

ANNUAL TOWN MEETING  
Tuesday, May 19, 2009

The 217<sup>th</sup> Annual Town Meeting of the Inhabitants of the Town of Carver was held on Tuesday, May 19, 2009 at the Carver High School Auditorium at 7:00PM, pursuant to a Warrant of the Board of Selectmen dated May 7, 2009. The meeting was called to order at 7:20 PM by the Moderator, John S. Murray, there being a quorum 75 present. The total registered voters at this time were 102. The appropriate tellers were duly sworn to the faithful performance of their duties by the Town Clerk. The tellers were as follows:

Marilyn Downing, Francis Muscato, Stephen Pratt and Kevin Walsh

Article 1. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to hear the report of any standing committee established by town meeting, 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. There were no new committees at this time.

Article 2 – 27 Defer to June 23, 2009

NON-MONEY ARTICLES

Article 28. Withdrawn (to enter into an inter-municipal agreement with the towns and cities of Region #5 of Southeastern Massachusetts.

Article 29. Defer to June 23, 2009

Article 30. Upon motion duly made and seconded and motion made by Dan Fortier, Chairman, Conservation Commission it was So-Passed by majority vote for the Town to transfer from Tax Possession to the Conservation Commission the following parcels recorded at the Plymouth County Registry of Deeds Book 3387/Pages 355-361 (except for Page 357), Book 1497/Page 102, and Book 1699/Page 364, which total 11 parcels, for conservation and passive recreation purposes.

Selectmen recommended: 4-0  
Finance Committee: No Action  
Conservation Committee: Unanimously

Article 31. Upon motion duly made and seconded and motion made by Dan Fortier, Chairman, Conservation Commission, it was Unanimously Voted for the Town to transfer from the Town of Carver to the Conservation Commission the following parcels recorded at the Plymouth County Registry of Deeds Book 3355/Page 597, Book 3355/Page 599, Book 3388/Page 168, Book 3350/Page 452, and Book 3380/Page 336, which total 12 parcels, for conservation and passive recreation purposes.

Selectmen recommended: 4-0  
Finance Committee: No Action  
Conservation Comm.: 7-0

Article 32. Upon motion duly made and seconded and motion made by Dan Fortier, Chairman, Conservation Commission, it was So-Passed by majority vote for the Town to transfer from Tax Possession to the Conservation Commission the following parcels.

- Map 59, Lot A-0-E, located at 0 Craig Street, for conservation and passive recreation purposes
- Map 88, Lot 3-0-R, located at 0 Meadow Street, for conservation and passive recreation purpose

Selectmen recommended: 4-0  
Finance Committee: No Action  
Conservation Comm. 7-0

Article 33. Defer to June 23, 2009

Article 34. Upon motion duly made and seconded and motion to amend by William Sinclair, Chairman, Redevelopment Authority, it was So-Passed by Majority Vote for the Town to transfer the following properties:

- 93 North Main Street; Map 18, Lot 22 A-E, 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 property to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote.
- 44, 46, and 48 Rochester Road; Map 92-26-A1-E; Map 92-26-B-R; Map 92-26-B1-E; and 92-26-A-E respectively, 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 property to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote.
- 1 Pond View Way; Map 109, Lot 1-0-R 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 property to the Carver Redevelopment Authority, and to take any action necessary to effectuate the purposes of this vote.
- 0 Shoestring Road, Map 124, Lot 16, and Map 125, Lot 6; and 0 Wareham Road, Map 128, Lot 3, and Map 132, Lot 12 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 property 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  
RDA recommended: Unanimously

## GENERAL BYLAW ARTICLES:

Article 35. Upon motion duly made and seconded and motion made by Arthur Parker, Police Chief, it was So-Passed by majority vote for the Town to amend the Town's General By-Laws, Section 6 Public Safety, by adding the following section:

### 6.9 PUBLIC CONSUMPTION OR USE OF MARIJUANA OR TETRAHYDROCANNABINOL

6.9.1. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.

6.9.2. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with M.G.L. c. 94C, § 47A.

6.9.3. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.

6.9.4. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer.

6.9.5. The fine for a violation of this bylaw shall be three hundred dollars (\$300.00) for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.

Selectmen recommended: 4-0

Finance Committee: No Action

Article 36. Upon motion duly made and seconded and motion to amend by John Garretson, Chairman, Earth Removal, it was Unanimously Voted for the town to amend the General By-Laws, Earth Removal, Section 9.1 as follows:

9.1.7b The applicant shall be required to cover all costs for review of the proposal by a Registered Engineer or other expert as the Earth Removal Committee sees fit and chosen by the Earth Removal Committee. The applicant shall also be required to cover the cost of monitoring the project by an agent of the committees' choosing;

Selectmen recommended: 5-0

Finance Committee: No-Action

Earth Removal: 5-0

Article 37. Withdrawn (amend the General By-Laws by adding removal Snow & Ice)

Article 38. Upon motion duly made and seconded and motion to amend by William Sinclair, Chairman, Industrial Development Commission (IDC), it was Unanimously Voted for the Town to amend the General Bylaws by adding the following provisions;

## CHAPTER 11 PRIVATE WATER SUPPLY SYSTEMS

### 11.1 PURPOSE

The purpose of this Bylaw is to provide a mechanism for the Town of Carver to manage the supply of water to its inhabitants and to ensure that the citizens of Carver have an adequate volume and quality of water, now and in the future.

### 11.2 DEFINITIONS

When used in this Bylaw, the following terms shall have the following meanings:

Person shall mean every natural person, partnership, association or corporation, excluding the Town of Carver and the North Carver Water District and excluding a landlord supplying water to its tenant, a condominium association supplying water to its members, cranberry growers, and co-ops.

Private Water Supply System shall mean any operation or undertaking by any person engaged in the sale of water to another through pipes or mains.

Water Works shall include dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including purification works, aqueducts, conduits, pipes and other works necessary for the conveyance of water.

Aquifer shall mean the Plymouth/Carver Aquifer as designated by the United States Environmental Protection Agency, Sole Source Aquifer Designation for the Plymouth-Carver Aquifer, Massachusetts (55 FR 32137), August 7, 1990. Or any other aquifer affected by a private water supply.

### 11.3 APPLICABILITY

This Bylaw shall apply to any Private Water Supply System with a whole or part of its Water Works within the Town of Carver, but shall exclude the Town of Carver and the North Carver Water District and excluding a landlord supplying water to his tenant, a condominium association supplying water to its members, cranberry growers, and co-ops.

### 11.4 WATER SUPPLY ADVISORY COMMITTEE

There shall be established a Water Supply Advisory Committee consisting of seven members, each of whom shall be a resident of the Town of Carver.

Members of the Committee shall be appointed as follows: two by the Board of Selectmen, one by the Industrial Development Committee, one by the North Carver Water District Commission, one by the Board of Health, one by the Conservation Commission, and one by the Planning Board.

Members of the Committee shall serve for a term of three years.

The Committee shall review all applications for Private Water Supply Permits submitted to the Board of Selectmen and shall issue written reports and recommendations thereon, as set forth in Section 11.6 of this Bylaw.

The Committee shall study and report to the Board of Selectmen and other Town boards and officers on all matters involving the use of water in the Town, including but not limited-to proposed inter-municipal agreements and the establishment of public water supplies.

#### 11.5 PRIVATE WATER SUPPLY PERMIT

No Person shall operate a Private Water Supply System, or any portion thereof, within the Town of Carver without first receiving a permit from the Board of Selectmen in accordance with the procedure set forth in Section 11.6 of this Bylaw. The Board of Selectmen shall not issue any such permit unless the applicant proves that issuance of the permit will not adversely affect the Aquifer or the Town's ability to serve its inhabitants with water, now or in the future.

#### 11.6 PROCEDURE

Private Water Supply System Permits shall be issued in accordance with the following procedure.

##### 11.6.1 APPLICATION

Applications for Private Water Supply Permits shall be in writing on a form prescribed by the Board of Selectmen. Within ninety days of the effective date of this Bylaw, the Water Supply Advisory Committee shall submit to the Board of Selectmen a proposed application form. At a minimum, said application form shall require the applicant to furnish sufficient information for the Board to make the determination required by Section 11.5 of this Bylaw.

All applications for Private Water Supply System permits shall be accompanied by a fee established by the Board of Selectmen.

##### 11.6.2 REVIEW FEES

Upon receipt of a completed application, the Board of Selectmen shall, by majority vote, require that the applicant pay a reasonable "review fee" of a sufficient sum to enable the Board to retain consultants chosen by the Board alone. The Board may require that the property owner and/or occupant deposit a lump sum in order to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Board may require additional deposits.

The Board of Selectmen shall adopt a Review Fee Regulation for administration of this Section.

