owner shall provide to the Building Commissioner a notarized letter stating that the owner does live at this home and that this is their primary residence.
- d. The elderly or handicapped residents shall provide to the Building Commissioner a notarized letter stating that they do live at this home and that this is their primary residence.
- e. Any new outside entrance to serve an Accessory Apartment/In-Law Addition shall be located on the side or in the rear of the building unless the topography of the land prohibits a side or rear entrance.
- f. Only one (1) Accessory apartment may be created within a single-family house or house lot.
- g. An Accessory Apartment/In-Law Addition may not be occupied by more than three (3) people.
- H. All parking to the single family home and accessory apartment shall be provided off-street.
- I. Accessory Apartment/In-Law Addition may not be converted to a condominium.
- j. No Accessory Apartment/In-Law Addition will contain separate utilities.

2263. Condition of Issuance of Permit. Permit for an accessory Apartment/In-law

or take any other action relative thereto.

(By Petition)

Article 51. To see if the Town will vote to add definition:

Accessory Apartment/In-Law Addition: Shall mean a dwelling unit of not more than 1000 square feet located in or attached to an existing residential structure in accordance with the provisions of section 2260.

Kitchen Facilities: A sink with plumbing, a stove or microwave oven, and refrigerator.

Accessory Dwellings Unit Above Commercial Development: change to (1,000 square feet) to meet By-Law 2270's language.

or take any other action relative thereto.

(By Petition)

Article 52. To see if the Town of Carver will vote to raise, appropriate, or transfer from available funds, the sum of Four Thousand Dollars (\$4,000.00) to New Day (Formerly Womansplace Crisis Center) in lieu of services provided to the sexual assault survivors and their families, or take any other action relative thereto.

(By Petition)

Article 53. To see if the Town of Carver will vote to raise and appropriate or transfer from available funds, the sum of Three Thousand (\$3,000.00) dollars to support South Coastal

Counties Legal Services, Inc.'s continued free legal services in civil matters to low-income families and their children, or take any action relative thereto.

(By Petition)

Article 54. To see if the Town of Carver will vote to raise, appropriate or transfer from available funds, the sum of Three Thousand (\$3,000.00) Dollars to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents, or take any other action relative thereto

(By Petition)

Article 55. To see if the Town of Carver will vote to raise, appropriate, or transfer from available funds, the sum of Four Thousand (\$4,000.00) Dollars to South Shore Community Action Council, Inc. for services to low-income families and elderly residents who live in the Town of Carver, or take any other action relative thereto.

(By Petition)

Article 56. To see if the Town of Carver will vote to raise, appropriate, or transfer from available funds, the sum of Five Thousand (\$5,000.00) Dollars to support the Plymouth Area Coalition for the Homeless, Inc. in their services to homeless and other low-income families, or take any other action relative thereto.

(By Petition)

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

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

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

CARVER BOARD OF SELECTMEN

John C. Fry

George G. Hanning
Forster H. Ayler

Michael O'Donnell

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 bylaw seven days at least before the time of said meeting.

5/16/11
Date

A True Copy Attest

John D. Kelley
Constable