

ANNUAL TOWN MEETING
Tuesday, May 20, 2008

The 216th Annual Town Meeting of the Inhabitants of the Town of Carver was held on Tuesday, May 20, 2008 at the Carver High School Auditorium at 7:00 P.M., pursuant to a Warrant of the Board of Selectmen dated May 10, 2008. The meeting was called to order at 7:00 P.M., by the Moderator, John S. Murray, there being a quorum of 75 present. The total registered voters at this time were 147. The appropriate counters were duly sworn to the faithful performance of their duties by the Moderator. The counters were as follows:

Ellen Blanchard, Marilyn Downing, Paul McDonald and Vincent Nocera

All members of the School Dept. were introduced as well as Town Counsel, Gregg Corbo, Town Administer, Richard LaFond, Board of Selectmen, Town Clerk, Town Account, Treasurer/Tax Collector, Capital Outlay and Finance Committee members.

Article 1. To choose all necessary officers to be voted for all on one Ballot; Namely: Two Selectmen, One Member of the Board of Assessors, Two Members of the School Committee, Two Members of the Library Trustees, One Member of the Board of Public Works, One Member of the Board of Health all for a term of three (3) years; One Member of the Planning Board and One Member of the Redevelopment Authority both for a term of five (5) years.

Article 2. Upon motion duly made and seconded and motion by John Angley, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to hear the report of any standing committee, and to abolish any special committee not submitting a report which is required to do so, unless otherwise voted and to establish any new committee. No new committees at this time.

Article 3 – 15 defer to June 16, 2008

Article 16. Upon motion duly made and seconded and motion made to amend 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 Fiscal Year 2009 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 shall be authorized to expend from such fund: and (4) that the total amount which may be expended from such fund during Fiscal Year 2009 shall be Ninety Thousand Dollars (\$90,000.00) in accordance with the contract between the Town through its Council on Aging and GATRA.

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(By the Council on Aging)

- Earth Removal Inspection Fee Revolving Account for the purpose of making road repairs not to exceed One Hundred Thousand Dollars (\$100,000.00) for Fiscal Year 2009. 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 Fiscal Year 2009 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 Fiscal Year 2009 from such funds not to exceed Twelve Thousand Dollars (\$12,000.00)

(By the Marcus Atwood House Trustees)

Selectmen recommended: Unanimously

Finance Committee: No-Action

Article 17. Defer June 16, 2008

Article 18. Upon motion duly made and seconded and motion to amend by Richard LaFond, Town Administrator, it was Unanimously Voted for the Town to transfer from Free Cash the School Committee property known as Benjamin Ellis School located at 247B Tremont Street, Map 8, Lot 8-0 for school purposes to the Board of Selectmen for purposes of sale and further to authorize the Board of Selectmen to dispose of such property.

Selectmen recommended: No Action

Finance Committee: No Action

Capital Outlay: No Action

Article 19. Defer to June 16, 2008

Article 20. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to raise and appropriate One Hundred Seventy-Five Dollars (\$175.00) to be expended to the Trustees for Plymouth County Cooperative Extension Service, and choose Dorothy Angley as Director in accordance with the provisions of the M.G.L. Chapter 128, §41 and 42, said expenditure to be under the direction of the Board of Selectmen.

Selectmen recommended: unanimously

Finance Committee: no action

Article 21. Withdrawn (Conservation Commission to petition legislature for maintenance)

Article 22 – 40 defer to June 16, 2008

Article 41. Withdrawn - to be placed on STM Warrant

Article 42 – 44 defer to June 16, 2008

Article 45. Upon motion duly made and seconded and motion made by Sara Hewins, Conservation Agent, it was So-Passed by Majority Vote for the Town to rescind the vote taken under Article 14 of the 2007 Annual Town Meeting and further too put in its place the following: to see if the Town will accept the provisions of M. G. L. Chapter 44, section 53E, to allow the establishment of an offset receipts account for the upkeep and maintenance of Town-owned cranberry bogs on the 221-acre Town-owned property known as the “Cole Property” and for the maintenance, up-grading, and construction of trails and general maintenance and land stewardship on said 221-acre Town-owned “Cole Property” and to appropriate a sum of money for such purposes, provided, however, that such costs be offset by the estimated receipts from fees charged to users of said Town-owned land and other revenue generated from cranberries and timber harvested on said Town-owned land, and that the amount appropriated shall not exceed the estimated amount approved, in advance of appropriation, by the Commissioner of Revenue or his designee, said expenditures to be under the joint jurisdiction of the Agricultural Commission and the Conservation Commission.

Selectmen recommended: Unanimously

Finance Committee: No-Action

Conservation & Agricultural Commission: Unanimously

Article 46. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Planning Board, it was So-Passed by Majority Vote for the Town to accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006 and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 0 Montello Street (Map 20, Lot 2-0) 160 North Main Street (Map 24, Lot 3-0); 0 Montello Street (Map 22, Lot 5-B, 5-C, 5-D, 5-E); 133 No. Main Street (Map 25, Lot 1-A) and 0 Main Street (Map 25 Lot 1), as a Priority Development Site.

Selectmen recommended: Unanimously

Finance Committee: No-Action

Planning Board: 8-0 to recommend

Article 47. Upon motion duly made and seconded and motion made by Richard Ward, Board of Selectmen, and amended by Jack Hunter, Town Planner, William Sinclair, Chairman, Planning Board and Robert Belbin, resident. It was Unanimously Voted for the Town to delete the General By-Laws, Earth Removal, Section 9.1.0 in its entirety and replace it with the follows:

9.1 EARTH REMOVAL

9.1.1 PURPOSE

The purpose of this bylaw is to promote the health, safety, and general welfare of the residents of the Town of Carver, and to ensure that permanent changes in the surface contours of land resulting from the removal and regrading of earth materials will leave the land in a safe and convenient condition for appropriate reuse without requiring excessive and unreasonable maintenance or creating danger of damage to public and private property, as well as to provide that earth removal activities shall be conducted in a safe manner and with minimal detrimental effect upon the district in which the activities are located. This by law pertains to all commercial mining, agricultural excavation and excavation due to construction that is not exempt pursuant to Section 9.1.8 of this by law.