#### 11.6.3 REVIEW BY THE WATER SUPPLY ADVISORY COMMITTEE

Within thirty days of receipt of a completed application, the Board of Selectmen shall forward a copy of the application to the Water Supply Advisory Committee.

The Water Supply Advisory Committee shall review the application and provide a written report and recommendation to the Board of Selectmen.

The Water Supply Advisory Committee may consult with such other Town officers, boards or committees or third parties, including but not limited to the Plymouth/Carver Aquifer Advisory Committee, as it deems appropriate. After completion of its review, the Committee may recommend that the permit be denied, that the permit be granted, that the permit be granted with conditions, or that the applicant be asked to provide additional information prior to the public hearing.

The Water Supply Advisory Committee shall submit its written report and recommendation to the Board of Selectmen within sixty days of its receipt of the application.

#### 11.6.4 PUBLIC HEARING

The Board of Selectmen shall convene a public hearing within thirty days of receipt of the Water Supply Advisory Committee's report and recommendation.

The Selectmen shall provide at least fourteen days written notice of the hearing to the applicant, the North Carver Water District, and all abutters to the proposed project. Notice of the hearing shall be published at least once in a newspaper of general circulation in the Town, at least seven days prior to the date of the hearing.

At the hearing, the applicant shall present sufficient evidence for the Board to determine that the proposed Private Water Supply will not adversely affect the aquifer or the Town's ability to serve its inhabitants with water.

After considering all evidence and input it deems appropriate, the Chair shall entertain a motion to close the hearing.

Within sixty days of the close of the hearing, the Board of Selectmen shall issue a decision in writing supported by written findings of fact. The Board may rule that the permit be denied, that the permit be granted, or that the permit be granted with conditions. One such condition shall include a requirement that all infrastructure and rights to access and control of the Private Water Supply System shall be conveyed to the Town upon creation of a public water supply system for any part of Town abutting or near the area served by the Private Water Supply System.

If the Board does not issue a written decision within said sixty day period, the application shall be deemed denied on the sixty-first day.

## 11.7 PENALTIES

Any person who operates a Private Water Supply System without a permit from the Board of Selectmen may be punished of a fine of up to \$300 for each offense, and each day a Private Water Supply System is operated without a permit shall constitute a separate offense.

Selectmen recommended: 4-0

Finance Committee: No-Action

Industrial Dev. Commission: Unanimously

Article 39. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Industrial Development Commission, it was Unanimously Voted for the Town to authorize the Board of Selectmen to petition the General Court for Special Legislation authorizing the Town to collect and assess excise taxes upon Private Water Suppliers selling water within the Town of Carver; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

The petition for Special Legislation shall take substantially the following form:

### AN ACT AUTHORIZING THE TOWN OF CARVER TO ASSESS EXCISE TAXES ON PRIVATE WATER SUPPLIERS

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

Section 1: Preamble. The Town of Carver is a rural community at present but is under significant pressure from developers. According to some sources, the population of Carver will increase by over fifty percent in the next twenty years. This rapid growth rate is expected to put strains on the Town's water resources and the Plymouth-Carver aquifer. The Town recognizes that water is a finite resource and that steps need to be taken to ensure that the citizens of Carver have an adequate volume and quality of water, now and in the future. This Act is designed to provide a mechanism to compensate the Town for water taken from the aquifer for private purposes.

Section 2: The term "Private Water Supplier" shall mean every natural person, partnership, association or corporation, excluding the Town of Carver and the North Carver Water District and excluding a landlord supplying water to its tenant, a condominium association supplying water to its members, cranberry growers, and co-ops, engaged in the sale of water to another through pipes or mains.

The term "Tax Per Gallon" shall be \$.04 per gallon of water sold in the Town of Carver. The Tax per Gallon may be amended by a vote of Town Meeting.

Section 4: Every Private Water Supplier, shall, on or before the twentieth day of each month file with the Tax Collector a return stating, under the pains and penalties of perjury, the number of gallons of water sold by it in the Town of Carver.

Section 5: At the time of filing the return required in Section 4 hereof, every Private Water Supplier shall pay to the Town Treasurer an excise tax at the Tax per Gallon rate on each gallon of water sold as defined herein.

Section 6: The collection of such excise tax, including late fees and interest shall be in accordance with Chapter 60 of the Massachusetts General Laws.

Section 7: All sums received shall be credited to the Town's General Fund for use in accordance with section 53 of Chapter 44 of the Massachusetts General Laws.

Section 8: This act shall take effect upon its passage.

Selectmen recommended: 5-0  
Finance Committee No-Action  
Industrial Dev. Commission: Unanimously

Article 40. Upon motion duly made and seconded and motion to amend by William Sinclair, Chairman, Planning Board, it was So-Passed by Majority Vote for the Town to amend the General Bylaws by adding the follow provisions:

#### 4-9 CARVER MUNICIPAL AFFORDABLE HOUSING TRUST FUND

4-9.1 Authority; Establishment: Pursuant to the authority of Chapter 491 of Legislative Acts of 2004 and the Town of Carver Home Rule Charter, there is hereby created a local municipal affordable housing trust fund to be known as the "Carver Municipal Affordable Housing Trust Fund" (hereinafter, "Trust Fund").

4-9.2. Purposes. The purpose of the Trust Fund shall be:

A. To receive, hold, invest, and/or expend funds for the acquisition, rehabilitation, renovation, construction, financing or refinancing of property within the Town of Carver so that such property will be substantially available as residential property for low- and moderate-income persons and to further provide mechanisms to ensure such use; and

B. To utilize funds for temporary consulting services that allow the Town of Carver to provide or preserve real property in the Town so that such property will be substantially available as residential property for low- and moderate-income persons and to further provide mechanisms to ensure such use.

4-9.3. Composition. The Trust Fund shall have five Trustees at all times. One member shall be chosen from the Carver Board of Selectmen and one member shall represent the Carver Housing Authority. The three remaining Trustees shall be appointed by the Board of Selectmen. In making the appointments, the Board of Selectmen shall endeavor to provide a broad-based membership including legal, banking, financial and real estate professionals, other members of the local business community, affordable housing advocates, and other interested residents.

4-9.4. Term of Office. Each Trustee shall serve for a term of two years; however, commencing at the initial creation of the Board, two members shall be appointed for a one-year term and three members shall be appointed for a two-year term.



4-9.5. Organization. The Trustees shall annually elect one Trustee who shall not be the Selectman to serve as Chairperson. The Chairperson may establish subcommittees and/or ad hoc task related committees to carry out the purposes of the Trust Fund. Chairpersons of the subcommittees may be selected by the members of the subcommittees.

4-9.6. Filling of Vacancies: In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment.

4-9.7. Meetings, Quorum: Meetings of the Trustees shall be held on a regular basis. Special meetings may be called by the Chairperson or by any two Trustees. Notice of any meeting of the Trustees shall be filed with the Town Clerk and posted in accordance with Massachusetts General Laws Chapter 39, § 23, the Open Meeting Law. Editor's Note: See Massachusetts General Laws Chapter 39, § 23B. Three (3) Trustees shall constitute a quorum but a majority vote of the full membership shall be required to approve any motion.

4-9.8. Powers and Duties: The Carver Municipal Affordable Housing Trustees shall have the responsibility to support the construction and preservation of affordable housing in order to secure rental and home ownership opportunities for our community's low- and moderate-income individuals and families in the future. The Trustees shall have the powers and duties specified in Chapter 491 of the Legislative Acts of 2004, provided that it shall have no ability to borrow money, or mortgage or pledge trust assets without prior Board of Selectmen approval. It shall have the following additional powers and duties:

A. To establish criteria and/or qualifications for recipients and expenditures in accordance with the Trust Fund's above-stated purposes.

B. To employ consultants and full or part-time staff, to contract for administrative and support goods and services, and to expend up to 10% of the Trust Fund's receipts for these purposes.

4-9.9. Treasurer-Collector as Custodian. The Town of Carver Treasurer-Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds. He or she shall invest the funds in the manner authorized by Massachusetts General Laws Chapter 44, §§ 55, 55A and 55B. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Selectmen recommended: 5-0

Finance Committee: 5-0

Planning Board: Unanimously

## WETLAND PROTECTION BYLAW ARTICLES:

Article 41. Upon motion duly made and seconded and motion made by Daniel Fortier, Chairman, Conservation Commission, it was So-Passed by Majority Vote for the Town to amend the Carver Wetlands Protection Bylaw by amending Section II, Filing Procedures, (A) Request for Determination of Applicability, (4) by substituting \$35 in place of \$25 in the sentence “The Request for Determination of Applicability shall be accompanied by a check or money order made payable to the Town of Carver for \$25.00 to cover administrative costs”.

