

ANNUAL TOWN MEETING
MONDAY, MAY 21, 2007

The 215th Annual Town Meeting of the Inhabitants of the Town of Carver was held on Monday, May 21, 2007 at the Carver High School Auditorium at 7:00 P.M., pursuant to Warrant of the Board of Selectmen dated May 10th 2007. The meeting was called to order at 7:00 P.M., by the Moderator, John S. Murray, there being a quorum 75 present. The total registered voters at this time were 135. Boy Scout Troop #48 led the voters in the Pledge of Allegiance to the Flag. The appropriate counters were duly sworn to the faithful performance of their duties by the Moderator. The counters were as follows:

Marilyn Downing, Paul McDonald, John Rinella and John Syria

All members of the School Dept. were introduced as well as Town Counsel, Gregg Corbo, Town Administrator, Richard LaFond, Board of Selectmen, and all Department Heads.

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

Article 2 - 11 defer to June 11, 2007

Article 12. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen, it was So-Passed by Majority Vote for the Town to re-authorize the establishment of the following Revolving Accounts in accordance with Massachusetts General Laws, Chapter 44, Section 53E 1/2:

Library Fine Revolving Account to which shall be deposited monies from overdue fines, damaged and lost books levies and from which the director may make expenditures for the purpose of replacing damaged or lost materials. Expenditures for Fiscal Year 2008 from such fund not to exceed Seven Thousand Dollars (\$7,000.00).

(By the Library Trustees)

Transportation Revolving Account for the Council on Aging which in addition to items provided by said statute shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance (but not including insurance of any of the Greater Attleboro Taunton Regional Authority ("GATRA") vehicles used by the Council on Aging) and salaries and expenses for part-time employees used relate thereto: (2) that departmental receipts consisting of reimbursement of GATRA of transportation expenditures, shall be credited to the revolving fund: (3) that the Council on Aging shall be authorized to expend from such fund: and (4) that the total amount which may be expended from such fund during Fiscal Year 2008 shall be Ninety Thousand Dollars (\$90,000.00) in accordance with the contract between the Town through its Council on Aging and GATRA.

(By the Council on Aging)

Earth Removal Inspection Fee Revolving Account to which shall be deposited monies collected from earth removal inspection fees, for the purpose of making road repairs not to exceed One Hundred Thousand Dollars (\$100,000.00) for Fiscal Year 2008.

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

(By the Earth Removal Committee)

Selectmen recommended: 5-0

Finance Committee: No Action

Article 13. Upon motion duly made and seconded and motion made by John Angley, Chairman Board of Selectmen, it was So-Passed by Majority Vote for the Town, in accordance with M.G.L. Chapter 44, §53E1/2, will authorize the establishment a revolving fund to use Seventy-Five Percent (75%) of Wiring, Plumbing, and Gas permit fees collected to pay the wages of those Inspectors. Expenditures for Fiscal Year 2008 from such fund not to exceed One Hundred Thousand Dollars (\$100,000.00).

Selectmen recommended: 5-0

Finance Committee: No-Action

Article 14. Upon motion duly made and seconded and motion to amend by John Angley, Chairman, Board of Selectmen, it was So-Passed by Majority Vote for the Town to

(1) accept the provisions of M.G.L. Chapter 44, § 53E, to allow the establishment of an offset receipts account for the upkeep and maintenance of Town-owned cranberry bogs, and to appropriate a sum of money for such purposes, provided, however, that such costs be offset by the estimated receipts from fees charged to users of the Town-owned land and other revenue generated from cranberries harvested on Town-owned land, and that the amount appropriated shall not exceed the estimated amount approved, in advance of appropriation, by the Commission or Revenue or his designee; or

(2) to authorize, pursuant to M.G.L. Chapter 44, §53E ½ , the establishment of a Cranberry Bog Revolving Fund, to which revenue generated from fees charged to users of Town-owned land and other revenue generated from cranberries harvested on Town-owned land will be credited, and which funds may be expended by the Board of Selectmen for the upkeep and maintenance of such Town-owned land, and to impose a Twenty Thousand (\$20,000) Dollar limit on the amount that may be expended for such purposes or

(3) to raise and appropriate, transfer or borrow a sum of money for the upkeep and maintenance of Town-owned cranberry bogs.

Selectmen recommended: 5-0
Finance Committee: No-Action

Article 15. Upon motion duly made and seconded and motion by John Angley, Chairman, Board of Selectmen, it was So-Passed by Majority Vote for the Town of Carver, in accordance with M.G.L. Chapter 44, §53E1/2, will authorize the establishment a revolving fund for the rental and other fees collected for the use of the Marcus Atwood House to be used for the ongoing maintenance and upkeep of the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees. Expenditures for Fiscal Year 2008 from such fund not to exceed Fifteen Thousand (\$15,000.00) Dollars.