9.1.2 DEFINITIONS

Earth: all forms of soil, including but not limited to clay, gravel, hard pan, loam, peat, rock, or sand.

Lot/land: a single parcel of land lying in a single body and separated from the owner's or other party's contiguous land by property lines described in a recorded plan or deed.

Removal: stripping, excavating, commercial mining, agricultural excavation, excavation due to construction or blasting earth and rearranging it on the same lot or carrying it away from that lot.

Property line: a line separating one lot from another.

Owner: the owner of the land from which earth is sought to be removed, including individual owners, realty trusts, companies and corporations, or other legal entities.

Abutters and other parties in interest: abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the site as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or Town.

Restoration: after an earth removal activity, returning the land contours to safe and usable condition and planting appropriate groundcover, or taking other measures pursuant to Section 9.1.5c of this by law.

Commercial Mining: The business of extracting ore, earth or minerals from the ground for sale or profit unless conditionally exempted under Section 9.1.8.

Agricultural Excavation: The process of removing earth or other materials that are necessary and incidental to prepare a site for specific agricultural use. Agricultural excavation may include the creation of wetland resource areas such as ponds, canals, cranberry bogs, and land subject to flooding as defined under the M.G.L. Ch. 131 §40 and as defined in Massachusetts Wetlands regulations 310 CMR 10.00.

9.1.3 EARTH REMOVAL COMMITTEE

9.1.3a. There is hereby established a seven (7) member Earth Removal Committee (E.R.C.). All members must be residents of the Town of Carver. The E.R.C. will consist of three (3) representatives of the Board of Selectmen at which no time shall more than two (2) of the Board of Selectman's representatives be actual members of the Board of Selectman, and four (4) additional members to be appointed by the Board of Selectmen subject to Section 9.1.3b and endorsed by the Board of Selectmen.

When the E.R.C. is established, one member shall be appointed for a term of one year, one member for a term of two years, and two members for a term of three years, and their successors shall be appointed for terms of three years.

9.1.3b. The membership of the E.R.C. shall be made up as follows:

- Three (3) representatives of the Selectmen;

- Two (2) members from three (3) nominees submitted by the Cape Cod Cranberry Growers Association;

- One (1) member from nominees submitted by the Carver Board of Health.

- One (1) member of the trucking industry, nominated by the E.R.C.

In the absence of nominees from one or more of these groups, the Town Administrator shall choose members without designation. In no case shall more than two of the appointed members represent the same trade, profession, occupation, or business interest. All members shall serve without compensation and must be endorsed by the Board of Selectman.

9.1.3c. No committee action shall be taken without a quorum of four (4) members, (except to continue a hearing in the absence of a quorum), and no decision shall be made without the vote of a majority of the members present.

9.1.3d. The committee shall meet, at a minimum, once a month at a place and time to be determined by the committee.

9.1.4 EARTH REMOVAL PERMIT REQUIREMENTS

9.1.4a. Except as provided otherwise in this By-law (see Section 9.1.8), no earth shall be removed from any lot in the Town of Carver without the issuance of a permit from the E.R.C.

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

9.1.4c. An expedited permit, as outlined in the E.R.C.'s Rules and Regulations, may be issued by the E.R.C provided that the proposed excavation is more than 1000 cubic yards per year, and less than 5,000 cubic yards per year. If deemed necessary by the E.R.C., an expedited permit may be required to have a Public Hearing as outlined in Section 9.1.6 of this by law.

9.1.5 SITE PLAN

9.1.5a. A site plan shall be submitted in the quantities and in the form required by the rules and regulations of the E.R.C. Such plan shall be submitted by the E.R.C. to the Planning Board, Agricultural Commission, Conservation Commission, Board of Health, Board of Selectmen, and Fire Department, Police Department, D.P.W., Board of Assessors and other officers and official boards of the Town for review and comment, as the E.R.C. may direct. A plan shall also be filed with the Town Clerk

9.1.5b. The site plan shall be prepared by a registered professional Engineer.

9.1.5c. The plan shall include, but not be limited to, pertinent information on the following: lot boundaries, names of abutting owners and other parties in interest, streets contiguous to the site, vegetation, existing and proposed roadways, existing and proposed buildings, location of sources of water, wetlands, primary recharge areas, the Natural Heritage & Endangered Species Program Priority Habitat of Rare and Endangered Species, sewage disposal, parking, loading areas, easements and rights-of-way, walls, fences, ditches, streams, ponds, and known permanent monuments, and other cross-sections, profiles, and contour maps needed to describe the proposal. The site plan shall show existing intermediate and final ground levels with those of adjacent properties and shall indicate natural surface water flows and drainage ditches if any. The site plan shall also show

groundwater elevations before and after removal. The E.R.C. may require drainage computations based on D.E.P. drainage program TR-55 and a sediment control plan for during and after the operation with phasing as required. These computations shall indicate 10 and 100-year storm effects. The plan shall also show a fully complete restoration plan which complies with sound engineering practices and either the Natural Resources Conservation Service Conservation Practice Standard "Land Reclamation, Currently Mined Land", Code 544 or the Natural Resources Conservation Service Conservation Practice Standard "Critical Area Planting" Code 342, as determined by the E.R.C.. These requirements are on file at the Board of Selectmen's Office and the Town Clerk's Office.

9.1.5d. In certain instances as outlined in Section 9.1.4c of this By-Law, the applicant shall be allowed to submit an abbreviated application instead of the full application and site plan described above. The E.R.C. shall specify the exact form of the abbreviated application in its rules and regulations. The abbreviated application shall include, but is not limited to: the name of the owner, the location of construction, the volume of earth to be removed, the rate and time frame of removal, the removal contractor and the time frame of restoration. The application shall be designed in such a way that the applicant can file without assistance from an engineer or other professional. Within 60 days of the filing, the E.R.C. may notify the applicant that the circumstances of the project warrant a full permit application.