Selectmen recommended: No-Action

Finance Committee: No-Action

Conservation Comm. 7-0

Article 42. Upon motion duly made and seconded and motion made by Daniel Fortier, Chairman, Conservation Commission, it was So-Passed by Majority Vote for the Town to amend the Carver Wetlands Protection Bylaw by amending Section II, Filing Procedures, (B) Notice of Intent, (5) by substituting \$70 in place of \$50 in the sentence “The Notice of Intent shall be accompanied by a filing fee the amount of which shall be determined by 801 CMR 4.02 (310) (Executive Office for Administration and Finance) plus an additional cost of \$50.00 to cover administrative expenses”.

Selectmen recommended: No-Action

Finance Committee: No-Action

Conservation Comm. 7-0

## ZONING BYLAW ARTICLES:

Article 43. Withdrawn (add a new section entitled “Conditions of Issuance and Renewal of Special Permit”)

Article 44. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Planning Board, it was a 2/3 vote (82 yes - 4 no) for the Town to amend Article V of the Zoning By-Laws by inserting the following:

Section 5380: The Planning Board shall have one Associate Member, who shall be eligible to participate in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with G.L. c. 40A, §9. The Associate Member shall be appointed for a three-year term by majority vote of the Board of Selectmen and the Planning Board, each person having one vote. The chairman of the Planning Board may designate the Associate Member to sit on the Planning Board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: Unanimously

Article 45. Upon motion duly made and seconded and motion made by Jack Hunter, Town Planner, it was a 2/3 vote (83 yes – 1 no) for the Town to amend Article II, Section 2245 of the Town of Carver Zoning By-Laws by inserting the following words shown in bold to Section 2245(c):

2245. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards; provided, however, that

- c. garages, tool sheds, shops, well houses, and the like shall not exceed a floor area of 700 square feet. Barns or buildings used to house animals or poultry shall not exceed a floor area of 600 square feet, unless located on a lot greater than 5 acres.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: Unanimously

Article 46. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Planning Board, it was a 2/3 vote (80 yes - 2 no) for the Town to amend the Carver Zoning Bylaw and Zoning Map by rezoning, from Residential Agricultural (RA) to General Business (GB), the four parcels located on Main Street and identified on the Assessors Maps as Map 104, Lot 2 R; Map 104, Lot 1 R; Map 74 Lot 18 R; and Map 75, Lot 2 R, a copy of said maps having been filed with the Town Clerk.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: Unanimously

Article 47. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Planning Board it was Unanimously Voted for the Town to amend Article III, Section 3330, Table of Parking Requirements, of the Town of Carver Zoning By-Laws by inserting the following:

**NON EXEMPT EDUCATIONAL USE:** One (1) space for each teacher and employee, plus one space for each 10 students

**SELF STORAGE FACILITY:** One (1) off-street parking space shall be provided for each employee at the largest shift, plus one space for every 10,000 square feet of gross floor area.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: Unanimously

Article 48. Upon motion duly made and seconded and motion to amend by William Sinclair, Chairman, Planning Board, it was Unanimously Voted for the Town to amend Article II, Section 2230 of the Zoning By-laws as follows: Modify the uses in the Principal Use Table to read as follows

2230. Use Regulation Schedule.

PRINCIPAL USE	RA	HC	GB	V	IA	IB	AP
C. COMMERCIAL							
Non-Exempt educational use	N	Y	Y	Y	Y	N	N

PRINCIPAL USE	RA	HC	GB	V	IA	IB	AP
D. INDUSTRIAL							
Self Storage Facility	N	N	N	N	Y	N	Y

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

Article 49. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Planning Board it was a 2/3 vote (76 yes-2 no) for the Town to amend Article II, Section 2700 of the Town of Carver Zoning By-Laws by deleting Section 2700 in its entirety and inserting the following shown in bold:

2700. TRANSFER OF DEVELOPMENT RIGHTS

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

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

- a) Sending areas: Areas designated as sending areas on the TDR Overlay Map.
- b) Receiving areas: Areas designated as receiving areas on the TDR Overlay Map (Areas designated as existing commercial village or potential village expansion in the “Action Plan” map of the Carver Master Plan) and all land within any Planned Neighborhood Development (PND) overlay district.

Properties within the designated sending and/or receiving areas may either be developed under existing By-laws and regulations or may file for a Transfer of Development Rights (TDR) Special Permit. A TDR Special Permit shall be required for the determination of sending area development rights; and a TDR Special Permit shall be required for the approval of receiving area development plan. The two Special Permits may be combined into one single concurrent Special Permit or may be filed separately. The determination of development rights shall require a preliminary plan submittal for the sending parcel(s) as noted in Section 2730.

2721. The Planning Board shall be the Special Permit Granting Authority for TDR special permit(s).

2722. Determination of Sending Area Development Rights: To establish the development rights available for transfer, the sending parcel(s)’s owner shall file a preliminary plan for the sending parcel(s) with the Planning Board. The preliminary plan with supporting information as deemed necessary by the Planning Board shall comply with all existing density and dimensional limitations (see section 2300) in effect at the time of application. The preliminary plan for the sending parcel(s) shall also comply with Planning Board’s Rules and Regulations without the need for major waivers. The determination of major waivers lies at the discretion of the Planning Board.

2723. The sending parcel(s)’s owner shall provide a written report to the Planning Board that identifies the importance of the sending parcel(s) to remain in a natural state because the parcel(s) contain one or more of the following features: visual prominence, potential vista impairment, ecological significance, fragility, importance as farmland, value for recreation and/or future Town water supply. The Planning Board shall note the importance of the sending parcel in the Sending lot(s) Special Permit decision.

2724. The base development rights (number of lots) of the sending parcel(s) as established by the Planning Board from the Preliminary Plan shall be multiplied by 1.50, and this increased amount shall be the number of development rights available under a potential TDR application. Fractions of a unit shall be rounded down. For example, if the base development rights equals 10 units,  $10 \times 1.5 = 15$  units available for a TDR application. If the base development rights equals 15 units,  $15 \times 1.5 = 22.5$ , which is rounded down to 22 units.

If the Planning Board determines that one or more of the sending parcel(s) is of particularly significant importance, the base development rights of those parcel(s) may be multiplied by 2.0 instead of 1.50. Examples of particularly significant importance include:

- a. three (3) or more “approval not required” lots (i.e. lots having the minimum frontage and area requirements of the underlying zoning district and fronting on a public way or a way which the municipal clerk certifies is maintained and used as a public way) that are contiguous to each other or another parcel from which development rights are being transferred;
- b. public drinking water resources;
- c. habitat for rare or endangered species (as determined by the Natural Heritage and Endangered Species Program);
- d. parcels contiguous to State or Town conservation land;
- e. parcels containing structures, features or trails of noteworthy historical significance;
- f. parcels with special recreational value.

The determination of particularly significant importance lies at the discretion of the Planning Board. The Planning Board shall note the total number of development rights available for use under a potential TDR application in the Preliminary Plan decision.

Subsequent to the issuance of a certificate of development rights to the owner of a sending parcel(s), and prior to the approval of a transfer of the development rights to a receiving parcel(s), said certificate shall be assignable as a matter of right by a recordable document from the assignor to the assignee. The assignee shall, within fourteen (14) days of recordation of an assignment, transmit to the Planning Board a certified copy of the same, in order to enable the Planning Board to keep current its certificate ledger. The assignment of a certificate of development rights shall not be deemed to be a transfer of those development rights.

2725. Any lot or lots from the sending parcel(s) deemed to qualify for a transfer of development rights must, prior to any utilization of transferred development rights on a receiving parcel(s), be permanently restricted from future development by way of a permanent conservation restriction in accordance with Massachusetts General Law Chapter 184, Section 31-33, as most recently amended, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, or by being donated to the Town of Carver for conservation purposes or by being conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, and any other purposes set forth by the Planning Board. Draft restriction(s) or donation language on the sending lot(s) shall be submitted to the Planning Board with the application. The Planning Board shall require the restriction or donation language on the sending parcel(s) to be recorded at the Plymouth County Registry of Deeds/Land Court prior to the issuance of any building permit on the receiving parcel(s). On property which will be protected by way of a conservation restriction, a management plan(s) shall be provided to the Planning Board, which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with best management practices.

2726. All instruments implementing the Transfer of Development Rights shall be recorded in the manner of a deed(s) at the Plymouth County Registry of Deeds for both the sending and, when identified, the receiving parcel(s). The instrument evidencing such TDR's shall specify the map and lot numbers of the sending and receiving parcel(s).

2727. The Carver Town Assessor shall be provided by applicant, all pertinent information required by such Assessor to value, assess and tax the respective parcels at their fair market value as enhanced or diminished by the TDR's. This information shall include both the sending parcel(s) and, when identified, the receiving parcel(s) and shall be obtained from the clerk of the Plymouth County Registry of Deeds.