Selectmen recommended: 5-0
Finance Committee: No-Action

Article 16 to 21: defer to June 11th

Article 22. Upon motion duly made and seconded and motion made by William Halunen, Dept. of Public Works, it was So-Passed by Majority Vote for the Town to transfer the sum of Nine Thousand Seven Hundred Two Dollars (\$9,702.00) from the sale of lots accounts in Central, Lakenham and Union Cemeteries and also vote to transfer the sum of Five Thousand Two Hundred and Ninety-Eight Dollars (\$5,298.00) from the perpetual care accounts in Central, Lakenham and Union Cemeteries for the purpose of meeting charges against the cemetery fund in the Town Treasury.

Selectmen recommended: 5-0
DPW: 3-0

Article 23. defer to June 11th

Article 24. Upon motion duly made and seconded and motion by William Halunen, Dept. Public Works, it was Unanimously Voted for the Town to transfer from available funds a sum of money established by the State which may be used for State Aid Construction and Improvements under the acts of 2007 Chapter 90 apportionment to meet the State's share of the cost of the work reimbursement received there from to be paid to the Treasury.

Selectmen recommended: 5-0
Finance Committee: No-Action
Dept. of Public Works: 3-0

Article 25 - 36 defer to June 18th

Article 37. Upon motion duly made and seconded and motion made by Charles Hamilton, Assessor, it was So-Passed by Majority Vote for the Town to amend the Town's General By-Laws, Section 4.8 Community Preservation Committee, by adding the following section:

4.8.7 Application Deadline for Exemption

The application deadline for exemption from the surcharge shall be the same as for personal exemption applications, 90 days following the issuance of the actual tax bill.

Selectmen recommended: 5-0
Finance Committee: No-Action

Article 38 – 39 defer to June 11, 2007

Article 40. Upon motion duly made and seconded an motion by John Angley, Chairman Board of Selectmen, it was Unanimously Voted for the Town to transfer the properties located at 1 Braddock Way, 17 Green Street, 19 Bates Pond Road and 13 Everett Street from the Tax Collector for purposes of sale at auction to the Board of Selectmen for purposes of sale, and to authorize the Board of Selectmen to convey said properties to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote.

Selectmen recommended: 5-0
Finance Committee: No-Action

Article 41. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to add the following to the General By-Laws:

Stormwater Management And Land Disturbance Bylaw

SECTION 1. PURPOSE

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

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

B. The objectives of this bylaw are to:

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

SECTION 2. DEFINITIONS

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

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

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

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

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

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

CLEARING: Any activity that removes the vegetative surface cover.

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

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

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

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

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

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean

Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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

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

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

PRE-CONSTRUCTION: All activity in preparation for construction.

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

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

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

SEDIMENTATION: The process or act of deposition of sediment.

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

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

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

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

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

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

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

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

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

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

SECTION 3. AUTHORITY

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

SECTION 4. APPLICABILITY

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

storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

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

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

- (1) such action is allowed by federal, state and local statutes and/or regulations,
- (2) is in the public interest, and
- (3) is not inconsistent with the purpose and intent of this by-law.

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

SECTION 6. PERMITS and PROCEDURE

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

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

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

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

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

available for inspection by the public during business hours at the Carver Town Hall, 108 Main Street, Carver MA 02330.

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

F. Action by Carver Planning Board.

The Planning Board may:

1. Approve the Land Disturbance Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;

2. Approve the Land Disturbance Permit Application and issue a permit with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;

3. Disapprove the Land Disturbance Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

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

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

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

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

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

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

1. Minimize total area of disturbance;

2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Properly manage on-site construction and waste materials; and
14. Prevent off-site vehicle tracking of sediments.

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

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:
 - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
 - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
5. Existing soils, volume and nature of imported soil materials;
6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;

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

SECTION 8. INSPECTION AND SITE SUPERVISION

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

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

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

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

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

SECTION 9. SURETY

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

SECTION 10. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

SECTION 11. ENFORCEMENT

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

B. Orders

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

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

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

D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, 21D and Section 10.4 of the Town of Carver Bylaws, in which case Zoning Enforcement Officer of the Town shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$3,000.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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

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

SECTION 12. CERTIFICATE OF COMPLETION

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

SECTION 13. SEVERABILITY

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

Selectmen recommended: 5-0

Finance Committee: No-Action

Article 42. Upon motion duly made and seconded and motion by John Angley, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to amend the Town of Carver's General By-Laws, Chapter 6, Public Safety, §6.1 Leash Law, to authorize the Board of Selectmen to set reasonable fees for licenses, violations, penalties, and other charges under this section associated with the keeping of dogs in the Town of Carver.