9.1.6 PUBLIC HEARING

9.1.6a. The E.R.C. shall, within 65 days after the filing of a full or abbreviated application hold a public hearing on said application. No permit shall be issued or denied until the public hearing has been held. Notification of the public hearing shall be advertised for two consecutive weeks in a newspaper generally circulated in Town beginning at least 14 days before such hearing, and by written notice to the Board of Health, Board of Selectmen, Board of Assessors, Agricultural Commission, Conservation Commission, Planning Board, Police, and Department of Public Works. The applicant shall notify all abutters and other parties in interest of the hearing by certified mail and present receipts to the E.R.C. Advertising and related expenses shall be borne by the applicant, in addition to filing fees.

9.1.7 EARTH REMOVAL PERMIT CONDITIONS

9.1.7a. The E.R.C. shall determine that the proposal generally conforms to the principles of good engineering, sound planning, correct land use, and provides for the proper and reasonable reuse of available topsoil if appropriate.

9.1.7b The E.R.C. shall require that a Review and Inspection account be established by the applicant, as outlined in the E.R.C. rules and regulations, to cover all costs for review of the proposal by a Registered Engineer or other expert as the E.R.C. sees fit and chosen by the E.R.C. This account shall also be established to cover the cost of monitoring the project by an agent of the committees choosing.

9.1.7c A fifty (50) foot undisturbed buffer along all property lines must be maintained at all times. The E.R.C. may in certain instances provide relief from this restriction, if the applicant shows a significant hardship and /or shows that the proposed excavation would not have a detrimental impact on the abutting property.

9.1.7d The E.R.C. shall set hours of operation, specify special truck routes, require bonds for restoration, road repair or other purposes, require monitoring fees, and impose safety-related conditions. The board shall establish provisions for monitoring the permitted earth removal activity on a regular basis, and may, to the extent permitted by law, enter the premises at any time to inspect for compliance with the conditions set forth in the permit.

9.1.7e A bond or other performance guarantee acceptable to the E.R.C. shall be established by the E.R.C. based on the estimated cost of restoration for the project as may be deemed appropriate and shall be held by the Town of Carver until all work has been completed and conditions of the special permit have been met. The E.R.C. shall require the applicant to submit status reports every 90 days to the E.R.C. on an appropriate form as outlined in the E.R.C. rules and regulations and shall require the site to be inspected by the E.R.C. authorized agent and a report filed to the E.R.C. at the end of every 12 month period.

9.1.7f In the event that the subject property is not used for said agricultural purposes after the removal, the E.R.C. may require that a bond or other performance guarantee acceptable to the E.R.C., pursuant to Section 9.1.7e, be provided, based on the estimated cost of restoration that is consistent with NRCS Conservation Practice Standard "Land Reclamation, Currently Mined Land," Code 544.

9.1.7g Applications for permits may be granted, denied, or granted in part and denied in part. The E.R.C. shall have 45 days to render a decision after the last session of the public hearing closes, provided that any continuation of the hearing beyond the date and time noticed in the advertised hearing notice shall be announced at the hearing for a date, time, and place certain. The conditions of the permit, including the expiration date, shall be clearly set forth on the permit. The E.R.C. shall file its decision with the Town Clerk and notify the applicant of its decision within 21 days after the decision is made at a Public Meeting of the E.R.C.

9.1.7h No permit shall be issued for a period in excess of 12 months. However, permits shall be extended beyond 12 months if the E.R.C. is satisfied with all quarterly reports regarding the project and that the work is carried out under the plans, specifications, and conditions previously approved after public hearing, and does not entail earth removal of a larger quantity or from a larger land area than allowed in the original permit. No project may be extended beyond a five (5) year period without a full hearing of the E.R.C.

9.1.8 EARTH REMOVAL CONDITIONAL EXEMPTIONS

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

A. Earth removal involving less than 200 cubic yards for a single or two family lot or less than 1000 cubic yards for an industrial, multi-family and/or commercial project.

B. Removal necessary for the reconstruction of existing streets and the installation of utilities;

C. Removal performed in connection with any Town, state and/or federal projects;

D. Removal necessary for normal cranberry related activities or other agricultural uses as defined under M.G.L. c131, s 40, 310 CMR 10.04 (a) Land in agricultural use, (b) Normal maintenance of land in agricultural use, and (c) normal improvement of land in agricultural use. This agricultural-related work is further defined as earth necessary to maintain or improve the applicants/owner's contiguous or non-contiguous land for agricultural purposes, and does not include the removal of earth for sale, trade or other considerations. This practice must use best management practices as outlined in the Natural Resources Conservation Service Conservation Practice Standard "Land reclamation, Currently Mined Land", Code 544 or the Natural Resources Conservation Service Conservation Practice Standard "Critical Area Planting" Code 342, as determined by the E.R.C.. Notification of this practice must be given to the E.R.C. in a timely manner. This also includes the removal of earth for sale, trade or other considerations, under this section, less than 1,000 cubic per year.

9.1.9 GENERAL PROVISIONS

9.1.9a. If the E.R.C. believes that there is a violation of approved plans, specifications and conditions, or believes that the actual conditions or operations on the premises constitute a nuisance or public danger, the E.R.C. shall order the operator to immediately cease and desist specific activities or the entire operation, pending a review at a posted public meeting after at least 48 hours notice thereof to the operator, which meeting shall be held within 7 days following the initial E.R.C. order. If the violation is immediately brought into compliance, as determined by the E.R.C. and/or their agent, then no public hearing will be necessary. However, the applicant shall have the right to request a public hearing at any time during the review of any purported violation of approved plans. If, after review, the E.R.C. is satisfied that the alleged violation, nuisance, or public danger was corrected or unfounded, it shall revoke or revise its cease and desist order as appropriate. If after such review the E.R.C. finds that the permit conditions may be inadequate to protect the public interest and to carry out the purpose of this By-Law, or that a conditionally exempt earth removal activity may require the imposition of conditions to protect the public interest, it shall schedule a public hearing upon the same notice and hearing requirements as for an original permit. Seven (7) days after the operator receives certified mail notice, the E.R.C. may revise, revoke, or continue the permit or permit conditions after such hearing, or may impose permit conditions on a previously exempt operation.

9.1.9b. All existing earth removal operations shall comply with this By-Law ~~within~~ after sixty days of the effective date of the Annual Town Meeting vote hereof, or prior to the applicant's annual review which ever comes later and no further earth shall be removed after that date without a permit hereunder. The Earth Removal Committee shall hear and decide all applications from existing earth removal operations before the expiration of sixty

days following the effective date of this By-law, if a complete application thereof is received by the Earth Removal Committee within thirty days following said effective date.