2728. The record owner of the sending parcel(s) or the receiving parcel(s) shall, within thirty days of the expiration of the appeal period from the special permit decision authorizing TDR's (or within thirty (30) days of the date on which the disposition of any such appeal is filed in the Town Clerk's office), record at the Registry of Deeds the special permit decision. Evidence of said recording shall be transmitted to the Planning Board within twenty (20) days of the recording of the special permit document with the Registry of Deeds. Evidence to the Planning Board shall include the date of recording and the deed book and page at which the recording can be located.

2729. The record owner of the sending parcel(s) shall, prior to the issuance of any building permit for the receiving parcel(s) and only after discussion and written agreement with the Planning Board, record at the Registry of Deeds either: a Conservation Restriction as defined by M.G.L. c. 184 §31-33, running in favor of the Town or non-profit organization, the principal purpose of which is conservation of open space, prohibiting in perpetuity the construction, placement, or expansion of any new or existing structure or other development on said sending parcel(s); or a transfer of the deed of said sending parcel(s) to a nonprofit organization, the principal purpose of which is conservation of open space, or by being donated to the Town of Carver for conservation purposes. Evidence of said recording shall be transmitted to the Planning Board indicating the date of recording and the deed book and page number at which the recording can be located. The grant of the special permit to transfer development rights shall be expressly conditioned upon evidence of the recordation of such restriction or donation prior to the issuance of any building permit for the receiving parcel.

2730. Approval of Receiving Area Development Plan. To establish the development rights available for receipt, the receiving parcel(s)'s owner shall submit a development plan(s) for the receiving parcel(s). The development plan shall conform to all regulations applicable in the zoning district in which the receiving area is located, except density and dimensional requirements. The minimum area of a receiving area shall be 10 acres, except for (a) receiving areas in the village district, and (b) receiving areas having frontage on or access from Route 58. The maximum area of a receiving area shall be 60 acres, except for land within the PND overlay district. The receiving area must either have (a) frontage on Route 58 or (b) an express appurtenant access easement from Route 58.

The base density of the receiving area (before the TDR's are transferred) shall be established by having a Net Usable Land Area (NULA) plan for the entire receiving area(s) 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. The base number of units that could be developed on the receiving parcel(s) equals six (6) times the NULA. Fractions of a unit shall be rounded down.

Each transferred TDR that is to be used on the receiving area for either (a) age-restricted housing or (b) affordable housing may be multiplied by 1.5. Fractions of a unit shall be rounded down. Each transferred TDR that is to be used on the receiving area for both (a) age-restricted housing and (b) affordable housing may be multiplied by 2.0 instead of 1.5. Fractions of a unit shall be rounded down.

The base number of units that could be developed on the receiving parcel(s) plus the number of TDR's available to be transferred (as calculated under Section 2730 and under the above provisions of this Section 2731) shall be the total number of units allowed on the receiving parcel(s).

The Planning Board shall have the authority to modify the number of parking spaces otherwise required by Section 3300 if one or more of the units are age-restricted.

The following Dimensional Standards shall apply:

Frontage: 40'

Front Setback: 30' from street layout line or edge of pavement, whichever is less

Rear Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.

Side Setback: 25' to property line or edge of pavement (if alley access is used), whichever is less.

Route 58 Setback: 40' (notwithstanding the foregoing)

Building to Building Setback: One-half (1/2) of the sum of the heights of the buildings, provided that the Fire Chief certifies that there is adequate fire access to all sides of each building.

Height: 35' or 3.5 stories (subject, however, to Footnote 8 in Section 2320)

The following Building Types shall be used:

Single-family dwelling

Two-family dwelling

Townhouse dwellings

Multi-family dwelling containing no more than eight dwelling units

Mixed use project, provided that first story is used for commercial purposes and upper story(ies) is (are) used for residential purposes

The Receiving Area Development Plan shall show all existing legal restrictions, easements or limitations on development. The receiving parcel(s) shall have public water and public septic services available or said services shall be provided as part of the TDR special permit development approval.



2750. TDR Special Permit Criteria: A TDR special permit may be granted by the Planning Board for the receiving parcel(s) upon its written determination that the benefits of the proposed transfer of development rights to the receiving parcel(s) outweigh the detrimental impacts of the development in the receiving area, the surrounding neighborhood, and the Town. The Board shall review and make a positive finding on each of the following criteria:

2751. The development complies with the Carver Master Plan and Open Space and Recreation Plan;

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

2753. The development provides adequate water and sanitary facilities;

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

2755. The development design integrates into an existing village or expansion area as mapped in the Carver Master Plan or development occurs in and achieves the goals of the Planned Neighborhood Development (PND) zoning district;

2756. Projected traffic generation from development onto local roads and intersections is within the capacity of the road network and does not create any safety concerns. If deemed necessary by the Planning Board, traffic mitigation improvements may be required to address capacity, safety and access management issues;

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

2760. Governance: Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in M.G.L. c. 40A, §.9. The Planning Board as S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in MGLc.40A.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: Unanimously

Article 50. Withdrawn (deleting in its entirety Section 2850 a.)

Article 51. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Planning Board, it was a 2/3 vote (65yes-10 no) for the Town to amend Article III, of the Town of Carver Zoning By-Laws by inserting the following:

### 3000. INCLUSIONARY ZONING

Purposes: The purposes of this section are to promote the public health, safety, and welfare by encouraging diversity of housing opportunities in the Town; to provide for a full range of housing choices throughout the Town for households of all incomes, ages, and sizes in order to meet the Town's goal of preserving its character and diversity; to mitigate the impact of residential development on the availability and cost of housing, especially housing affordable to low and moderate income households; to increase the production of affordable housing units to meet existing and anticipated housing needs within the Town; to provide a mechanism by which residential development can contribute directly to increasing the supply of affordable housing in exchange for a greater density of development than that which is permitted as a matter of right; and to establish requirements, standards, and guidelines for the use of such contributions generated from the application of inclusionary housing provisions.

### 3010. Definitions.

a) Housing Trust: The Carver Municipal Affordable Housing Trust Fund, as established by the Town for the purpose of creating and preserving affordable housing in the Town, pursuant to M.G.L. Chapter 40§55C.

b) "Eligible Household" shall mean: For rental housing, any household whose total income does not exceed 80 percent of the median income for households in the Massachusetts Department of Housing and Community Development (DHCD) designated statistical area that includes the Town at the time of rental of Inclusionary Units and adjusted for household size; and in the case of for-sale housing, any household whose total income does not exceed 120 percent of the median income for households in the DHCD designated statistical area that includes the Town at the time of marketing of Inclusionary Units and adjusted for household size, which is defined as the number of bedrooms plus one.

c) "Inclusionary Unit(s)" shall mean any finished dwelling unit required to be for sale or rental under this section of the zoning ordinance.

I) For Inclusionary Units that are rented to Eligible Households, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the monthly income of an Eligible Household, assuming 1.5 persons per bedroom, except in the event of an Eligible Household with a Section 8 or other rent subsidy voucher in which case the rent and income limits established by the Housing Authority, with the approval of the DHCD, shall apply.

II) For Inclusionary Units that are sold to Eligible Households, the sales price of an Inclusionary Unit shall be affordable to a household earning 70 percent of the median income for households in the DHCD designated statistical area that includes the Town at the time of marketing of the Inclusionary Unit and adjusted for household size. The sales price shall then be determined from a calculation which limits the monthly housing payment for mortgage principal and interest, private mortgage insurance, property taxes, condominium or homeowner's association fees, insurance, and parking to not more than 30 percent of the monthly income of an appropriately sized household at the time of marketing of the Inclusionary Unit.

III) Where fewer than three Inclusionary Units are provided in a development under this section Inclusionary Units required to be offered for sale shall be provided to Eligible Households with median incomes of not more than 80 percent of the median income for households in the DHCD designated statistical area that includes the Town at the time of marketing of Inclusionary Units and adjusted for household size.

IV) Where three or more Inclusionary Units are provided in a development under this section, two-thirds of the Inclusionary Units required to be offered for sale shall be provided to Eligible Households with median incomes of not more than 80 percent of the median income for households in the DHCD designated statistical area that includes the Town at the time of marketing of Inclusionary Units and adjusted for household size. One-third of the Inclusionary Units required to be offered for sale shall be provided to Eligible Households with median incomes of not more than 120 percent of the median income for households in the DHCD designated statistical area that includes the Town at the time of marketing of Inclusionary Units and adjusted for household size.