Selectmen recommended: 5-0
Finance Committee: No-Action

Article 43. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was So-Passed by Majority Vote for the Town to amend Chapter 6, Public Safety of the Town's General By-Laws as follows:

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

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

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

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

VACCINATION OF DOGS AND CATS AGAINST RABIES:

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

B. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable material to be worn by the dog or cat; provided however, the owner of a cat may choose not to affix a tag to his cat but shall have the tag available for inspection upon demand by the Animal Control Officers, Police Officers or other such authorized officials of the Town.

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

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

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

BARKING DOGS:

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

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

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

\$25.00 for 2nd offense

\$50.00 for 3rd offense

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

Add the following new Section 6.1.A.21

DOG WASTE REMOVAL:

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

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

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

Selectmen recommended: 5-0

Finance Committee: No-Action

Article 44. Upon motion duly made and seconded and motion made by Vittorio (Buz) Artiano, Industrial Development Commission, it was Unanimously Voted for the Town to add the following to the General By-Laws:

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

Selectmen recommended: 5-0

Finance Committee: No-Action

IDC: 7-0

Article 45. defer to June 18, 2007

Article 46. DEFEATED (to amend the following portion of the Zoning By-Laws Section 2230 Use Regulation Schedule)

Article 47. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board Member, it was Unanimously Voted for the Town to amend Section 2262d of the Town of Carver Zoning By-Laws by deleting the following:

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

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: 5-0

Article 48. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board Member, it was Unanimously Voted for the Town to amend Section 2300 of the Town of Carver Zoning By-Laws by adding the following:

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

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

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

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

Selectmen recommended: 5-0
Finance Committee: No-Action
Planning Board: 5-0

Article 49. Upon motion duly made and seconded and motion by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to amend Section 3700 of the Town of Carver Zoning By-Laws by deleting it in its entirety.

Selectmen recommended: 5-0
Finance Committee: No-Action
Planning Board: 5-0

Article 50. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to amend Section 3941 of the Town of Carver Zoning By-Laws by amending the following:

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

Selectmen recommended: 5-0
Finance Committee: No-Action
Planning Board: 5-0

Article 51. Defeated (due to the member's absence from one session)

Article 52. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to amend the Zoning By-laws Section 2230 Use Regulation Schedule as follows:

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

2230. Use Regulation Schedule.

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

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

Selectmen recommended: 5-0
 Finance Committee: No-Action
 Planning Board: 5-0

Article 53. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to amend Section 3562 of the Town of Carver Zoning By- Laws by deleting the following:

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

Selectmen recommended: 5-0
 Finance Committee: No-Action
 Planning Board: 5-0

Article 54. Upon motion made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to amend Article VI of the Zoning By-Laws by inserting the following definitions:

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

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

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

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

Selectmen recommended: 5-0
Finance Committee: No-Action
Planning Board: 5-0

Article 55. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to accept as a public way Paige Circle and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan.

Selectmen recommended: Pending Planning Approval
Planning Board: 5-0

Article 56. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to amend Section 3900 of the Town of Carver Zoning By-Laws by amending the following:

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

3940. Number of Dwelling Units.

The number of dwelling units shall be established by having a Net Usable Land Area (NULA) plan for the overall property submitted to the Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area to these regulated lands. The remaining upland area is the NULA for the purposes of establishing the number of dwelling units allowed in a town house development. In the RA and HC districts, the total number of proposed dwelling units within the development shall not exceed one point two-five (1.25) units per NULA acre or two (2)units per NULA acre for over 55 housing.

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

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

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

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

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: 5-0

Article 57. Upon motion duly made and seconded and motion made by Bryan Lauzon, Planning Board, it was Unanimously Voted for the Town to amend the Zoning By-laws Section 2260, Accessory Apartments.

2260. Accessory Apartments.

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

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

2262. Requirements.

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

Selectmen recommended: 5-0
Finance Committee: No-Action
Planning Board: 5-0

Article 58. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen it was Unanimously Voted for the Town to authorize the Board of Selectmen to seek special legislation as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT RELATIVE TO THE MEMBERSHIP OF THE
CONSERVATION COMMISSION OF THE TOWN OF CARVER**

Be it enacted by the Senate and House of Representatives in General court assembled, and by the authority of the same, as follows:

Notwithstanding section 8C of chapter 40 of the General laws, or of any other general or special law to the contrary, the town of Carver may appoint 2 associate members to the conservation commission of the town for terms not to exceed 1 year. The chairman of the commission may designate an associate member to sit on the commission in the case of absence, inability to act or conflict of interest on the part of a member of the commission or in the event of a vacancy on the commission, until the vacancy is filled in accordance with this section 8C of said chapter 40.

Selectmen recommended: 5-0
Finance Committee: No-Action
Conservation: 7-0

Article 59 – 68 defer to June 18, 2007

Upon motion duly made and seconded and motion made by John S. Murray, Moderator, it was Unanimously Voted to adjourn at 9:00pm

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC
Town Clerk