9.1.9c. The Enforcement Officer for the provisions of this By-Law shall be the E.R.C. or their designee of the Town of Carver.

9.1.9d. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall be punished by a fine of not more than \$100.00 each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9.1.9e. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40 §21D and Section 10.4 of the Town of Carver Bylaws, in which case Zoning Enforcement Officer of the Town shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$500.00. The penalty for the 3rd and subsequent violations shall be \$1,000.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9.1.9f. If any earth shall be removed without obtaining earth removal permit or otherwise in violation of this section, the E.R.C. may order the restoration of the property involved in accordance with the provisions of this section. Such an order of restoration will not constitute a waiver of any other fines or penalties for such violations. Anyone aggrieved by such order may within seven days of the receipt thereof may request a hearing before the E.R.C. to be held within 30 days. At such hearing the Board may modify, rescind, or uphold its order. The Board's order, if not appealed within seven days of receipt, or as modified, rescinded, or upheld after hearing shall be deemed final action by the E.R.C.

9.1.9h. The provisions of this By-Law are severable; and if any provision or application of such provision to any person or circumstance is held invalid or unconstitutional, this shall not affect the remaining provisions.

Selectmen recommended: Unanimously

Article 48. Upon motion duly made and seconded and motion made by William Sinclair, Planning Board, it was Unanimously Voted for the Town to amend Article VI of the Zoning By-Laws by inserting the following definitions:

Light Manufacturing: A use which accommodates low impact industrial development where little or no nuisance effects are generated

Motor vehicle body repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicles, including fenders, bumpers and similar components of motor vehicle bodies, but not including the storage vehicles for the cannibalization of parts or fuel sales.

Priority Development Site (PDS): Shall refer to a privately or publicly owned property that has been so designated by Carver Town Meeting and by the State of Massachusetts Interagency Permitting Board. Development upon such sites shall adhere to the provisions

of the State of Massachusetts Chapter 43D Expedited Permitting Program. Several parcels or projects may be included within a single priority development site.

and by amending the following definitions:

Manufacturing: A use engaged in the basic processing and production of materials, or created from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

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

Selectmen recommended: Unanimously

Planning Board: Unanimously

Article 49. 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 3100 of the Town of Carver Zoning By-Laws by deleting Section 3124 in its entirety and adding the following:

3100 SITE PLAN REVIEW

3124. For site plan review of a use or structure available by special permit where the Planning Board serves as the special permit granting authority, the board shall consolidate the site plan review into the special permit procedures and the timetable for decision shall conform thereto.

For site plan review of a use or structure available by special permit in a Chapter 43D Priority Development Site where the Planning Board serves as the special permit granting authority, the board shall consolidate the site plan review into the special permit procedures and timetable. Final action shall be taken within 180 calendar days after the certified notice of completeness is sent, or the 20-day-completeness review period has expired and the application is deemed to be complete.

Selectmen recommended: Unanimously

Planning Board: Unanimously

Article 50. Unanimously Withdrawn (to amend Section 3500 Zoning By-Laws)

Article 51. 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 3900 of the Town of Carver Zoning By-Laws by inserting the following:

3900 TOWNHOUSE DEVELOPMENT

3945. Duplexes and/or two family dwellings shall be allowed in a Townhouse Development and shall adhere to all requirements as set forth in this by law. At no time shall more than 25% of the total number of units proposed in a Townhouse development be comprised of duplexes or two family structures.

Selectmen recommended: Unanimously Voted
Planning Board: Unanimously Voted

Article 52. ~~Withdrawn~~ (to amend Article II, Section 2320 of the Zoning By-laws)
(Modify the Table of Dimensional Requirements.)

Article 53. 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 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 C. COMMERCIAL	RA	HC	GB	V	IA	IB	AP
Service Shop	N	Y	Y	Y	N	N	N

PRINCIPAL USE D. INDUSTRIAL	RA	HC	GB	V	IA	IB	AP
Auto Body Shops	N	N	N	N	Y	Y	N

Selectmen recommended: Unanimously
Planning Board: Unanimously

Article 54. 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 II, Section 2700 of the Zoning By-Laws (Transfer of Development Rights) by deleting Section 2730 in its entirety and adding the following:

2730: Approval of Receiving Area Development Plan. After the Planning Board has determined the development rights available to be transferred, the applicant 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 TDRs 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 TDRs 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.

Selectmen recommended: Unanimously
Planning Board: Unanimously

Article 55. 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 II, Section 2800 of the Zoning By-Laws (Planned Neighborhood Development (PND) Overlay District).

(a) deleting therefrom the third sentence of Section 2832, which currently reads as follows:

“Public open space/park is required in all planned neighborhood developments and does not count toward the three required land uses.”

and

(b) substituting therefor the following sentence:

“A minimum of 15% of the overall PND acreage as public open space/park is required in all planned neighborhood developments and does not count toward the three required land uses.”

(c) deleting therefrom Section 2851, which currently reads as follows:

“Section 2851. Green/Square and other Open Spaces. At least 20% of the land area within a PND shall be open space. Open space shall be permanently protected from future development via a deed restriction or donation to the Town of Carver or donation to a nonprofit organization. Within the 20% open space requirement, there shall be a minimum of one (1) acre of open space suitable for active and/or passive recreation for every 20 acres within the PND. Land for active/passive recreation may be provided in one or more parcels, provided each parcel contains a minimum of 10,000 sq. ft.”

and

(d) substituting therefor the following Section 2851:

“2851. Green/Square and other Public Open Spaces. A public green/square shall be required within a PND. The green/square shall be a minimum of one (1) acre in size and shall be designed as a pedestrian friendly park. The green/square shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. The green/square shall be easily accessible to pedestrians and shall be properly maintained. The green/square shall be used solely for active and passive recreation purposes and shall be open to the public.”

(e) deleting therefrom the first sentence of Section 2852, which currently reads as follows:

“At least fifteen percent (15%) of all dwelling units constructed in each phase of a planned mixed-use development shall meet the State’s affordable housing requirements for low to moderate income.”

and

(f) substituting therefor the following sentence:

“At least fifteen percent (15%) of all dwelling units constructed in a planned mixed-use development shall meet the State’s affordable housing requirements for low to moderate income.”