V) Where two or more Inclusionary Units are provided in a development under this section, Inclusionary Units required to be offered for rental shall be provided to Eligible Households such that the mean income of Eligible Households in the development does not exceed 65 percent of the median income for households in the DHCD designated statistical area that includes the Town at the time of rental of Inclusionary Units and adjusted for household size. Where one Inclusionary Unit is provided in a development under this section, the Inclusionary Units required to be offered for rental shall be provided to an Eligible Household with a median income of not more than 80 percent of the median income for households in the DHCD designated statistical area that includes the Town at the time of rental of Inclusionary Units and adjusted for household size.

3020. Scope; Monitoring: Where a special permit is required under these Ordinances for residential development or for a business or mixed-use development that includes residential development beyond that allowable as of right or where the development is proposed to include or may include new or additional dwelling units totaling more than two households whether by new construction, rehabilitation, conversion of a building or structure, or an open space preservation development, the development shall be subject to

the inclusionary zoning provisions of this section. This inclusionary zoning section does not apply to accessory units or hotel/motel units.

Inclusionary units created under these bylaws shall be monitored by a responsible agency such as the Carver Housing Authority or another entity as designated by the Planning Board.

3030. Inclusionary Units; Bonus Units: Where a special permit is required for development as described in this section, 15 percent 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 percent 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.

At the discretion of the Applicant, a development may include more than 15 percent of its units as Inclusionary Units. Inclusionary Units shall be offered for sale or rental in the same proportion of the total units as the offer for sale or rental of Market Rate units in the development.

To facilitate the objectives of this Section, modifications to the dimensional requirements in any zoning district shall be permitted as of right for an Inclusionary Project, as set forth below:

- a) The minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by that amount necessary to permit up to one additional unit on the lot for each Inclusionary Unit required.
- b) There shall be no bonus units provided for a conventional subdivision.

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 1.5 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 1.5 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.

3038. Off-Site Development: Where an Applicant has entered into a development agreement with a non-profit housing development organization, Inclusionary Units otherwise required to be constructed onsite and within the development may be constructed or rehabilitated off site, the Applicant and the non-profit housing development organization must submit a development plan for off-site development for review and

comment by the Planning Department prior to submission to the Planning Board. The plan must include at a minimum, demonstration of site control, necessary financing in place to complete the off-site development or rehabilitation, an architect's conceptual site plan with unit designs and architectural elevations, and agreement that the off-site units will comply with this bylaw.

As a condition of granting a special permit for the Applicant's development, the Planning Board shall require that off-site Inclusionary Units shall be completed no later than completion of the Applicant's Market Rate Units. If the off-site Inclusionary Units are not completed as required within that time, temporary and final occupancy permits shall not be granted for the number of Market Rate Units equal to the number of off-site Inclusionary Units which have not been completed.

Where the Planning Board determines that completion of off-site Inclusionary Units has been delayed for extraordinary reasons beyond the reasonable control of the Applicant and non-profit housing developer, the Planning Board may, in its discretion, permit the Applicant to post a monetary bond and release one or more Market Rate Units. The amount of the bond shall be sufficient in the determination of the Planning Department to assure completion of the off-site Inclusionary Units.

3040. Design and Construction: In all cases, Inclusionary Units shall be fully built out and finished dwelling units. Inclusionary Units provided on site must be dispersed throughout the development and must be sited in no less desirable locations than the Market Rate Units and have exteriors that are indistinguishable in design and of equivalent materials to the exteriors of Market Rate Units in the development, and satisfy the following conditions:

- a) Inclusionary Units shall have habitable space of not less than 650 square feet for a one bedroom unit and an additional 300 square feet for each additional bedroom or 60 percent of the average square footage of the Market Rate Units with the same number of bedrooms, whichever is greater; provided that Inclusionary Units shall not exceed 2,000 square feet of habitable space;
- b) The bedroom mix of inclusionary units shall be equal to the bedroom mix of the Market Rate Units in the development. In the event that Market Rate Units are not finished with defined bedrooms, all Inclusionary Units shall have three bedrooms;
- c) The materials used and the quality of construction for Inclusionary Units, including heating, ventilation, and air conditioning systems, shall be equal to that of the Market Rate Units in the development, as reviewed by the Planning Department; provided that amenities such as so-called designer or high end appliances and fixtures need not be provided for Inclusionary Units.

3045. Habitable Space Requirements: The total habitable space of Inclusionary Units in a proposed development shall not be less than 10 percent of the sum of the total habitable space of all Market Rate Units and all Inclusionary Units in the proposed development. As part of the application for a special permit under this section, the Applicant shall submit a proposal including the calculation of habitable space for all Market Rate and Inclusionary Units to the Planning Department for its review and certification of compliance with this section as a condition to the grant of a special permit.

3050. Inclusionary Housing Plans and Covenants. As part of the application for a special permit under this section, the Applicant shall submit an inclusionary housing plan that shall be reviewed by the Housing Authority and the Planning Department and certified as compliant by the Planning Department. The plan shall include the following provisions:

- a) A description of the Inclusionary Units including at a minimum, floor plans indicating the location of the Inclusionary Units, number of bedrooms per unit for all units in the development, square footage of each unit in the development, amenities to be provided, projected sales prices or rent levels for all units in the development, and an outline of construction specifications certified by the Applicant;
- b) A marketing and resident selection plan which includes an affirmative fair housing marketing program, including public notice and a disinterested resident selection process; provided that in the case of a marketing and selection for sale of Inclusionary Units to Eligible Households, the marketing and selection plan shall provide for “income blind” selection of Eligible Households and shall then provide for a preference order, to the extent permitted bylaw, first to Town employees and then to residents of or workers in the Town. In lieu of submitting a marketing and resident selection plan under this subsection, the Applicant may use a standard form marketing and resident selection plan developed by the Planning Department.
- c) Agreement by the Applicant that residents shall be selected at both initial sale and rental and all subsequent sales and rentals from listings of Eligible Households in accordance with the approved marketing and resident selection plan; provided that the listing of Eligible Households for inclusionary rental units shall be developed, advertised, and maintained by the Housing Authority while the listing of Eligible Households for Inclusionary Units to be sold shall be developed, advertised, and maintained by the Planning Department; and provided further that the Applicant shall pay the reasonable cost to develop, advertise, and maintain the listings of Eligible Households.
- d) Agreement by the Applicant to develop, advertise, and provide a supplemental listing of Eligible Households to be used to the extent that Inclusionary Units are not fully subscribed from the Housing Authority or the Planning Department listings of Eligible Households;
- e) Agreement that any special permit issued under this section shall require the Applicant to execute and record a covenant in the Registry of Deeds or the Land Court Registry of Deeds for the County as the senior interest in title for each Inclusionary Unit and enduring for the life of the residential development, as follows:
  - I) For purchase units, a covenant to be filed at the time of conveyance and running in favor of the Town, in a form approved by the Town Counsel, which shall limit initial sale and subsequent re-sales of Inclusionary Units to Eligible Households in accordance with provisions reviewed and approved by the Planning Department which incorporate appropriate sections of this ordinance;

II) For rental units, a covenant to be filed prior to grant of an occupancy permit and running in favor of the Town, in a form approved by the Town Counsel, which shall limit rental of Inclusionary Units to Eligible Households in accordance with provisions reviewed and approved by the Housing Authority which incorporate appropriate sections of this bylaw.

3060. Public Funding Limitation: The intent of this section is that an Applicant is not to use public funds to construct Inclusionary Units required under this section; this provision however, is not intended to discourage the use of public funds to generate a greater number of affordable units than are otherwise required by this subsection. If the Applicant is a non-profit housing development organization and proposes housing at least 50 percent of which is affordable to Eligible Households, it is exempt from this limitation.