Selectmen recommended: Unanimously
Planning Board: Unanimously

Article 56. 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 II, Section 2900 of the Town of Carver Zoning By-Laws by deleting Article II, Section 2900 in its entirety and inserting the following:

2900. BED AND BREAKFAST

2910. Purpose. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Carver by providing detailed review of the design and layout of Bed and Breakfast facilities, which have a substantial impact upon the character of the Town of Carver and upon adjacent properties, utilities and services therein.

2920. Powers and Administrative Procedures. A Special Permit may be granted for a bed and breakfast. Such Special Permit granted shall be valid for one year from the date of issuance. Such Special Permit may be renewed, provided however, the premises are first inspected by the Building Commissioner and found to be in compliance with the above stated requirements and any other applicable ordinances, rules, regulations, laws or restrictions. The Planning Board may issue the permit for a Bed and Breakfast upon such conditions and limitations as are consistent with the zoning ordinance. In addition to such conditions and

limitations, the permit for a bed and breakfast shall contain the following information: (i) number of rooms to be rented; (ii) signage requirements; (iii) off-street parking requirements; (iv) statement that only breakfasts and dinner may be served on the premises. The Bed and Breakfast may be specially permitted where the Planning Board determines that:

- a. The building to be used for the Bed and Breakfast is a single family residence, except that if the building is listed on the historic inventory, the Carver Historic Commission, and Carver Historic District Commission for the Town of Carver must offer a recommendation on the intended use.
- b. There shall be no significant alteration of the buildings exterior. This shall not include safety or general maintenance measures such as painting, etc.
- c. Off-street parking will be screened from adjacent properties. No additional parking will be allowed within front yard setbacks. Pre-existing parking on the site is exempt from this by law.
- d. The only meals that may be provided to guests shall be breakfast and dinner, and it would only be served to guests taking lodging at the facility.
- e. Information and literature describing activities and cultural and historical events and landmarks in the Town of Carver shall be prominently displayed for the benefit of guests.
- f. Trash/waste containers are to be enclosed and secured from entry and screened.

Selectmen recommended: Unanimously
Planning Board: Unanimously

Article 57. WITHDRAWN – Unanimously (Sec.3700 Floodplain Dist.)

Article 58. 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 II, Section 2250 of the Town of Carver Zoning By-Laws by inserting the following:

2250 NON-CONFORMING USES AND STRUCTURES

2257. The following circumstances shall not be deemed to increase the non-conforming nature of any residential structure:

- a. alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.
- b. alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.

c. alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

d. alteration to the side or face of a structure which encroaches upon a required yard or setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

e. alteration to a non-conforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.

Selectmen recommended: Unanimously
Planning Board: Unanimously

Article 59. WITHDRAWN (to add Article III, Section 3000 inserting the following)

Article 60. WITHDRAWN (amend Article IV, Section 4500)

Article 61. WITHDRAWN (amend Article VI DEFINITIONS)

Article 62. 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 V, Section 5300 of the Town of Carver Zoning By-Laws by adding the following:

5300 SPECIAL PERMITS

5341. Chapter 43D Priority Development Sites. For uses and structures available by a special permit where the Zoning Board of Appeals serves as the special permit granting authority as well as site plan review by the Planning Board, the respective processes shall run concurrently and provisions shall be made for joint public hearings.

Upon determination of completeness, copies of the application, accompanying site plan and other documentation shall be forwarded to the Board of Health, Conservation Commission, Building Commissioner, Director of Public Works, Police Chief, Fire Chief, and the Town Planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the SPGA by the date of the public hearing, but in any case within twenty-one (21) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. The Decision/Findings of the SPGA shall contain, in writing, and explanation for any departures from the recommendations of any reviewing party.

Selectmen recommended: Unanimously
Planning Board: Unanimously

Article 63. Upon motion duly made and seconded and motion made by William Sinclair, Chairman, Planning Board, it was Unanimously Voted for the Town to accept as a town way, Godfrey Circle, as on file in the office of the Town Clerk and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said roadways or an interest therein for all purposes for which public ways are used in the Town of Carver, and all associated easements or other interests in land.

Selectmen recommended: Unanimously
Planning Board: Unanimously

Article 64 – 67 defer to June 16, 2008

Article 68. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen, it was Unanimously Voted for the Town in accordance with M.G.L., Chapter 40 §4A, to authorize the Board of Selectmen in consultation with the Carver Inspection Department or Building Commissioner to enter into an intermunicipal agreement with one or more other governmental units to provide inspectional services which the Carver Inspection Department is authorized to perform in accordance with an Intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units.

(By the Building Commissioner)

Article 69. Upon motion duly made and seconded and motion made by John Angley, it was Unanimously Voted for the Town to make the following amendment to the Carver General ByLaws:

Amend Section 6.1.A.3 by inserting the words “or premises” as follows “Any owner or keeper of four (4) or more dogs, three months of age or over **and the owner of any premises where such dogs are kept**, shall obtain a kennel license under the Town’s Zoning By-Law. The written approval of the Board of Appeals or special permit granting must be presented to the Town Clerk prior to the issuance of such license. Kennels are defined and classified in Section 6.1.A of these regulations.

Selectmen recommended: Unanimously

Article 70. Not Passed. (censure Town Administrator)

Article 71. Defer to June 16, 2008

Article 72. Defer to June 16, 2008

Article 73. Defer to June 16, 2008

Article 74. Defer to June 16, 2008

Article 75. Defer to June 16, 2008

Article 76. Defer to June 16, 2008

Article 77. Defer to June 16, 2008

Upon motion duly made and seconded and motion made by John S. Murray, Moderator it was Unanimously Voted to adjourn at 11:00am.

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC
Town Clerk

CONTINUATION ANNUAL TOWN MEETING
Monday, June 16, 2008

The 216th Continuation of the Annual Town Meeting of the Inhabitants of the Town of Carver was held on Monday, June 16, 2008 at the Carver High School Auditorium at 7:00 P.M., pursuant to a Warrant of the Board of Selectmen dated May 1, 2008. The meeting was called to order at 7:00 P.M., by the Moderator, John S. Murray, there being a quorum of 75 present. The total number of registered voters at this time were 222. The appropriate counters were duly sworn to the faithful performance of their duties by the Moderator. The counters were as follows:

Joseph Cyr, Ellen Blanchard, Paul McDonald and John Rinella

All members of the School Dept. were introduced as well as Town Counsel, Gregg Corbo, Town Administer, Richard LaFond, Board of Selectmen, Town Clerk, Town Account, Treasurer/Tax Collector, Capital Outlay and Finance Committee members.

Article 1. defer to May 20, 2008

Article 2. defer to May 20, 2008

Article 3. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen, it was So-Passed by Majority Vote for the Town to fix the salaries of Elected Town Officers in accordance with General Laws, Chapter 41, and Section 108 as amended, namely:

	<u>Current Salary</u>	<u>Proposed Salary</u>
Treasurer/Collector	\$ 70,393.54	\$72,170.33
Town Clerk	\$ 57,049.69	\$59,271.67
Moderator	\$ 250.00	\$ 250.00
Chairman, Board of Selectmen	\$ 1,800.00	\$ 1,800.00
Board of Selectmen all other Members (each)	\$ 1,550.00	\$ 1,550.00
Board of Assessors, each member	\$ 1,500.00	\$ 1,500.00
Board of Public Works, each member	\$ 500.00	\$ 500.00
Planning Board, each member	\$ 1,400.00	\$ 1,400.00

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

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

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Article 4. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to raise and appropriate Twenty Nine Million, Eight Hundred Fifty Four Thousand, Seven Hundred Fifty Two and Eight Cents (\$29,854,752.08) Dollars and transfer from Ambulance Receipts, Four Hundred Fifty Eight Thousand, Seven Hundred One (\$458,701.00) Dollars, transfer from Water Enterprise Fund, Fifty Two Thousand, Seven Hundred (\$52,700.00) Dollars, transfer from Free Cash, Five Hundred Fifteen Thousand, Six Hundred Sixty Four and Sixty Four Cents (\$515,664.64) Dollars, transfer from Septic Betterments, Eleven Thousand, One Hundred One (\$11,101.00) Dollars, transfer from Stabilization, One Hundred Eighty Thousand, Four Hundred Ten (\$180,410.00) Dollars, transfer from North Carver Water District Enterprise Fund, Fifty Thousand (\$50,000.00) Dollars, for a total budget of Thirty One Million, One Hundred Twenty Three Thousand, Three Hundred Twenty Eight and Seventy Two Cents (\$31,123,328.72) Dollars, to defray Town charges from July 1, 2008 to June 30, 2009 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: 5-0-0

Finance Committee: 5-0-0

Article 5. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash the sum of Twelve Thousand, Forty-Three Dollars and Fifty cents (\$12,043.50) to pay the following unpaid bills under the provisions of Chapter 240, §7 of the Acts of 1989.

MIIA (Legal Deductible)	\$7,500.00
Attorney William Solomon (Cable)	\$4,543.50

Selectmen recommended 5-0-0

Finance Committee: 5-0-0

Article 6. WITHDRAWN (cost-of-living increase for FY2009 for non-union employees)

Article 7. WITHDRAWN (funding a collective bargaining agreement with the Police Union)

Article 8. WITHDRAWN (bargaining agreements with the DPW and Clerical Unions)

Article 9. WITHDRAWN (funding the three (3%) percent tax rebate program) .

Article 10. Upon motion duly made and seconded and motion made by John Angley, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from Free Cash Thirty Seven Thousand, Ninety One Hundred Dollars and Ninety One Cents (\$37,091.91) Dollars and to transfer from Ambulance Receipts, Sixteen Thousand, One Hundred Sixty Five Dollars and Five Cents (\$16,165.05) for the first year lease payments to purchase the following vehicles:

<u>Item</u>	<u>Amount</u>	<u>Actual/Estimate Lease Term *</u>
Ambulance	\$135,000.00	estimate/10 years
Two 77 Passenger School Buses	\$136,500.00	estimate/9 years
Wheel Chair Access Mini Bus	59,000.00	estimate/7 years
20 Passenger Mini Van	45,000.00	estimate/5 years

- Interest rate of 5%

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0
Capital Outlay Committee: 5-0-0

Article 11. Upon motion duly made and seconded and motion made by Robert Tinkham, Agent, Board of Health, it was So-Passed by Majority Vote for the Town to take from available funds in the Board of Health Technical Review Account Sixteen Thousand Seven Hundred and Ten Dollars (\$16,710.00) to fund the purchase of the new Town of Carver Board of Health pick-up truck.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0
Board of Health: 3-0
Capital Outlay: 5-0-0

Article 12. Upon motion duly made and seconded and motion made by Elizabeth Sorrell, Superintendent of Schools and amended by John K. Franey, Treasurer/Collector, it was a 2/3 vote (186 yes 11no) that the Town appropriate the sum of Two Hundred, Fifty Thousand (\$250,000.00) Dollars for a Feasibility Study focused on potential solutions to facility problems at the Governor John Carver School located at of 85 Main Street, a twenty-three acre parcel of land, said sum to be expended under the direction of the Carver School Building Committee, and to meet said appropriation the Treasurer, with the approval of the Selectmen is authorized to borrow said sum under M.G. L. chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received from the MSBA prior to the issuance of bonds or notes under this vote.

Selectmen recommended: 5-0-0

Finance Committee: 0-4-0 not to approve

Capital Outlay: 4-0-0 in favor

Article 13. Upon motion duly made and seconded and motion made by Craig Weston, Fire Chief, it was Unanimously Voted for the Town to fund from Free Cash a sum of money not to exceed Thirty Thousand Dollars (\$30,000.00) for the purpose of purchasing personal protective gear for our firefighters, said sum to be expended by the Fire Chief.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Capital Outlay Committee: 5-0-0

Article 14. Upon motion duly made and seconded and motion made by Craig Weston, Fire Chief, it was So-Passed by Majority Vote for the Town to fund from Free Cash the sum of Thirteen Thousand Dollars (\$13,000.00) for the purpose of contracting conceptual design drawings and preliminary topographical and engineering surveys necessary for future grant submissions pertaining to the eventual construction of a new Fire Station and Police Station.