3070. Elder Housing with Services: In order to provide affordable elder housing with services on-site, the following requirements shall apply exclusively when an Applicant seeks a special permit for housing with services designed primarily for elders such as residential care, congregate care, independent living, assisted living, and continuing care retirement communities. The services to be provided shall be an integral part of the annual rent or occupancy related fee, shall be offered to all residents and may include in substantial measure long term health care and may include nursing, home health care, personal care, meals, transportation, convenience services, and social, cultural, and education programs. This section shall not apply to a nursing facility subject to certificate of need programs regulated by the Commonwealth of Massachusetts Department of Public Health or to developments funded under a state or federal program which requires a greater number of elder units or nursing beds than required here.

a) Maximum Contribution: The Applicant shall contribute 2.5 percent of annual gross revenue from fees or charges for housing and all services, if it is a rental development or an equivalent economic value in the case of a non rental development. The amount of the contribution shall be determined by the Director of Planning, based on analysis of verified financial statements and associated data provided by the Applicant as well as other data the Director may deem relevant.

b) Determination: The Planning Board shall determine, in its discretion, whether the contribution shall be residential units or beds or a cash payment after review of the recommendation of the Director of Planning. In considering the number of units or beds, the Director may consider the level of services, government and private funding or support for housing and services, and the ability of low and moderate income individuals to contribute fees. The Applicant shall provide financial information requested by the Director. If the petitioner or Applicant is making cash contribution, the contribution shall be deposited in accordance with this section.

c) Contributed Units or Beds: Contributed units or beds shall be made available to individuals and households whose incomes do not exceed 80 percent of the applicable median income for elders in the Municipal Statistical Area, adjusted for household size.

d) Selection: The Applicant or manager shall select residents from a listing of eligible persons and households developed, advertised, and maintained by the Housing Authority; provided that the Applicant shall pay the reasonable costs of the Housing Authority to develop, advertise, and maintain the listing of eligible persons and households. Should the Applicant or manager be unable to fully subscribe the elder housing with candidates from the Housing Authority listing, the Applicant or manager shall recruit eligible persons and households through an outreach program approved by the Director of Planning. The Applicant or manager shall certify its compliance with this section annually in a form and with such information as is required by the Director of Planning. To the extent permitted bylaw, residents shall have first opportunity to participate in the elder housing with services program set out here.

e) Residential Cash Balances: If, after calculation of the number of units or beds to be contributed under this section there remains an annual cash balance to be contributed, that amount shall be contributed as set out in subparagraph (b) above. Any such contribution shall not reduce the contribution required in future years.

3080. Hotels: Rooms that are provided for a daily fee with an on-site office and management shall not be considered as residential development and are therefore not covered by this section.

3085. No Effect on Accessory Apartments: This section shall not apply to accessory apartments regulated under this ordinance.

3086. No Effect on Prior or Existing Obligations: This section shall have no effect on any prior or currently effective special permit, obligation, contract, agreement, covenant or arrangement of any kind, executed or required to be executed, which provides for dwelling units to be made available for sale or rental to or by the Town, the Housing Authority, or other appropriate municipal agency, or any cash payment so required for affordable housing purposes, all resulting from a project permitted under this section applied for or granted prior to the effective date of this amendment.

3087. Segmentation: An Applicant for residential development shall not segment or divide or subdivide or establish surrogate or subsidiary entities to avoid the requirements of this section. Where the Board of Selectmen determines that this provision has been violated, the application will be denied. However, nothing herein prohibits phased development of a property, with the Inclusionary Units being provided proportionately in each phase of the project.

3090. Severability, Effect on Other Laws: The provisions of this section are severable. If any subsection, provision, or portion of this section is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this section shall continue to be valid.

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



Article 52. Upon motion duly made and seconded and motion made by Jack Hunter, Town Planner, it was Unanimously Voted for the Town to amend Article III, Section 3100 of the Town of Carver Zoning By-Laws by inserting the following:

#### 3100. SITE PLAN REVIEW

3115. Upon written request of the applicant, the Planning Board may waive any of the submittal requirements set forth in Section 3100 deemed by the Planning Board to be not necessary for its review of the application. In addition, the Planning Board may waive other such requirements of this Section 3100, including the requirement for a public hearing, where the Planning Board determines that the project constitutes a minor site plan. In order to constitute a minor site plan, the proposed work must be limited to (a) construction that does not exceed a total gross floor area of two thousand (2,000) square feet, (b) construction that will not generate the need for more than ten (10) total number of parking spaces, and/or (c) modifications to the site which, in the Planning Board's determination, do not materially or adversely affect conditions governed by the site plan review standards set forth in Section 3160 below.

3134. Submittal requirements for a Minor Site Plan Review shall show:

- a. Site plan at 1" to 40' scale showing all proposed work including proposed landscaping, parking, proposed construction and any other pertinent information.
- b. Any other information as determined by the Planning Board.

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

Article 53. Upon motion duly made and seconded and motion made by Jack Hunter, Town Planner, it was Unanimously Voted for the Town to amend Article III, Section 3650 of the Town of Carver Zoning By-Laws as follows:

(I) Delete Section 3653.1 in its entirety, and insert the following:

1. Wind Energy Facility (WEF): All equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including accessory transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower) and accessory permanent meteorological (wind measuring devices including anemometers and related equipment) towers to be in place for more than thirty-seven (37) months, transformers, substation, power lines, control and maintenance facilities, site access and service roads. Temporary meteorological towers are not a WEF and are separately provided for in 3653.5.

(II) Insert Section 3653.5 as follows:

5. Temporary Meteorological Towers (Met Towers): Wind measuring equipment that typically consists of, and limited to, one or more anemometers and wind vanes and related recording devices mounted on a temporary tower structure for the purpose of ascertaining the wind resource that exists at a particular site. Met Towers to be installed and operated for a maximum of thirty-seven (37) months shall be considered Temporary; any such equipment to be installed and operated in excess of thirty-seven (37) months shall be considered permanent and included in the definition of WEF.

(III) Delete in its entirety Section 3656.8. Modifications, and insert:

8. Modifications. All modifications (excluding repairs, maintenance, and equipment upgrades to existing structures and/or equipment) to a WEF made after issuance of the Special Permit shall require approval by the SPGA.

(IV) insert a new Section 3658, as follows:

3658. Met Towers.

Zoning Permit: Met Towers shall be erected, constructed, installed, or modified only by first obtaining Administrative Review approval from the Planning Board. Met Towers shall be permitted under the same standards as a WEF provided for in Section 3650 and all related subsections, except that: (a) The requirements apply to a temporary structure; (b) A permit for a temporary met tower shall be valid for a maximum thirty-seven (37) months in total, including any extensions that may be requested and granted; and (c) Small anemometers installed directly on buildings shall not require a building or special permit.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: 5-0

Article 54. Upon motion duly made and seconded and motion made by Jack Hunter, Town Planner, it was Unanimously Voted for the Town to add Article III, Section 3700 of the Town of Carver Zoning By-Laws by inserting the following:

3700. Floodplain District

3710. Scope of Authority. The Floodplain District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations in the Carver Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Floodplain District imposes additional regulations, the more stringent regulations shall prevail.

3720. Purpose. The purpose of the Floodplain District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

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

3730. Floodplain District Delineation.

3731. The Floodplain District is defined as all lands within the 100-year floodplain as mapped and designated on the Town of Carver Flood Insurance Rate Maps FIRM (July 19, 1982), FBFM (July 19, 1982) and the Flood Insurance Study (FIS – January 19, 1982), (FIRM) approved and issued by the Federal Emergency Management Agency and/or land subject to coastal storm flowage as documented and mapped by the Town.

3732. The floodway boundaries are delineated on the Town of Carver's most recent Flood Boundary and Floodway Map (FBFM) July 19, 1982.

3733. The FIRM, FIS and FBFM maps are incorporated herein by reference and are on file with the Board of Assessors and Town Clerk.

3740. Base Flood Elevation and Floodway Data.

3741. Floodway Data: In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3742. Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

3750. Notification of Watercourse Alteration

3751. In a rive-rine situation The Town of Carver shall notify the following of any alteration or relocation of a watercourse:

Abutting Communities

NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 800  
Boston, MA 02114-2104

NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

3760. Use Regulations.

3761. Permitted Uses. Except as otherwise provided, in the Floodplain District, no new building shall be constructed, and no existing structure shall be enlarged within its existing footprint, moved to a more vulnerable location, or altered except to upgrade for compliance with documented existing health and safety codes; no dumping, filling, or earth transfer or relocation shall be permitted; nor shall any land, building or structure be used for any purposes, except:

- a. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.
- b. Wildlife management or conservation areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of floodwaters or of any water course.
- c. Agricultural uses or forestry uses.
- d. Uses lawfully existing prior to the enactment of this bylaw.

3770. Use Limitations.

3771. No development or redevelopment shall be permitted within FEMA identified Special Flood Hazard Areas, except where fire, storm, or similar disaster caused damage to or loss of greater than 50% of the market value of buildings in this high hazard zone.

3772. No new public infrastructure or expansion of existing infrastructure shall be made in FEMA A flood zones unless there is a documented and accepted overriding public benefit provided, and provided that the infrastructure will not promote new growth or development in these areas. New or replacement water and/or sewer systems shall be designed to avoid impairment to them or contamination from them during flooding.

3773. Development and redevelopment shall be subject to the requirements of the FEMA identified Special Flood Hazard Areas and related policies and regulations;

3774. Public infrastructure and private wastewater treatment facilities may be constructed in FEMA-Mapped A-zones provided that: 1) the facilities are consistent with the Flood Hazard Mitigation Plan and 2) the infrastructure is flood resistant.

3775. All new buildings or substantial improvements to existing structures in the FEMA A-zone shall comply with FEMA and State Building Code regulations for elevation and flood proofing.

3776. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on Town of Carver FIRM or Flood Boundary & Floodway Map encroachments are prohibited in the regulatory floodway which would result in any

increase in flood levels within the community during the occurrence of the base flood discharge.