Selectmen recommended: 5-0-0

Finance Committee: No Action

Police & Fire Station Planning Committee: 4-0-0

Article 15. Upon motion duly made and seconded and motion made by Robert Tinkham, Agent, Board of Health, it was Unanimously Voted for the Town to fund from Free Cash a sum of money not to exceed Ten Thousand Nine Hundred Seventy-Two Dollars (\$10,972.00) to fund the Carver Visiting Nurse Division of Partners Home Care, Inc.'s budget for professional services for the Fiscal Year 2009.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0

Article 16. defer to May 20, 2008

Article 17. Upon motion duly made and seconded and motion made by Richard Lafond, Town Administrator, it was Unanimously Voted for the Town to fund from Free Cash the sum of Twelve Thousand Dollars (\$12,000.00) for the purpose of continuing maintenance of the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees.

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

Article 18. Defer to May 20, 2008

Article 19. Withdrawn (Chap.11 Gen.By laws Private Systems)

Article 20. Defer to May 20, 2008

Article 21. Withdrawn (Conservation Commission to petition legislature for maintenance)

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

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0
Dept. Public Works: Unanimously

Article 23. Upon motion duly made and seconded and motion to amend by Peter Cokinos, Dept. of Public Works, it was Unanimously Voted for the Town to fund from Free Cash the sum of Seven Thousand, Five Hundred (\$7,500.00) Dollars with Six Thousand (\$6,000.00) Dollars to be transferred from Free Cash and One Thousand, Five Hundred (\$1,500.00) to be raised and appropriated, for the purpose of Repairing Private Ways under Chapter 40, Section 6N, as amended of the Massachusetts General Laws, to be under the direction of the Department of Public Works.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0

Article 24. Upon motion duly made and seconded and motion made by Peter Cokinos, Dept. of Public Works, it was Unanimously Voted for the Town to transfer from available funds a sum of money established by the State which may be used for State Aid Construction and Improvements under the acts of 2008 Chapter 90 apportionment to meet the State's share of the cost of the work reimbursement received there from to be paid to the Treasury.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0
Dept. of Public Works: Unanimously

Article 25. Upon motion duly made and seconded and motion made by Jean F. McGillicuddy, Town Clerk, it was Unanimously Voted for the Town to fund from Free Cash the sum of Seven Thousand, Eight Hundred Two Dollars and Eight Cents (\$7,802.08) for the first year of a three year agreement for the purpose of purchasing a new shelving unit in the Town Clerk's vault.

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

Article 26. Upon motion duly made and seconded and motion made by Jean F. McGillicuddy, it was Unanimously Voted for the Town to fund from Free Cash the sum of Twenty-Six Thousand Dollars (\$26,000.00) for the purpose of replacing four voting machines.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0

Article 27. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer from available funds in the County Dog Fund Account the sum of Eight Thousand Seven Hundred Twenty-Eight Dollars and Twelve Cents (\$8,728.12) for the purpose of renovating and upgrading the mechanical systems of existing Town owned buildings thereby creating an Animal Control holding facility, said sum to be under the direction of the Superintendent of Buildings and Grounds.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Article 28. Upon motion duly made and seconded and motion made by Arthur Parker, Police Chief, it was Unanimously Voted for the Town to fund from Free Cash the sum of Six Thousand (\$6,000.00) Dollars for the purposes of funding the DARE program.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Article 29. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to fund 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: 5-0-0

Finance Committee: 5-0-0

Article 30. Upon motion duly made and seconded and motion made by Richard Ward, Green Committee Member, it was Unanimously Voted for the Town to fund from Free Cash the sum of One Thousand (\$1,000.00) Dollars for the purpose of meeting expenses of the Green Committee, said sums to be expended by the Green Committee.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Article 31. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to fund 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: 5-0-0

Finance Committee: 5-0-0

Article 32. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to fund Twelve Thousand Three Hundred and Fifty-Nine (\$12,359.00) Dollars from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a records preservationist to repair, restore, and preserve records in the Town Clerk's office dating back to the 1700's said sums to be expended under the direction of the Community Preservation Committee in consultation with the Town Clerk's office and the Board of Selectmen.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Capital Outlay: 8-0-0

Article 33. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was So-Passed by Majority Vote for the Town to fund Thirty-One Thousand Five Hundred (\$31,500.00) Dollars from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a consultant to implement the Carver Affordable Housing Planned Production Plan and to follow the objectives as detailed in the application, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Planning Board and the Board of Selectmen.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

CPC: 7-0-1

Article 34. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was So-Passed by Majority Vote for the Town to fund Thirty-Two Thousand Dollars (\$32,000.00) from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire an engineer/architect who specializes in the preservation of historical structures to perform an assessment of the Town-owned Grange Hall (Lakenham Grange # 347) from an engineering and historical preservation perspective, to identify any structural defects, assess historic features, and to develop strategies in concert with the Lakenham Green Committee, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Historic Commission, Historic District Commission and the Board of Selectmen.

Selectmen recommended: -0-0

Finance Committee: 5-0-0

CPC: 7-0-1

Article 35. Upon motion duly made and seconded and motion made by Robert Bentley, it was Unanimously Voted for the Town to fund Twenty-Five Thousand (\$25,000.00) Dollars from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a landscape architect who specializes in the development of small parks and beach landscape design to perform a recreation assessment of the Town-owned Buckman Park and Buckman Beach, working with the area residents to assess their needs and desires for these properties and developing and drafting a landscape and recreation plan for this property, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Park Commissioners (DPW), the Carver Recreation Committee, the Carver Redevelopment Authority and the Board of Selectmen.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0
CPC: 7-0-1

Article 36. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was So-Passed by Majority Vote for the Town to fund Fifteen Thousand (\$15,000.00) Dollars from the Community Preservation FY 2009 Estimated Annual Fund Revenues to hire a landscape architect/consultant to prepare a Preservation Master Plan for the Town-owned Lakenham Green that will guide future said sums to be expended under the direction of the Community Preservation Committee in consultation with the Lakenham Green Committee, the Historic Commission, Historic District Commission and the Board of Selectmen.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0
CPC: 7-0-1