3777. All subdivision proposals must be designed to assure that:

- a) Such proposals minimize flood damage;
- b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) Adequate drainage is provided to reduce exposure to flood hazards.

3778. No activity shall increase the elevation or velocity of flood waters or flows in the floodplain district.

3780. Other Requirements

3781. All development and redevelopment in the district including structural and non-structural activities must be in compliance with the following:

3782. M.G.L. Chapter 131, § 40 and 310 CMR 10.00. Inland Wetlands Restriction.

3783. Title 5, The State Environmental Code - Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection.

3784. Section 744.0 Appendix 120.G of the Flood Resistant Construction and Construction in Coastal Dunes.

3790. Administration and Severability

3791. The Building Commissioner (in consultation with the Planning Board and Conservation Commission) shall review all proposed development within the floodplain to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.

3792. The Building Commissioner shall obtain and maintain records of elevation and flood-proofing levels for new construction or substantial improvement within the flood district.

3793. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town's zoning bylaw.

Selectmen recommended: 5-0

Finance Committee: No-Action

Planning Board: 5-0

Article 55. Withdrawn (amend Article IV, Campgrounds)

Article 56. Upon motion duly made and seconded and motion to amend by William Sinclair, Chairman, Planning Board, it was Unanimously Voted for the Town to amend Article VI of the Zoning By-Laws by inserting the following definitions:

SELF STORAGE FACILITY: A building containing individual, compartmentalized and controlled access stalls, rooms or lockers or property that is leased, rented or owned by different individuals for the storage of individual possessions or personal property.

Selectmen recommended: No-Action

Planning Board: 5-0

Finance Committee: No-Action

#### PETITION ARTICLES

Article 57 to 61          Defer to June 23, 2009

Upon motion duly made and seconded and motion made by the Moderator, John S. Murray, it was Unanimously Voted at 9:00PM to recess until June 23, 2009.

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC  
Town Clerk

CONTINUATION OF THE ANNUAL TOWN MEETING  
TUESDAY, JUNE 16, 2009

The 217<sup>th</sup> Continuation of the Annual Town Meeting of the Inhabitants of the Town of Carver was held on Tuesday, June 16, 2009 at the Carver High School Auditorium at 7:00 P.M., pursuant to a Warrant of the Board of Selectmen dated May 7, 2009. The meeting was called to order at 7:10 P.M., by the Moderator, John S. Murray. The total number of registered voters at this time were 34. There was a motion before Town Meeting with no quorum. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, motioned to adjourn to June 23, 2009. Chairman Casey had discussion on why the meeting would be moved to June 23, 2009. A vote was taken to continue the meeting and failed. The Moderator, John S. Murray declared the meeting to be continued until June 23, 2009 at 7:00 P.M. per the advice of Atty. Cobo from Kopelman & Paige.

Upon motion duly made and seconded and motion made by the Moderator, John S. Murray, it was voted to adjourn at 7:30 P.M.

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC  
Town Clerk

CONTINUATION OF THE ANNUAL TOWN MEETING  
TUESDAY, JUNE 23, 2009

The 217<sup>th</sup> Continuation of the Annual Town Meeting of the Inhabitants of the Town of Carver was held on Tuesday, June 23, 2009 at the Carver High School Auditorium at 7:00PM, pursuant to a Warrant of the Board of Selectmen dated May 7, 2009. The meeting was called to order at 7:03 P.M., by the Moderator, John S. Murray there being a quorum 75 present. The total number of registered voters at this time was 225. The appropriate tellers were duly sworn to the faithful performance of their duties by the Town Clerk. The tellers were as follows:

Linda Dorgan, Marilyn Downing, John Syria, and Kevin Walsh

Article 1.      Defer to May 19, 2009

Article 2.      Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to fix the salaries of Elected Town Officers in accordance with Massachusetts General Laws, Chapter 41, Section 108 as amended, namely:

	<u>Current Salary</u>	<u>Proposed Salary</u>
Treasurer/Collector	\$ 72,170.33	\$ 72,170.33
Town Clerk	\$ 59,271.67	\$ 59,271.67
Moderator	\$ 250.00	\$ 250.00
Chairman, Board of Selectmen	\$ 1,800.00	\$ 900.00
Board of Selectmen all other Members (each)	\$ 1,550.00	\$ 775.00
Board of Assessors, each member	\$ 1,500.00	\$ 750.00
Board of Public Works, each member	\$ 500.00	\$ 500.00
Planning Board, each member	\$ 1,400.00	\$ 700.00
Board of Health, each member	\$ 1,400.00	\$ 700.00
Library Trustees, each member	\$ 250.00	\$ 250.00
Chairman, School Committee	\$ 1,500.00	\$ -0-
School Committee, each member	\$ 1,200.00	\$ -0-

This Article is not an appropriation. Appropriations will be made within the respective department budgets.

Selectmen recommended: 5-0

Finance Committee: 5-0



Article 3. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was So-Passed by majority vote for the Town to raise and appropriate Thirty Million, One Hundred Twenty Seven Thousand, Seven Hundred Fifty Seven (\$30, 127,757.00) Dollars and transfer from the Ambulance receipts Four Hundred Sixty Six Thousand, Six Hundred Sixty Six (\$466,666.00) Dollars , transfer from Water Enterprise Fifty Two Thousand, Seven Hundred (\$52,700.00) Dollars, transfer from Septic Betterments Eleven Thousand, One Hundred One (\$11,101.00) Dollars for a total budget of Thirty Million Six Hundred Fifty Eight Thousand, Two Hundred Twenty Four (\$30,658,224.00) Dollars, to defray Town charges from July 1, 2009 to June 30, 2010 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.

Selectmen recommended: 5-0

Finance Committee: tabled

Article 4. Upon motion duly made and seconded and motion to amend by William Sinclair, Chairman, Planning Board, it was Unanimously Voted for the Town to raise and appropriate funds in the amount of Eighty Thousand (\$80,000.00) Dollars for the purpose of establishing the operating budget of the North Carver Water Commission.

Selectmen recommended: No-Action

Finance Committee: 6-0-0

Water Commission: Unanimously

Article 5. Withdrawn (providing a cost-of-living increase for FY2010 for non-union employees)

Article 6. Withdrawn (funding a collective bargaining agreement with the Police Union)

Article 7. Withdrawn (Purchase a Cab and Chassis with a dump body 36,000 GVW for the DPW)

Article 8. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, and amended by John K. Franey, Treasurer/Collector it was Unanimously Voted for the Town to re-authorize the establishment of the following Revolving Accounts in accordance with Massachusetts General Laws, Chapter 44, §53E ½:

- 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 FY2010 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 and farebox receipts and passes, shall be credited to the revolving account: (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 FY2010 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 the 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 FY2010. Expenditures shall be under the direction of the Earth Removal Committee.

(By the 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 FY2010 from such fund not to exceed One Hundred Thousand Dollars (\$100,000). Expenditures shall be under the direction of the Building Commissioner.

(By the 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 of the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees. Expenditures for FY2010 from such funds not to exceed Twelve Thousand Dollars (\$12,000.00).

(By the Marcus Atwood House Trustees)

- Cole Property Bog Maintenance Revolving Account for receipts and other fees collected for the ongoing maintenance of the Cole Property Cranberry Bogs and Cole Property Walking Trail, said sums to be under the direction of the Agricultural Commission. Expenditures for FY2010 shall not exceed Ten Thousand Dollars (\$10,000.00).

(By the Agricultural Commission)

Selectmen recommended: 5-0

Finance Committee: 6-0

Article 9. Upon motion duly made and seconded and motion made by Craig Weston, Fire Chief, it was Unanimously Voted for the Town to authorize a revolving fund pursuant to Massachusetts General Laws, Chapter 44, Section 53 E 1/2 for the purpose of receiving and expending funds by the fire department as a result of 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, not to exceed Thirty Thousand Dollars (\$30,000.00) annually may be made by the Fire Chief.

Selectmen recommended: unanimously  
Finance Committee: 6-0-0

Article 10. Withdrawn (to authorize the establishment of the following revolving account Chapter 44, Section 53E ½)

Article 11. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to establish a Recreation Revolving Account not to exceed Twenty Thousand (\$20,000.00) Dollars pursuant to MGL Chapter 53E ½ 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.

Selectmen recommended: unanimously  
Finance Committee: 6-0-0

Article 12. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was a 2/3 vote (178 yes – 11 no) for the Town to transfer from Stabilization Fund, Ten Thousand Dollars (\$10,000.00) to be used as matching funds for grants that require matching funds, to be under the supervision of the Board of Selectmen.