Article 37. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was So-Passed by Majority Vote for the Town to transfer Ninety-Five Thousand, One Hundred and Sixty (\$95,160.00) Dollars for materials from the Affordable Housing Reserve of the Community Preservation Committee funds to assist in funding the construction of an affordable home by the Habitat for Humanity, all pursuant to a grant agreement with said Habitat for Humanity and further, to authorize the Community Preservation Committee, in consultation with the Board of Selectmen to enter into a grant agreement with said Habitat for Humanity setting forth the terms and conditions upon which said sums may be expended, provided, however, that said grant agreement shall include a requirement that the Town of Carver be granted an affordable housing restriction on the property meeting the requirements of M.G.L. Ch. 184, and further, to authorize the Board of Selectmen to accept said restriction.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0
CPC: 7-0-1

Article 38. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was So-Passed by Majority Vote for the Town to fund Thirty-Five Thousand (\$35,000.00) Dollars from the Community Preservation FY 2009 Estimated Annual Fund Revenues to preserve the old belfry of the United Protestant Parish Church on Main Street in Carver with new architecturally-accurate replicas of the belfry, all pursuant to a grant agreement with said United Protestant Parish Church and further, to authorize the Community Preservation Committee, in consultation with the Board of Selectmen to enter into a grant agreement with said United Protestant Parish Church setting forth the terms and conditions upon which said sums may be expended, provided, however, that said grant agreement shall include a requirement that the Town of Carver be granted a historical preservation restriction in the property meeting the requirements of M.G.L. Ch. 184, and further, to authorize the Board of Selectmen to accept said restriction.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

CPC: 7-0-1

Article 39. Failed by Vote (39-yes 39-no) Sunrise Church of God located at 169 Plymouth Street, North Carver.

Article 40. Upon motion duly made and seconded and motion to amend by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to fund One Hundred Fourteen Thousand Six Hundred Thirty-Three and Twenty-Five cents (\$114,633.25) Dollars from the Community Preservation FY 2009 Estimated Annual Fund Revenues to continue funding 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: 5-0-0

Finance Committee: 5-0-0

CPC: 8-0-0

Article 41. Withdrawn - to be placed on STM Warrant

Article 42. 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 Twenty One Thousand, Nine Hundred and Forty (\$21,940.00) Dollars to Community Housing and Fifty Three Thousand, Four Hundred Forty (\$53,440.00) Dollars to Open Space from the FY2009 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: 5-0-0

Finance Committee: 5-0-0

CPC: 8-0-0

Article 43. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to fund Twenty Six Thousand, Seven Hundred Twenty (\$26,720.00) Dollars from the FY2009 Community Preservation Act Estimated Annual Fund Revenues that will bring the annual distribution total to 5% of the FY2009 Community Preservation Fund Estimated Annual Fund Revenues (an amount to be finalized by the Town Accountant) for the purpose of meeting annual operating expenses of the Community Preservation Committee. Funds not expended in the Fiscal Year shall be returned to the general Community Preservation Act account .

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

CPC: 8-0-0

Article 44. 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 One Hundred Sixty Six Thousand, Eight Hundred Seven and seventy five cents (\$166,807.75) Dollars from the FY2009 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Unrestricted Reserve Account.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

CPC: 8-0-0

Article 45 - 63 defer to May 20, 2008

Article 64. WITHDRAWN (transfer the properties of 1 Roberts Way)

Article 65. WITHDRAWN (transfer the property of 74 Rochester Road)

Article 66. WITHDRAWN (transfer the property of 46 Rochester Road)

Article 67. WITHDRAWN (transfer the properties of 44 Rochester Road)

Article 68 – 70 defer to May 20, 2008

Article 71. Upon motion duly made and seconded and amended by John K. Franey, Treasurer/Collector, it was a 2/3 vote (77 yes 25 no) that the Town transfer the parcel of land located on Mazzilli Drive and identified as parcel 101-P-O on Carver's Assessors Map to the Board of Selectmen for purposes of sale, and to authorize the Board of Selectmen to convey the parcel to a non-profit organization dedicated to affordable housing, for purposes of constructing a single-family affordable housing unit, subject to such terms and conditions as the Board of Selectmen deem appropriate, including payment of minimum consideration of \$40,000.00, and that the Town be granted an affordable housing restriction in said property, and to authorize the Board of Selectmen to accept said restriction.

Selectmen recommended: 4-0-1

Finance Committee: No Action

Article 72. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to establish a program to be known as the "Senior Intern Program" to allow persons over the age of 60 the opportunity to provide services to the Town of Carver at the current per hour minimum wage of the Commonwealth for a maximum of eighty (80) hours per fiscal year per participant and to grant so called special municipal employee status to all participants in the program.

Selectmen recommended: 5-0-0

Article 73. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to fund from Free Cash the sum of Four Thousand Dollars (\$4,000.00) to support the Plymouth Area Coalition for the Homeless, Inc. in their service to homeless families.

Selectmen recommended: 5-0-0

Article 74. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen it was Unanimously Voted for the Town to fund from Free Cash the sum of Four Thousand Dollars (\$4,000.00) to support South Shore Community Action Council, Inc. for services to low-income families and elderly residents in the Town of Carver.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Article 75. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to fund from Free Cash the sum of Three Thousand Dollars (\$3,000.00) to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for residents in the Town of Carver.

Selectmen recommended: 5-0-0

Finance Committee: 5-0-0

Article 76. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to fund from Free Cash the sum of Three Thousand Two Hundred Dollars (\$3,200.00) to contract with Womansplace Crisis Center for fiscal year 2009 in lieu of services provided to the sexual assault survivors and their families.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0

Article 77. Upon motion duly made and seconded and motion made by John Anglely, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to fund from Free Cash the sum of Three Thousand Dollars (\$3,000.00) to support South Coastal Counties Legal Services for the continued provision of free legal services in civil matters to low-income families and their children.

Selectmen recommended: 5-0-0
Finance Committee: 5-0-0

Upon motion duly made and seconded and motion made by John S. Murray, Moderator, it was Unanimously Voted to resolve at 10:11pm.

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC
Town Clerk