Selectmen recommended: unanimously  
Finance Committee: 6-0

Article 13. Upon motion duly made and seconded and motion to amend by Robert Tinkham, Agent, Board of Health, it was Unanimously Voted for the Town to take from Free Cash under the provisions of Chapter 44, or any other lawful authority, the sum of Eleven Thousand, Three Hundred One Dollars and Seventeen Cents (\$11,301.17) to fund the Carver Visiting Nurse Division of Partners Home Care, Inc.'s budget for professional services for the fiscal year July 2009 - June 2010.

Selectmen recommended: 5-0  
Finance Committee: 4-2-0  
Board of Health: unanimously

Article 14. Upon motion duly made and seconded and motion to amend by William Halunen, Superintendent, Department of Public Works, it was Unanimously Voted for the Town to transfer from available funds the sum of Three Hundred, Twenty Six Thousand, Seven Hundred and Seven (\$326,707.00) Dollars 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 from there to be paid to the treasury.

Selectmen recommended: 4-0-1

Finance Committee: 6-0-0

Board of Public Works: unanimously

Article 15. Upon motion duly made and seconded and motion made by William Halunen, Superintendent, Dept. of Public Works, it was So-Passed by majority vote for the Town to transfer the sum of Twenty Thousand Six Hundred Thirty Nine Dollars (\$20,639.00) from the sale of lots accounts in Central, Lakenham and Union Cemeteries and also vote to transfer the sum of Nine Thousand Three Hundred and Sixty-One Dollars (\$9,361.00) from the Expendable Trust Funds (cemetery perpetual care accounts only) for the purpose of meeting charges against the cemetery fund in the Town Treasury.

Selectmen recommended: 5-0

Finance Committee: 1-5-0

Dept. of Public Works: unanimously

Article 16. Upon motion duly made and seconded and motion made by William Halunen, Superintendent, Board of Public Works, it was Unanimously Voted for the Town to transfer from Stabilization Fund the sum of Fifteen Thousand (\$15,000.00) Dollars for the purpose of Repairing Private Ways under Massachusetts General Laws Chapter 40, Section 6N as amended, to be under the direction of the Department of Public Works.

Selectmen recommended: tabled

Finance Committee 0-6-0 against

Dept. of Public Works: unanimously

Article 17. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to appropriate Nineteen Thousand Dollars (\$19,000.00) from the Community Preservation FY 2010 Estimated Annual Fund Revenues to engage the services of a historic preservation planner to conduct an investigation and prepare a report in accordance with guidelines established by the Massachusetts Historical Commission on the historical significance of the buildings, sites or structures in a proposed South Carver/Furnace Historic District. This person(s) shall assist the Carver Historic District Commission and Carver Historical Commission in presentation of this plan to the public. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Historic District Commission and Carver Historical Commission and the Board of Selectmen.

Selectmen recommended: unanimously

Finance Committee: tabled

Comm. Pres. Committee: 8-0-2

Article 18. Upon motion duly made and seconded and motion made by Robert Bentley, it was Unanimously Voted for the Town to appropriate Two Hundred Eighty-Eight Thousand, Two Hundred (\$288,200.00) Dollars from the Community Preservation FY 2010 Estimated Annual Fund Revenues to engage the services of an architectural/engineering firm for: preparation of architectural proposals, solicitation of same, prepare final design and construction documents, provide construction oversight, and provide construction for an item by item restoration and rehabilitation of the Marcus Atwood House based on the Marcus Atwood Restoration Plan conducted previously, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Marcus Atwood Trustees and the Board of Selectmen.

Selectmen recommended: 5-0

Finance Committee: tabled

Comm. Pres. Committee: 8-0-1

Article 19. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to transfer a sum of Forty Three Thousand, Two Hundred Fifteen (43,215.00) Dollars from the FY2010 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Historic Resources Reserve and Community Housing Reserve to meet the requirement that 10% of the Estimated Annual Fund Revenues be spent or set aside for future spending for each of the three purposes of the Community Preservation Act.

Selectmen recommended: 5-0

Finance Committee: tabled not enough info

CPC: 9-0-0

Article 20 Upon motion duly made and seconded and motion made by Robert Bentley Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to appropriate Twenty One Thousand, Six Hundred Seven Dollars and fifty cents (\$21,607.50) from the FY2010 Community Preservation Act Estimated Annual Fund Revenues that will bring the annual distribution total to 5% of the FY10 Community Preservation Fund Estimated Annual Fund Revenues 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.

Selectmen recommended: 5-0

Finance Committee: tabled

CPC: 9-0-0

Article 21. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to transfer Sixty Thousand, One Hundred Twenty Seven Dollars and fifty cents (\$60,127.50) from the FY2010 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Unrestricted Reserve Account.

Selectmen recommended: 5-0

Finance Committee: tabled

CPC: 9-0-0

Article 22. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to appropriate One Hundred Twenty-Six Thousand One Hundred Sixty (\$126,160.00) Dollars from the Community Preservation 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.

Selectmen recommended: 5-0

Finance Committee: 6-0

CPC: 9-0-0

Article 23. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to transfer from Free Cash the sum of Five Thousand (\$5,000.00) Dollars for the purpose of continuing maintenance on the Marcus Atwood House.

Selectmen recommended: 5-0

Finance Committee: table

Article 24. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash, the sum of Three Hundred (\$300.00) Dollars to meet the expenses of the Town's Commission on Disability, said sums to be expended by the Commission on Disability.

Selectmen recommended: 5-0

Finance Committee: 6-0-0

Article 25. Upon motion duly made and seconded and motion made Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash a sum of money in the amount of One Hundred Seventy-Five (\$175.00) Dollars to be expended to the Trustees for Plymouth County Cooperative Extension Service, and choose Dorothy Angley, as Director in accordance with the provisions of M.G.L. Chapter 128, Sections 41 & 42, said expenditure to be under the direction of the Board of Selectmen.

Selectmen recommended: 5-0

Finance Committee: 6-0

Article 26. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash the sum of Five Hundred (\$500.00) Dollars for the purpose of meeting expenses associated with Old Home Day, said sums to be expended under the direction of the Board of Selectmen.

Selectmen recommended: 5-0

Finance Committee: 6-0

Article 27. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash the sum of Six Hundred (\$600.00) Dollars for the purpose of meeting expenses of the Green Committee, said sums to be expended by the Green Committee.

Selectmen recommended: 5-0

Finance Committee: 6-0-0

#### NON-MONEY ARTICLES:

Article 28. Defer to May 19, 2009

Article 29. Upon motion duly made and seconded and motion made by Daniel Fortier, Chairman, Conservation Commission, it was So-Passed by Majority Vote for the Town in accordance with Mass. General Laws, Chapter 60, Section 77C accept one (1) deed in lieu of foreclosure, from the property owners and for approximately the amounts as detailed on a handout entitled, "Article 29 Motion", and to authorize the Board of Selectmen to record said deeds, provided that the Board of Selectmen determines that the deeds and acceptance thereof have complied with the provisions of said Section 77C; and further, that the Town transfer such parcels from the Tax Collector for Tax Title purposes to the Conservation Commission for conservation and passive recreation purposes.

Selectmen recommended: 5-0

Finance Committee: no action

Conservation Comm.: unanimously voted

Article 30 – 32 Defer to May 19, 2009

Article 33. Upon motion duly made and seconded and motion to amend by John K. Franey, Treasurer/Collector, it was So-Passed by majority vote for the Town to authorize the Board of Selectmen to petition the General Court for Special Legislation to amend Chapter 59: Section 58 of the Massachusetts General Laws, as it pertains in the Town of Carver by allowing taxpayers who pay at least four times the first quarterly tax bill plus two and one half percent of the prior year's total taxes assessed by August first or within thirty days if the tax bill was mailed later than July first, to receive the three percent discount on the amount paid, not to exceed the actual taxes assessed for the fiscal year ; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

Selectmen recommended: 5-0-0

Finance Committee: 6-0-0

Article 34 – 56 Defer to May 19, 2009

PETITION ARTICLES:

Article 57. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash the sum of Three Thousand Two Hundred (\$3,200.00) Dollars to Womansplace Crisis Center in lieu of services provided to the sexual assault survivors and their families.

Selectmen recommended: 5-0-0

Finance Committee: 6-0-0

Article 58. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash 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.

Selectmen recommended: 5-0-0

Finance Committee: 6-0-0

Article 59. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash 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.

Selectmen recommended: 5-0-0

Finance Committee: 6-0-0

Article 60. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash, 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.

Selectmen recommended: 5-0-0

Finance Committee: 6-0-0

Article 61. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash, 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.

Selectmen recommended: 5-0-0

Finance Committee: 6-0-0

Upon motion duly made and seconded by the Moderator, John S. Murray, it was So-Passed by majority vote to adjourn at 9:25 P.M.

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC  
Town Clerk



